CITY COUNCIL CITY OF NEW YORK -----X TRANSCRIPT OF THE MINUTES of the JOINT COMMITTEE ON LANDMARKS, PUBLIC SITING & MARITIME USES AND LAND USE -----X September 4, 2008 Start: 10:30am End: N/A HELD AT: Council Chambers City Hall BEFORE: JESSICA S. LAPPIN MELINDA KATZ Chairperson COUNCIL MEMBERS: Maria del Carmen Arroyo Charles Barron Leroy G. Comrie, Jr. John C. Liu Miguel Martinez Rosie Mendez James S. Oddo Annabel Palma Ubiqus 22 Cortlandt Street – Suite 802, New York, NY 10007 Phone: 212-227-7440 * 800-221-7242 * Fax: 212-227-7524

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A P P E A R A N C E S

COUNCIL MEMBERS:

Tony Avella Maria Baez Inez E. Dickens Joel Rivera Simcha Felder Daniel R. Garodnick Eric N. Gioia Vincent Ignizio Robert Jackson Michael E. McMahon Helen Sears Lew Fidler Kendall Stewart Albert Vann Alan Gerson

A P P E A R A N C E S (CONTINUED)

Pat Jones Owner of 338 Bowery

Mark Silverman

Mr. Mayor Building Manager

1	COMMITTEE ON LANDMARKS AND LAND USE 4
2	CHAIRPERSON LAPPIN: Good morning.
3	Welcome to the reconvened meeting of the Land Use
4	Subcommittee on Landmarks, Public Siting &
5	Maritime Uses. My name is Jessica Lappin. I'm
6	the chair. We're joined today by members of the
7	subcommittee and members of the full Land Use
8	Committee, included the Land Use Chair Melinda
9	Katz. The committee members who are present are
10	Council Member Rosie Mendez of Manhattan, Council
11	Member Annabel Palma of the Bronx, Council Member
12	Charles Barron of Brooklyn, Council Member Leroy
13	Comrie of Queens, Council Member Jimmy Oddo of
14	Stanton Island. The other Land Use committee
15	members who are here are Council Member Joel
16	Rivera, Council Member Simcha Felder, Council
17	Member Tony Avella, Council Member Lew Fidler and
18	Council Member Kendall Stewart. We are also
19	joined by Alan Gerson. It's his district in which
20	the item on the agenda today is located. It is
21	the historic district extension in NoHo. We have
22	had two different hearing dates on this item, have
23	heard much testimony from both the community and
24	the owners, who are present, the owners in
25	particular of 338 Bowery. And there has been

1	COMMITTEE ON LANDMARKS AND LAND USE 5
2	great discussion and negotiation between Council
3	Member Gerson, the Landmark's Commission, and the
4	owners in terms of reaching an agreement to keep
5	this individual property within the boundaries of
6	the historic district. I wanted to ask the
7	representative of the owner, who is here today, to
8	come up to the microphone, please, and to make a
9	brief comment about the agreement. And I-
10	PAT JONES: [interposing] [off mic]
11	CHAIRPERSON LAPPIN: Okay. Pat?
12	We've also been joined by Council Member Maria del
13	Carmen Arroyo and Council Members Dan Garodnick
14	and Vincent Ignizio.
15	[crosstalk]
16	PAT JONES: -really freak people
17	out.
18	CHAIRPERSON LAPPIN: Please.
19	PAT JONES: Oh.
20	CHAIRPERSON LAPPIN: Introduce
21	yourself for the record and begin.
22	PAT JONES: Good morning. I'm Pat
23	Jones. I'm special council to the owner of 338
24	Bowery, which is Metro 16 Hotel. Thank you for
25	the invitation to comment this morning. I will be

1	COMMITTEE ON LANDMARKS AND LAND USE 6
2	very brief.
3	CHAIRPERSON LAPPIN: Can I ask my
4	colleagues, please, to give Mr. Jones our
5	attention?
б	PAT JONES: I will tell you that
7	the efforts Councilman Gerson were extraordinary.
8	I've lost track of the amount of hours that he's
9	given us and the time that he spent on trying to
10	work out some kind of resolution of the unique
11	problems at 338 Bowery. It is because of
12	Councilman Gerson that we have some faith that any
13	applications that we make to the Landmarks
14	Preservation Commission will be treated fairly and
15	expeditiously. And it was only because of
16	Councilman Gerson's bringing us together with the
17	community, with the residents of 338 Bowery, with
18	the Landmarks Preservation Commission that that
19	faith has evolved. We are no longer objecting to
20	inclusion in the district principally because of
21	Councilman's Gerson's efforts and pledge to assist
22	and to be available to us as an applicant to
23	assist us in processing any kinds of applications
24	and also because we have come to understand that
25	the Landmarks Preservation Commission will apply

1	COMMITTEE ON LANDMARKS AND LAND USE 7
2	fully all provisions of the Landmarks Law,
3	including those that prohibit limitations or
4	designations of yards, bulk use, and things like
5	that that are clearly stated in the statute. So
б	we are not speaking in opposition. We're not
7	speaking in support. But we're not objecting any
8	longer. And we are going to continue to work with
9	Councilman Gerson and the city groups in his
10	district on this matter.
11	CHAIRPERSON LAPPIN: It is a unique
12	property with some unique challenges. And I
13	wanted to thank you for continuing to engage with
14	both the community and the council member until
15	midnight last night-
16	[crosstalk]
17	CHAIRPERSON LAPPIN: -and to try to
18	come to a place, where everybody can be in
19	agreement. I think the community has made some
20	concessions, and you have certainly made some
21	concessions. And I wanted to thank both for
22	really working together so diligently to come to a
23	positive resolution. Council Member Gerson, did
24	you want to make a statement?
25	COUNCIL MEMBER GERSON: Thank you

1	COMMITTEE ON LANDMARKS AND LAND USE 8
2	very much, Madam Chair. Despite the fact that my
3	friend and colleague Council Member Felder always
4	insists that I make long speeches, I will endeavor
5	to be brief, just three points. Madam Chair, and
6	chair council, and my colleagues, especially all
7	of you who have expressed your interest and
8	indulgence in this matter, thank you, who have
9	expressed your interest in and support for this
10	matter, thank you very much for that, and thank
11	you for your indulgence. I will be submitting
12	four letters for the record of this proceeding.
13	Again, in the interest of time, I won't read them.
14	One is the letter from Metro [phonetic]. The
15	owner is saying essentially what we just heard in
16	testimony. The other is a letter or statement
17	issued from council for the Landmarks Commission
18	clarifying certain provisions of applicable
19	Landmarks Law. The third is a letter from my
20	office, committing ourselves to work with the
21	owner within the framework of paramount
22	humanitarian concern for the wellbeing of the
23	permanent residents and first and foremost
24	assurance of permanent decent living quarters for
25	these 22 men. And within the framework of

1	COMMITTEE ON LANDMARKS AND LAND USE 9
2	livability to neighbors and consistency with the
3	historic district, which we are about to
4	establish, we will work with the owners to assure
5	fair and favorable consideration and expedited
6	consideration of any relevant applications they
7	file to allow them to develop the property, again
8	consistent with the framework I just mentioned up
9	to the maximum allowed under the zoning of the
10	relevant codes. And there is also a letter from a
11	community group representing their neighbors and
12	representing the community interests in this
13	issue, essentially saying that they will work with
14	our office to those goals within the framework I
15	mentioned. So that concludes my statement on the
16	application other than-and I must add this-this
17	issue brings to light a very deep-seated,
18	humanitarian crisis, which we face, not only on
19	this property, but in many properties, not only in
20	my district, but throughout this city, where men
21	and women, in this case single men, in other cases
22	single women, in other cases adults with children,
23	living in abhorrent conditions reminiscent of the
24	19 th Century without plumbing, without reasonable
25	breathing space, safety disaster waiting to happen

1	COMMITTEE ON LANDMARKS AND LAND USE 10
2	from fire, from disease. And they live there,
3	because the alternative is homelessness or a
4	shelter system, which isn't much better. Whatever
5	financial hardships this city faces, we must put
6	at the top of our legislative agenda programs
7	which will do away with this type of substandard
8	housing and replace them with decent living
9	conditions for all individuals. I have been
10	working with our staff to develop such
11	legislation, and I know many of you have. And I
12	love forward to really—we've been doing this for a
13	while. Now is the time to accomplish this goal.
14	Thank you very much.
15	CHAIRPERSON LAPPIN: Thank you.
16	Council Member Fidler.
17	COUNCIL MEMBER FIDLER: Thank you,
18	Madam Chairperson. I appreciate your indulgence,
19	even though I'm not a member of the subcommittee
20	or of Land Use. Could we get the applicant back,
21	because I do have a couple of questions for him?
22	CHAIRPERSON LAPPIN: Sure.
23	COUNCIL MEMBER FIDLER: Thank you.
24	I'm a little troubled by the resolution. And I
25	have the highest regard for Council Member Gerson.

1	COMMITTEE ON LANDMARKS AND LAND USE 11
2	And I take at absolute 100% face value that the
3	commitments that he's made to you are, in fact,
4	going to be kept by Council Member Gerson. I am
5	less sanguine about promises that may have been
6	made to you by the Landmarks Preservation
7	Commission. We just heard Council Member Gentily
8	[phonetic] in the other room comment about a
9	church in Bay Ridge that is unique in so many ways
10	that so many of us believe it ought to be a
11	landmark. And at the refusal of the chairman of
12	the Landmarks Preservation Commission to even
13	calendar the hearing on landmarking that church,
14	it is going to be demolished within the next 30
15	days. And so I'm concerned about that. And I'm
16	also concerned about the idea that we are going to
17	put you into a landmark pigeon hole on what is
18	clearly substandard, perhaps subhuman, housing.
19	And so the question I have for you is, within the
20	context of being landmarked, is there any way for
21	this building to be rehabilitated into a standard
22	of living that people wouldn't be ashamed to live
23	in that doesn't require the entire gut renovation
24	of this property, that it be torn down at least in
25	the rear, that it not be made into a large

1	COMMITTEE ON LANDMARKS AND LAND USE 12
2	building in some way, façade issues aside.
3	COUNCIL MEMBER GERSON: We have
4	evaluated that. There is no way. The building is
5	deficit in more ways than I would have time to
6	list to you here. And these conditions have
7	persisted for many years. The building was built
8	not to last. It was built in the `20s to
9	warehouse humans of some of the cheapest material
10	available at the time. Much of it has failed
11	structurally, not only the façade but the interior
12	of the building, rotten wood, infestation of
13	insects, no ventilation, light, and air, no
14	possibility for those things without a gut
15	rehabilitation. We'll use the word we used at the
16	Landmarks Commission hearing. It is just a wreck
17	of a building than in no way could be made to be
18	habitable for improved conditions for those
19	residents.
20	COUNCIL MEMBER FIDLER: So what
21	we're doing here today and what you have removed
22	your objection to is we are putting you into a
23	landmark status for which you are going to need
24	complete and total 100% relief in order to turn
25	this building into a livable building; is that a

1	COMMITTEE ON LANDMARKS AND LAND USE 13
2	fair statement?
3	COUNCIL MEMBER GERSON: In order to
4	remove this building that in no way is livable.
5	[crosstalk]
6	COUNCIL MEMBER FIDLER: Well, we
7	certainly don't want it left the way it is.
8	COUNCIL MEMBER GERSON: Yes. And
9	we will—if I could just finish the answer.
10	COUNCIL MEMBER FIDLER: Sure.
11	COUNCIL MEMBER GERSON: We will
12	submit to Landmarks. And we have to demonstrate
13	that there is the economic hardship threshold
14	that's satisfied here in order to demolish the
15	building. And from every structural report that
16	we've gotten, we can meet that standard.
17	COUNCIL MEMBER FIDLER: I'm just
18	kind of losing the idea of what the benefit of
19	landmarking the building is, then. That's all.
20	CHAIRPERSON LAPPIN: Before we turn
21	to questions from the committee members, I wanted
22	to give Council Member Gerson an opportunity—did
23	you want to-
24	COUNCIL MEMBER GERSON:
25	[interposing] Just to clarify two points. One is

1	COMMITTEE ON LANDMARKS AND LAND USE 14
2	this is not an individual landmark. We're talking
3	about the establishment of a historic district,
4	which has long been sought. This is midblock of an
5	entranceway to the historic district. Without the
6	community board's position, I believe every other
7	elected official's position representing the
8	community has recognized the fact that, without
9	landmark overnight over the middle of the block,
10	if this building is demolished, you could very
11	well and in all probably will wind up with a mid-
12	block new structure, which defeats the purpose of
13	the historic district. This is not an individual
14	landmark proposal, which would be considered under
15	an entirely or a very different dynamic. The
16	other point is there is a difference of opinion
17	among folks who have testified as to what is
18	financially and physically possible or not. This
19	building has been in its state for years and
20	years, as you've just heard testified. The best
21	way to resolve the issue at this point and to
22	assure that the 22 men are taken care of as
23	quickly as possible, is through the expedited
24	review of a waiver application, which the
25	Landmarks Commission has said, and he's given a

1	COMMITTEE ON LANDMARKS AND LAND USE 15
2	timetable that is more than reasonable. And we
3	will hold him to that. And that will assure
4	either that this building can be replaced in the
5	way that the owners testified, which is the
6	outcome I know most of us would like to see or in
7	the event other not-for-profit organizations at
8	that point have expressed an interest in acquiring
9	the property and in dealing with it in another
10	way. But we don't want to go that route, and we
11	are hopefully and optimistic that there'll be a
12	win/win outcome for all parties including the
13	owners under the timetable, which we have been
14	assured by the Landmarks Commission. And the
15	community and I are prepared to work with the
16	owner to keep to that timetable and make sure that
17	all financial factors are given every
18	consideration. And that's the best way to take
19	care of the 22 men and to give them the decent
20	living conditions as soon as possible.
21	CHAIRPERSON LAPPIN: Council Member
22	Oddo.
23	COUNCIL MEMBER ODDO: Just a quick
24	comment to follow-up on the thoughts of Council
25	Member Fidler, at least tangentially. I can

1	COMMITTEE ON LANDMARKS AND LAND USE 16
2	assume that men and women of freewill came and
3	reached this resolution, although I imagine on
4	some level there was some duress in that the
5	owners were facing a deadline and had to reach
6	some sort of agreement. I just think that, when
7	the council is a party to an agreement that
8	includes in it promises of fairness by a
9	particular agency, if that fairness never
10	manifests itself, it's not only a reflection upon
11	that particular agency; it's a reflection upon
12	this subcommittee, this Land Use Committee, and
13	this council. And, you know, again people entered
14	this freely, but I think, as members of the
15	committee, if this thing doesn't work out, we bear
16	some responsibility, I think. And I just mention
17	that before we vote.
18	CHAIRPERSON LAPPIN: I agree.
19	Council Member Barron.
20	COUNCIL MEMBER BARRON: You know,
21	first, even to have a building like this in our
22	city for all these years is a disgrace. And then
23	to take it over now, even if it's for one year,
24	with 22 people living there, which is just a shame
25	on the city, and then within the context of the

1	COMMITTEE ON LANDMARKS AND LAND USE 17
2	Landmarks Commissions Guidelines or whatever, some
3	sort of rehabilitation, and then what are we
4	preserving? I mean, this is the historical value
5	and something that's just so, I mean, rotted, I
6	mean, it's a disgrace to the city, you know, that
7	we want to preserve that. I'm mainly concerned
8	about the 22 individuals that have been in this
9	place for this long. And whether there's
10	resolution or not, I just need to hear a little
11	more on what it-and I said to use the word
12	"guarantees." But what is going to happen to the
13	22 people living in there? What influence will
14	they have over this process? I just need a little
15	more elaboration on what happens to them and what
16	in the context of this agreement.
17	COUNCIL MEMBER GERSON: See, this
18	is what happens when I listen to my colleagues,
19	and I'm brief, and I leave out relevant
20	information. From the very beginning, I made it
21	clear that that was my Number 1 priority and
22	concern. And I told the owners the only reason
23	I'm speaking with them in entertaining
24	considerations is because of concern for those 22
25	men. I went in there. I think I was the first

1	COMMITTEE ON LANDMARKS AND LAND USE 18
2	elected official to meet ever with these
3	individuals who have lived there, and I've met
4	with them on more than an occasion. But the
5	barriers, you know, it has this long, unsorted
6	history. We the community have been working over
7	years to put in place-and I know Council Member
8	Mendez, who represents an adjoining area, which
9	includes another part of the Bowery, is familiar
10	with this. But we have worked with such social
11	organizations of the Bowery Residents Committee,
12	Project Renewal, Common Ground to provide what our
13	city and state and society through the
14	governmental apparatus fails to provide. And that
15	is social services and support and alternative
16	housing. We are trying to make up for
17	government's failings. We have been very
18	successful over the years, because that's why the
19	numbers are low. But one is one too many. So
20	part of the agreement and part of what-this
21	building, you're right, has been outside of a
22	historic district for years, and it has been
23	allowed to exist. And more buildings like this
24	have been allowed to exist. So to think that the
25	historic district issue in any way will exacerbate

1	COMMITTEE ON LANDMARKS AND LAND USE 19
2	or affect the conditions of these individuals
3	really is a false premise and a false argument and
4	a self-service argument for some quarters, given
5	the history of neglect without this being a
б	historic district. If anything, the expedited
7	timetable will give these individuals what they
8	need sooner rather than later, but we're not going
9	to wait for that. We're not going to wait for
10	that. I have stated in the letter, and I've made
11	this clear to the owners, and I've been in touch
12	with Mugsy Rosen [phonetic] at the head of the
13	Bowery Residence Committee and other social
14	service agencies that we are now going to step up
15	our efforts to, A, immediately improve conditions
16	where they are, because there are some rooms in
17	this building that are in better condition than
18	where they live and that are used as hostile rooms
19	and for other purposes. And so there can be some
20	immediate upgrade. And the owners have said they
21	will work with us to achieve those goals. And
22	secondly, we are going to-and I spoke with the
23	individuals. My office and I will work with them,
24	organize them to the extent necessary. And we
25	made this clear to the owners that we're going to

1	COMMITTEE ON LANDMARKS AND LAND USE 20
2	be working with them. We have a social worker on
3	staff, BRC, Project Renewal. We're going to, in a
4	very difficult situation, find them the decent
5	housing, making sure they get the dollars they're
6	entitled to get to support them in decent and
7	supportive conditions for the rest of their lives.
8	It's a shame that it has come to this. Again,
9	we've had much success making up for government's
10	failings. That's why we're only talking about the
11	number that we are rather than much more. But
12	we're going to ensure that we have even quicker
13	success with these individuals, not after an
14	application is filed, but immediately as we speak.
15	COUNCIL MEMBER BARRON: You are
16	saying that immediately you're going to make it
17	livable under the guidelines, if it is landmarked.
18	Under those guidelines, you will be able to or the
19	owner will be able to make it livable until you
20	can find further social services and housing and
21	all that-
22	[crosstalk]
23	COUNCIL MEMBER BARRON: Is that
24	what you're saying?
25	COUNCIL MEMBER GERSON: Well, you

1	COMMITTEE ON LANDMARKS AND LAND USE 21
2	know, unfortunately, it defines how you define
3	livability.
4	COUNCIL MEMBER BARRON: That's what
5	I want to talk to you about.
6	COUNCIL MEMBER GERSON: But we-
7	COUNCIL MEMBER BARRON:
8	[interposing] You know, what's-
9	COUNCIL MEMBER GERSON:
10	[interposing] I don't think anything in there-
11	COUNCIL MEMBER BARRON:
12	[interposing] Exactly. It can't be really
13	livable. I mean-
14	COUNCIL MEMBER GERSON:
15	[interposing] But the reason these individuals are
16	there, what I said earlier, is—and this has
17	nothing to do with the historic district. Their
18	current choice is there or homelessness or the
19	shelter system. That's it.
20	COUNCIL MEMBER BARRON:
21	[interposing] Well, no, there's another choice,
22	there and it have been rehabilitated so it's
23	livable. That's another choice. That's another
24	choice.
25	COUNCIL MEMBER GERSON: But if

1	COMMITTEE ON LANDMARKS AND LAND USE 22
2	under the law the catch-
3	[crosstalk]
4	COUNCIL MEMBER GERSON: And that's
5	what I said.
6	[crosstalk]
7	COUNCIL MEMBER GERSON: Yes.
8	COUNCIL MEMBER BARRON: -enough in
9	the Landmark's guidelines for-
10	CHAIRPERSON LAPPIN: [interposing]
11	And I think the point that Council Member Gerson
12	is making is that there are two distinct classes
13	of housing within this building. There are rooms
14	that are made available for tourists to rent, and
15	there are the rooms that are made available to the
16	SRO residents. And the rooms that are made
17	available for tourists to rent are in a better
18	state than the rooms that are made available for
19	the gentlemen in the SRO housing. So can those
20	rooms that are made available for the SRO housing
21	be upgraded to the level that the tourists are
22	renting? And that could be done in the very short
23	term.
24	COUNCIL MEMBER GERSON: The other-
25	COUNCIL MEMBER BARRON:

1	COMMITTEE ON LANDMARKS AND LAND USE 23
2	[interposing] You said that could be done or will
3	be done?
4	COUNCIL MEMBER GERSON: We're going
5	to-
6	COUNCIL MEMBER BARRON:
7	[interposing] Is that physically-
8	CHAIRPERSON LAPPIN: [interposing]
9	Pat, do you want to speak to that?
10	COUNCIL MEMBER BARRON: Is that
11	what's going to happen? I mean, is that going to
12	happen? Is that real?
13	PAT JONES: Well, I mean, there are
14	some things that I think can be accomplished, but
15	you'll never be able to put windows in these
16	units. You'll never be able to install a system
17	of forced ventilation that's effective in this
18	building. So there are real physical limitations
19	on what you can do. As far as the two classes of
20	rooms, they're the same in terms of their
21	configuration, their size. They're windowless.
22	They don't have ventilation. But one side does
23	have, for example, wallpaper, wood lattice that
24	looks a little bit better than chicken wire.
25	There's not much difference, but perhaps there are

1	COMMITTEE ON LANDMARKS AND LAND USE 24
2	things we can do. Councilman Gerson is asking us
3	to work with a staff liaison experienced in social
4	work to see what we can accomplish. And we'll
5	engage in that.
6	COUNCIL MEMBER BARRON: So if the
7	building was not landmarked—
8	CHAIRPERSON LAPPIN: [interposing]
9	It's not landmarked now.
10	COUNCIL MEMBER BARRON: All right.
11	It's landmarked now. And if we don't-
12	COUNCIL MEMBER GERSON:
13	[interposing] And has not been for years.
14	COUNCIL MEMBER BARRON: Right. Say
15	we don't landmark it. What would you do to make
16	it livable, or what would you do?
17	COUNCIL MEMBER GERSON: I-
18	COUNCIL MEMBER BARRON:
19	[interposing] Because you've had it for about a
20	year, right?
21	COUNCIL MEMBER GERSON: We've had
22	it for a year, yeah. That's correct.
23	COUNCIL MEMBER BARRON: All right.
24	So what would you do, if it was not landmarked?
25	COUNCIL MEMBER GERSON: I think our

1	COMMITTEE ON LANDMARKS AND LAND USE 25
2	plan is the same, whether it's landmarked or not.
3	COUNCIL MEMBER BARRON: Which is?
4	COUNCIL MEMBER GERSON: Which is
5	the site needs to be redeveloped, and the
6	residents need to be assisted with finding
7	improved conditions, and we'll do that. Whether
8	or not this is in the landmarked district, that's
9	what we would do and what we would have to do.
10	CHAIRPERSON LAPPIN: The plan is to
11	build a hotel, correct? If it were not
12	landmarked, to build a boutique hotel on the site;
13	is that correct?
14	COUNCIL MEMBER GERSON: That's
15	correct, yeah. The plan is to build a hotel.
16	COUNCIL MEMBER BARRON: Just if I
17	may, two-
18	CHAIRPERSON LAPPIN: [interposing]
19	And I'm sorry; I wanted to give Council Member
20	Mendez an opportunity.
21	COUNCIL MEMBER BARRON: I'm sorry.
22	CHAIRPERSON LAPPIN: Because this
23	district overlaps with our council district, as
24	well.
25	COUNCIL MEMBER MENDEZ: Thank you,

1	COMMITTEE ON LANDMARKS AND LAND USE 26
2	Madam Chair, and thank you, Council Member Gerson.
3	The historic district that's being proposed has a
4	small portion that's in my district. Most of it
5	is in Alan Gerson's district. And Alan has been
6	great in consulting with me. And the problem we
7	have at hand, while renovating the building might
8	be difficult, it's not impossible. We've done it
9	before in our district and in other places. And
10	there is the Prince George Hotel, which is
11	actually across the street from my district on $27^{ t th}$
12	and Madison. For those of you who went to my
13	swearing in, that's a landmarked building. It was
14	a hotel. It became a welfare shelter. And Common
15	Ground and not-for-profit redid it, made it an
16	SRO, and it's a landmarked building. And it
17	provides over 200 SRO units to needy men and women
18	in this city. So it can be done. And I'm
19	committed to work with Alan to make sure that we
20	get the men that relief and that we can renovate
21	this building and make it available to individuals
22	to reside in there again in a safe, habitable
23	place. Thank you.
24	CHAIRPERSON LAPPIN: Council Member
25	Barron.

1	COMMITTEE ON LANDMARKS AND LAND USE 27
2	COUNCIL MEMBER BARRON: Yeah, can I
3	have—I think it's Mr. Mayor [phonetic] was his
4	name. He was one of the managers of the building?
5	Because he really manages and deals with the
6	people. I just want to get his opinion on what
7	was going on, as well.
8	CHAIRPERSON LAPPIN: Let me ask
9	council, because the hear-
10	[pause]
11	CHAIRPERSON LAPPIN: Okay.
12	COUNCIL MEMBER BARRON: Thank you.
13	I just wanted to get a perspective from you,
14	because you have development. You have developers
15	who have a perspective and an interest. And then
16	you have one who might be managing and have more
17	of a people interest. Are you satisfied that
18	whatever the agreement you come to would benefit
19	the 22 individuals that are presently occupying
20	the building?
21	MR. MAYOR: Council Member Barron,
22	you asked before what would happen if this
23	building were not landmarked. If this building
24	were not landmarked, you would have one less third
25	party agency or entity involved in affecting the

1	COMMITTEE ON LANDMARKS AND LAND USE 28
2	lives of these individuals. At the end of the
3	day, this agreement is predicted on a leap of
4	faith. There's a tremendous amount of faith in
5	Council Member Gerson's office and his
6	determination and willingness to do what he can
7	for the permanent residents. There is more
8	concern. Some of the council members mentioned,
9	and certainly in my perspective-and I'm
10	independent of the owners of the property-whether
11	at the end of the day Landmark's Cannon will grant
12	these developers what they seek. If they don't, I
13	don't see how these permanent residents will not
14	be destined to living a live in squalor. The only
15	way this works is if Landmark's feet are held to
16	the fire to commit to do what they can do. It's
17	very simple. These permanent residents, the
18	benefit that they have is that they can leverage
19	off their right to permanent occupancy and get
20	from the owner what they need. To the extent that
21	a third party agency doesn't cooperate and doesn't
22	do what they commit to do, we're not going to have
23	permanent residents' lives improved. We're
24	hopeful that this can all be done within the
25	timeframe of everybody sitting around this table

1	COMMITTEE ON LANDMARKS AND LAND USE 29
2	still being in office next year. You know, that's
3	an issue. But there is a concern. I think that
4	what Council Member Fidler said before is true.
5	The council here should be partners to
6	understanding that if, in fact, there's going to
7	be a commitment here to go forward, that Landmarks
8	has to be held to the fire. Because to the extent
9	that anything is compromised with respect to
10	Landmarks, at the end of the day, it's going to
11	affect from an economic perspective these owners'
12	ability to give these individuals quality housing.
13	If it were not in Landmarks, we could start the
14	negotiation today with the tenants. We could
15	start today and say, "Okay. This is what we're
16	going to do for you." This is what we're going to
17	buy for you. This is what we're going to get for
18	you." And it's all subject to their approval.
19	Right now, that's all held in advance until we see
20	that Landmarks will actually grant these owners
21	what they promise. I think Council Member Gerson,
22	given the reality that for whatever reason is
23	beyond the scope of these owners, is determined to
24	work within this landmark district. Given that
25	reality, this is the best that can be achieved.

1	COMMITTEE ON LANDMARKS AND LAND USE 30
2	If that reality is not there, you know, in theory
3	for the permanent residents, I think the permanent
4	residents have much more leverage without this
5	building being-
6	[crosstalk]
7	CHAIRPERSON LAPPIN: Well, let's be
8	clear here for a minute. No matter what happens
9	to this building, it's not going to remain as it
10	is. And there is nothing that precludes the owner
11	now or six months ago or a year ago from beginning
12	to negotiate with the tenants and move them into
13	appropriate housing. Whether it was in the
14	district, not in the district-it's not in the
15	district now-there has been nothing that would
16	preclude the owners, who were going to change the
17	use of the building no matter, which they're going
18	to have to relocate these gentlemen. And I would
19	also add-
20	MR. MAYOR: [interposing] Council
21	Chair, I respectfully disagree, having been there.
22	CHAIRPERSON LAPPIN: Excuse me.
23	Excuse me-that putting this building within the
24	confines of the historic district actually gives
25	the council member and us more leverage in terms

1	COMMITTEE ON LANDMARKS AND LAND USE 31
2	of working with you to ensure that these gentlemen
3	are taken care of properly as opposed to having no
4	say from today forward as to what happens.
5	MR. MAYOR: Actually, I think,
6	Council Chair, everybody supports, I support, and
7	I have worked over the last ten years to get a
8	significant number of the past residents that are
9	living here quality housing. So when you say that
10	nothing has been done, and nothing has prohibited
11	people, over the last years, we have gotten
12	raffles, and I've helped get raffles from people
13	from Met Council for some of their programs. The
14	real issue here is one. And I think Council
15	Member Gerson hit it on the head. There's a need
16	for social service. There's a tremendous amount
17	of distrust that the residents have of anybody.
18	And with all due respect to the members of this
19	council, they're going to have distrust for this
20	committee also. They need social work. They need
21	support. They need comfort. They need
22	reassurance. But when you say that nothing will
23	change, or that it's the same, the ability to
24	negotiate is the same, it's really not the same.
25	CHAIRPERSON LAPPIN: But what I've

1	COMMITTEE ON LANDMARKS AND LAND USE 32
2	said is for ten years, however long you've been
3	working with this building, you've had these men
4	living in substandard conditions having nothing-
5	MR. MAYOR: [interposing] We had
6	200-
7	CHAIRPERSON LAPPIN: -to do with
8	the landmark status of the property. That's my
9	point.
10	MR. MAYOR: Council Chair, we've
11	had 190 people-
12	CHAIRPERSON LAPPIN: [interposing]
13	And moving these point into-
14	MR. MAYOR: [interposing] -living
15	there 10 years ago. We have 22 today.
16	CHAIRPERSON LAPPIN: Right. And
17	we've seen many of them come-
18	MR. MAYOR: [interposing] And I
19	think it's quite an accomplishment.
20	CHAIRPERSON LAPPIN: -down here,
21	and you have certainly organized them to your
22	advantage. Council Member Gerson.
23	COUNCIL MEMBER GERSON: Just real
24	quick. Everything Council Member Chair Lappin
25	said is 100% correct and not, actually if you look

1	COMMITTEE ON LANDMARKS AND LAND USE 33
2	at it, inconsistent with what you've said. If you
3	can move whatever the number it is you moved
4	without this being in the landmark's district, you
5	can make the same efforts, working with you we
6	will, tomorrow for these 22 remaining individuals
7	even before we get down the line for a landmark's
8	consideration. And that's what I referred to
9	before, when I said, "Not only in this hotel, but
10	in other places, there have been successful
11	efforts working with the Bowery Residents
12	Committee, working with Project Renewal, working
13	with Common Ground." And Council Member Mendez
14	cited some of those successful efforts. Council
15	Member Barron, that is going to happen. That is
16	going to continue to happen tomorrow. That's why
17	raising the-Council Member Lappin really is 100%
18	correct. The historic district really is and
19	should be views as a separate issue. We've had a
20	problem, which we've had some success and can
21	continue to have even more success without it
22	being in the district, without landmarks, putting
23	this in landmarks, holding their feet to the fire,
24	which we will do the extent necessary. And I have
25	more landmarks in my council district, so I know

1	COMMITTEE ON LANDMARKS AND LAND USE 34
2	how to hold their feet to the fire. And we are
3	prepared to do that. That will only help us help
4	the men. And one thing I will correct Mayor on,
5	when you said, "Those men don't have trust for
6	anybody," I believe they have trust with me. I
7	met with them. I view them as my constituents
8	equal to any other constituent in the district,
9	whether the constituent lives on the Bowery or
10	whether the constituent lives on Wall Street. And
11	I believe I enjoy the same trust, and I will view
12	them as equal to any other constituent. And Diane
13	Stein [phonetic] was our social worker. And our
14	chief of staff Tammy Toe [phonetic] will continue
15	to work with every single constituent, including
16	them, and we will get this done.
17	CHAIRPERSON LAPPIN: Council Member
18	Ignizio.
19	COUNCIL MEMBER IGNIZIO: Thank you
20	very much. I appreciate the time to be heard.
21	I'm going to speak somewhat more philosophically
22	than specifically. What we're doing here, as I
23	see it, is we're bastardizing the zoning law. And
24	we're supplanting it with the Landmarks
25	Preservation Commission. We're allowing them to

1	COMMITTEE ON LANDMARKS AND LAND USE 35
2	come in and them to determine what zoning law is.
3	I think that's a violation of the rights of the
4	property owners here. And the second part that I
5	think we're discussing here is we extensively are
6	selling the expediting of government agencies for
7	the betterment of what some people believe ought
8	be created here. Anybody who goes before the
9	Landmarks Preservation Commission with such
10	application should be held in the expedited
11	fashion that we're referring to here today. Why
12	you? Because you're working with Alan and because
13	you're working ought have additional, better,
14	improved access to the Landmarks Preservation
15	Commission is an affront to the people who, quite
16	frankly, might not want to go before their council
17	member and, you know, bypass me and go directly to
18	their government and say, "Here's what I have to
19	do. Here's what I want to do." So I recognize
20	it's somewhat of an esoteric argument. It's
21	somewhat of an argument that probably isn't a form
22	here. But I think what's going on in this case is
23	we're saying we can assure you that the Landmarks
24	Preservation Commission will act in an expedited
25	fashion. Where is the Landmarks Preservation

1	COMMITTEE ON LANDMARKS AND LAND USE 36
2	Commission testifying to that going on? And where
3	is that vis-à-vis the rest of projects citywide?
4	So I just wanted to put that comment on the
5	record. And where it goes from there, it is what
6	it is. Thank you.
7	CHAIRPERSON LAPPIN: Thank you.
8	And I'd like to ask Mark Silverman [phonetic] to
9	come up and testify please. Thank you, sir. You
10	can take your seat.
11	MARK SILVERMAN: Thank you.
12	CHAIRPERSON LAPPIN: It's my
13	understanding, and I confirmed with you before the
14	hearing began, that you have agreed to examine
15	this in an expedited fashion. I think the
16	timetable that was discussed, based obviously on
17	the owner's cooperation in provided the documents
18	that the owner is required to would be a six to
19	nine-month turnaround as opposed to a much longer
20	timeframe; is that accurate?
21	MARK SILVERMAN: Yes, the Landmarks
22	Law provides for hardship application. It's a
23	series of time periods that—and we've agreed to
24	push this through and to review these things as
25	quickly as the owner can get us, you know,
1	COMMITTEE ON LANDMARKS AND LAND USE 37
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2	information and get their application finalized
3	and to move this through to the best of our
4	ability and as expeditious manner as possible.
5	CHAIRPERSON LAPPIN: Thank you.
6	Council Member Arroyo.
7	COUNCIL MEMBER ARROYO: I guess I
8	want to join the party. And I'm going to just
9	follow up on Council Member Ignizio's comments. I
10	don't think this is an esoteric issue at all.
11	This is very real. And in my mind, this is about
12	landmark process in our city. I have always
13	remained silent and always questioned the stuff
14	that comes before us for consideration and
15	questioned why it's significant. And we get
16	presented with a lot of documents and a lot of
17	information that never really convinces me, the
18	worthiness of properties to be landmarked. I have
19	been to this particular property along with some
20	of my colleagues. And I know others went at
21	different points. The inclusion of this property
22	in this district is very problematic for me. I'm
23	not convinced that the Landmarks Commission will,
24	as Vinnie has stated, deal with this any
25	differently than it does anything else that comes

1	COMMITTEE ON LANDMARKS AND LAND USE 38
2	before them. And I think the broader conversation
3	here is, "Do we reform landmarking in our city?"
4	And if this has served no other purpose, then it
5	begins that conversation. And I think that that's
6	a discussion that we as a council need to take up
7	quickly and very seriously so that we can begin to
8	as members voting here understand what makes a
9	property historic landmark designation worthy. I
10	suspect that folks go around the city in a car and
11	go, "Oh, that one," and, "Oh, that one," and then
12	bring us an application. And I still don't
13	understand what qualifies a property for landmark
14	designation. So I think for us as a body, the
15	bigger conversation ought to be reforming this
16	whole landmarking process that we get to weigh in
17	on in a very serious way. And I, for one, would
18	love to vote no on NoHo.
19	[pause]
20	COUNCIL MEMBER ARROYO: -respect
21	for my colleague and true that he has worked
22	really, really hard. I, as a member of this
23	committee, have spent a lot of hours in
24	discussions with my colleagues and other
25	individuals around this issue. I take my job very

1	COMMITTEE ON LANDMARKS AND LAND USE 39
2	seriously. And I think this has come to a tipping
3	point for me.
4	CHAIRPERSON LAPPIN: I assume you
5	mean on only the inclusion of this property, not
6	the entire historic district.
7	COUNCIL MEMBER ARROYO: Correct.
8	CHAIRPERSON LAPPIN: Okay. Because
9	I don't think there has been much debate about the
10	worthiness of the district in general, debate
11	around this one property. I know the council
12	member further has a question, but I want to
13	continue to allow members of the committee to ask
14	questions or make comments first. Council Member
15	Mendez. And I wanted to note-excuse me-that we've
16	been joined by Council Member Martinez, who is a
17	member of the subcommittee, as well.
18	COUNCIL MEMBER MENDEZ: Thank you,
19	Madam Chair. I have to state that there is an
20	imaginary line that goes down the Bowery that
21	separates Alan's district from mine. I think,
22	when it comes to the issues affecting that area,
23	we work together, because it is an imaginary line.
24	I feel this as much part of my district, though,
25	it's physically located in his catchment area.

1	COMMITTEE ON LANDMARKS AND LAND USE 40
2	And for me, I would have a real problem excluding
3	this building from a historic district. If you
4	take a look at the Bowery, for decades and decades
5	and decades, it is one of the Bowery boys. It is
6	one of individuals who were homeless who went to
7	flap houses. And that's what this district is
8	about. This part that we're going to ask to be in
9	a historic district has been left out. And we've
10	made historic districts in other parts here.
11	Making this a historic district makes the whole
12	area whole and keeps the integrity of the Bowery
13	intact. And to exclude this building and have
14	this little piece sticking out leaves a big piece
15	of the puzzle out. And if you walk down the
16	Bowery, what you will see is, because it has not
17	been part of the historic building, these
18	buildings that are out of scale that are marred
19	and that look nothing like the history and the
20	other buildings and looks like the Bowery as we
21	know it, as we knew it. And so I think it's
22	important to make this a historic district and to
23	include this building in it. And I think Alan for
24	working very hard and trying to get consensus. He
25	called me at midnight last night. He had been

1	COMMITTEE ON LANDMARKS AND LAND USE 41
2	calling me on and off all day to include me in it,
3	even though a small portion of this is my
4	district. And I just wanted to put that on the
5	record, Madam Chair.
6	CHAIRPERSON LAPPIN: Thank you.
7	Council Member Comrie.
8	COUNCIL MEMBER COMRIE: Yeah, thank
9	you, Madam Chair. I have attended all of the
10	hearings regarding this building. I've talked to
11	all of the parties regarding this building. I
12	think that the issues the Councilman Ignizio
13	brought up regarding the landmark's preservation
14	and how people can access government is something
15	that this committee needs to take up in depth in a
16	meeting. I agree with Council Member Oddo that
17	the issue is, the fact that we even fact to
18	babysit this process past today is a difficult
19	issue and, I think, an insult to all the parties
20	involved. I think, though, at the end of the day,
21	the owners of the property and the council member
22	have worked long and hard to come to some
23	consensus that I think benefits all parties
24	involved and the tenants involved. And before we
25	get tangential on all of those issues, we need to

1	COMMITTEE ON LANDMARKS AND LAND USE 42
2	get back to the agreement that they've worked out.
3	I think the agreement really it helps the tenants,
4	as far as I'm concerned, and helps them with the
5	difficult issues that they have to face, because
6	they have some difficult issues. They all have
7	whatever social psychological issues that have had
8	them at this state. I think the disagreement
9	helps them with that. I think that the landlord
10	has stepped up and said that they would do
11	whatever necessary to work within the framework of
12	the Landmarks Preservation Commission to continue
13	to hold the property there and in the state that
14	everyone in that area would like to see. So I
15	think we need to focus back on those realities and
16	not going to these other tangential issues, which
17	are real and are problematic. And the whole idea
18	of landmarking and why we are landmarking so many
19	properties are actually even deeper than what
20	we've talked about today. And I think that we
21	need to start having those discussions in the
22	committee, because frankly, what is landmarkable,
23	I think, the standard needs to be raised. But I
24	want to congratulate Council Member Gerson. I
25	want to congratulate Madam Chair for listening and

1	COMMITTEE ON LANDMARKS AND LAND USE 43
2	the entire Landmarks team and the Land Use team
3	and the chair of the Land Use Committee. And I
4	also want to thank the owners for understanding
5	all of the issues around this. It's not just a
6	landmarking of the property. But how do we be
7	responsible for people that are in need of help,
8	in need of social service? How do we find long-
9	term solutions for them? I think the landlord has
10	tried to step up. I think we need to get back to
11	that type of focus as opposed to whether or not
12	this property deserves to be in a property,
13	whether or not we should beat up the Landmarks
14	Preservation Commission, because we have other
15	issues with them, which we do, and whether or not
16	we should, you know, push to include and exclude.
17	I think an agreement has been reached. The
18	parties that are primarily responsible for
19	delivering these services are in accord. And I
20	think that, while we are faced with having to
21	monitor a situation, I think it's a responsibility
22	that we have to embrace and deal with and discuss
23	over the next period of time. So thank you.
24	CHAIRPERSON LAPPIN: Thank you.
25	And I think we need to move towards a vote. But

1	COMMITTEE ON LANDMARKS AND LAND USE 44
2	there are still three members who have requested
3	to speak. So Council Member Barron.
4	COUNCIL MEMBER BARRON: You know,
5	for me, its human or historical value or human
6	value, we're going to put an emphasis on
7	architectural preservation or preserving human
8	beings and decent living quarters? And when you
9	look at it, the bottom line for me is, "Will these
10	22 human beings be better treated and valued
11	dealing with the owner with no Landmark
12	Preservation or City Council oversight? Or will
13	they be better off with the oversight of the
14	Landmarks Commission and particularly Council
15	Member Alan Gerson's office?" That's where I
16	fall. I believe that Alan is going to look out
17	for the best interest of the people, not
18	architectural value or historical preservation.
19	If there's a way to get them both, you know, fine.
20	And I even looked at the rehabilitation plans for
21	the building. And when you look at it, it fits
22	into the architectural scheme of the neighborhood.
23	And they don't even go higher than some of the
24	highest buildings in the neighborhood. So for me,
25	my leaning is towards my belief that Rosie and

1	COMMITTEE ON LANDMARKS AND LAND USE 45
2	Alan will definitely look out for the people. And
3	with all the pressure that we have to put on
4	Landmarks, I will join you in that. But I do
5	believe that you have the people's best interest
6	at heart. And certainly Rosie does, too. And so
7	that's why I will be supporting you.
8	CHAIRPERSON LAPPIN: Council Member
9	Fidler.
10	COUNCIL MEMBER FIDLER: Thank you.
11	You know, I ordinarily would show extraordinary
12	deference to members in whom a land use or a
13	landmark item is in their district, especially
14	when I hold them in as high regard as I do Council
15	Members Gerson and Mendez, but I have a problem
16	with this, and I have a real problem with it.
17	First of all, putting my lawyer hat on, I know
18	that, when an SRO is either renovated or
19	demolished that the occupants of that SRO have
20	extraordinary legal rights in terms of being
21	placed. And that's going to happen, whether this
22	building is landmarked or not. But as one of the
23	witnesses was testifying, we are now involving
24	another agency. And while we had testimony from
25	the agency that they would calendar it in an

1	COMMITTEE ON LANDMARKS AND LAND USE 46
2	expedited way, there's absolutely no way that
3	anyone can make a promise what the Landmarks
4	Preservation is going to do with that application
5	once it's there. This is a building that has
6	walls that don't go to the ceiling that is rodent
7	and vermin invested, was probably not built for
8	human occupancy when it was built. And quite
9	frankly, to landmark something that is as
10	disgraceful as that makes no sense to me. You
11	know, just because something is old and unique
12	doesn't mean it's not crap. You know, to say that
13	this building ought to be part of a landmark
14	district—the rest of the district is probably
15	completely and totally deserving, and would have
16	passed this committee, passed the council without
17	a second thought. But clearly, what we are going
18	to do is make it harder for this building to be
19	torn down and gotten rid of the way it should be,
20	make it harder for the 22 occupants in this
21	building to exert their legal rights so that they
22	are given decent housing that is not subhuman,
23	because that is what they are living in from every
24	description I have heard of this property today.
25	It is subhuman. This is their only shot. I don't

1	COMMITTEE ON LANDMARKS AND LAND USE 47
2	trust the Landmarks Preservation Commission. I am
3	not going to sit here and say that I know what
4	they're going to do, even if they keep their
5	promise to hear this in an expedited manner, that
6	they're going to come to a resolution that is
7	consistent with what we're all hoping they will do
8	here today, because they are an independent entity
9	over which we have no review. And so I have a
10	problem with that. And obviously, I'm not a
11	member of this committee. But unless something
12	comes to my attention between now and the time I'm
13	on the floor, I'm going to be voting against that.
14	CHAIRPERSON LAPPIN: I'm going to
15	give the last word to Council Member Gerson.
16	COUNCIL MEMBER GERSON: And it'll
17	be a brief word. You've got to look at the
18	history, and you've got to look at the record.
19	The history proves that the exact opposite of what
20	my good friend Lew Fidler said is the case, that
21	in the absence of the added oversight of
22	Landmarks, this condition has been allowed to
23	perpetuate long beyond the time it should have
24	ended. The record shows that there is a reason
25	why not one of the activists or the active

1	COMMITTEE ON LANDMARKS AND LAND USE 48
2	organizations, all of whom are very politically
3	astute, whether it's the Bowery Residents
4	Committee or Common Ground or Project Renewal or
5	any of the others, not one has come to this
6	committee or to this council or to my office to
7	ask that this building be excluded from the
8	historic district because of the interest of these
9	residents, because they know the opposite is true.
10	And I and Council Member Mendez have had
11	conversations with them to that effect. And I
12	agree with you, Council Member Arroyo that we have
13	to have the broader conversation, and we should,
14	and I will join you in that. But history and the
15	record and the record of the activists who have
16	not come to oppose this and our history shows
17	unequivocally that the best opportunities for
18	these men to achieve the best possible living
19	conditions is for us to go forward immediately
20	without waiting for immediate improvement and for
21	us to hold everyone's feet to the fire, the
22	owners, the commissions, everyone, and get these
23	people the basic accommodations every individual
24	deserves and put an end to decades of neglect that
25	has existed without a historic district.

1	COMMITTEE ON LANDMARKS AND LAND USE 49
2	CHAIRPERSON LAPPIN: Thank you.
3	I'm not going to recap the arguments that have
4	been made on either side. I think we have had a
5	very healthy debate this morning. And people feel
6	strongly and have valid points on both sides of
7	this issue. For me, after visiting the property
8	from the outside twice, touring the district,
9	sitting through two hearings, having extensive
10	discussion with Council Members Gerson and Mendez,
11	I think that this building should be included in
12	the historic district, both because of its
13	historical merit and because of, well, all the
14	arguments that have been laid about Council Member
15	Gerson. And I also, as a colleague, greatly
16	respect the work that you have done in bringing in
17	the community and the owner together, and I think
18	that is significant. And I think that's something
19	that we should acknowledge, both in a subcommittee
20	and in the full committee, because it was not
21	easy. And I think to get people to a point, where
22	they are essentially in agreement is something
23	that is significant. So with that, I'm going to
24	vote to include 338 Bowery in the district and
25	would ask my colleagues on the subcommittee to do

1	COMMITTEE ON LANDMARKS AND LAND USE 50
2	the same and ask the council to call for a vote.
3	CLERK: Chair Lappin.
4	CHAIRPERSON LAPPIN: Aye.
5	CLERK: Council Member Barron.
6	COUNCIL MEMBER BARRON: I'd just
7	like to explain my vote very briefly, that to
8	Council Member Fidler, they're not demolishing the
9	building. They haven't demolished. And they're
10	talking about building a hotel, because they're
11	more concerned about profits than people. So the
12	very thing that you are concerned about is not
13	happening, hasn't happened in ten years, and he's
14	had it for one year. And it just hasn't happened.
15	And there's no guarantees that that will happen or
16	how much longer that will be there. So we're
17	caught between a rock and a hard place, whether
18	you're going to have trust in a developer to do
19	all the things that you believe should be done for
20	the people or you're going to have trust in your
21	colleague and our Landmarks Commission that you
22	have legitimate criticism of. And that's what the
23	bottom line is. So for that I vote aye in support
24	of the proposition.
25	CLERK: Council Member Comrie?

1	COMMITTEE ON LANDMARKS AND LAND USE 51
2	COUNCIL MEMBER COMRIE: I'm going
3	to vote aye, but I just want to say that, again,
4	congratulations to Council Member Gerson. I think
5	he had a tough balance and to get the landlord to
6	work with them. I want to thank the landlord
7	also for wanting to stand up and try to do
8	everything they can to keep the building in
9	historical context. It is a difficult position
10	for all parties involved, and I think that, to
11	make sure that the tenant's needs are taken care
12	of sacrosanct in this process and critical to the
13	process. And I think that you will be achieving
14	that with the support. And, you know, again, I
15	want to reemphasize that our issues with Landmarks
16	Preservation, our issues with bureaucracy and our
17	issues with the ability of what is a landmark and
18	what qualifies, are still things that this
19	committee has to deal with separate from this
20	vote. I vote aye.
21	CLERK: Council Member Liu.
22	COUNCIL MEMBER LIU: Madam Chair,
23	permission to explain my vote.
24	CHAIRPERSON LAPPIN: Please.
25	COUNCIL MEMBER LIU: Thank you very

1	COMMITTEE ON LANDMARKS AND LAND USE 52
2	much. I want to thank you, Chairperson Lappin,
3	and my distinguished colleague Council Member
4	Gerson and also Council Member Mendez. This has
5	been a relatively lengthy process in designating
6	this district as historical. And I know that the
7	district itself by and large is deserving of such
8	status. Of course, there's the question of what
9	happens with this particular property. There are
10	a lot of different interests involved. And I
11	really want to commend Council Member Gerson for
12	doing all the great and hard work that he has over
13	the last few months to make sure that all the
14	issues are fully fleshed out, that the interested
15	of everybody are protected as much as possible,
16	and to understand that this district itself and
17	even this property has some place in our city's
18	annals of history. And so, Alan, thank you very
19	much for your efforts. It has really brought a
20	great dose of common sense to this otherwise
21	extremely complex process. Thank you, Madam
22	Chair.
23	CHAIRPERSON LAPPIN: And how do you
24	vote?
25	COUNCIL MEMBER LIU: I vote yes.

1	COMMITTEE ON LANDMARKS AND LAND USE 53
2	CHAIRPERSON LAPPIN: And I wanted
3	to thank you, because all of the discussion this
4	morning has been about one property, and this is a
5	district. It's not just about the one property.
6	And it's a district that has been a very long time
7	in coming, and that is worthy of our designation
8	and support. So thank you for reminding us all of
9	that.
10	CLERK: Council Member Martinez.
11	COUNCIL MEMBER MARTINEZ: May I be
12	explain my vote?
13	CHAIRPERSON LAPPIN: So ordered.
14	COUNCIL MEMBER MARTINEZ: I had the
15	opportunity to tour this building. And I wish
16	anyone would not live in the conditions that I
17	witnessed in that property, from bedbugs to
18	individuals living in these conditions for over
19	20-15 years. I also understand that there's a new
20	owner. And, you know, I also understand that
21	Council Member Gerson had been in discussion with
22	the owner and the landmark commission in putting
23	together a package that will work for everyone.
24	I'm having a difficult time understanding how will
25	the lives of these individuals improve if we

1	COMMITTEE ON LANDMARKS AND LAND USE 54
2	landmark. I'm also having a difficult time
3	understanding, you know, what historical value in
4	terms of the architect, in terms of the structure
5	of the building, if any, are we trying to
6	preserve? Because I found none. And when I hear
7	the issue of the human aspect of the discussion,
8	I've asked questions if any artists or any
9	individual that we know lived in building or done
10	anything for the city, for the community, for the
11	area. And again, I got no answer, couldn't find
12	any answer. And when I hear that issues of, you
13	know, if we do not do the landmark and the owner
14	looking to address some of the needs of the
15	individuals living there in terms of moving them
16	forward-I'm not privy to those discussions in
17	terms of what went on. But I would say that I'm
18	having a difficult time voting to landmark that
19	property, because I see no historical aspect of
20	landmarking the property architecturally. If we
21	landmark, there's no guarantee the condition of
22	the way these individuals living in there are
23	going to change at all. So I can't, with all due
24	respect to my colleague, go forward and vote yes
25	on landmarking this property, because I really

1	COMMITTEE ON LANDMARKS AND LAND USE 55
2	don't see the value of landmarking that
3	particularly property. I'll be voting no on that.
4	CLERK: Council Member Palma.
5	COUNCIL MEMBER PALMA: Permission
6	to explain my vote? Elena, I want to congratulate
7	you and Council Member Mendez for all the work
8	that you guys have done. And I, like many of my
9	colleagues here today, was torn between voting no
10	and voting yes. I toured the place, along with
11	Council Remember Arroyo and was ashamed to know
12	that the City of New York can keep people living
13	in these conditions, you know, for so many years,
14	and we didn't know about it. Out of respect for
15	you, I'm going to vote yes on this item, because I
16	trust your judgment, and I believe that you're not
17	going to let those 22 men down and that you're
18	going to make sure that we get them adequate
19	housing and hold Landmark's feet to the fire. I
20	too, like Council Member Arroyo, feel that the
21	Landmarks Committee needs to continue to put
22	pressure on them to see, you know, what's worthy
23	of landmarking around the City of New York,
24	because not every building that has a brick
25	sticking out of it is worthy of landmark. And so

1	COMMITTEE ON LANDMARKS AND LAND USE 56
2	I vote aye on this item.
3	CLERK: Council Member Arroyo.
4	COUNCIL MEMBER ARROYO: Madam
5	Chair? I too want to express my congratulations
б	to Alan and to Council Member Mendez for their
7	hard work on this item. Like my colleagues, torn
8	between yes and no, and "No" just to prove a point
9	really doesn't make a point. I trust in your
10	judgment, and I today understand how my colleagues
11	felt when we heard the Yankee stadium item. And
12	you were all so supportive of my position and my
13	concerns for my community. So I get a chance to
14	return that favor but will work with you and hold
15	you accountable for the promises you're making to
16	your constituents, because "Yes" for me today does
17	not come very easy. Yes.
18	CLERK: Council Member Mendez.
19	COUNCIL MEMBER MENDEZ: Permission
20	to explain my vote. I'm proud to vote yes and to
21	make several blocks that are in this historic
22	district joint he rest of NoHo, including this
23	building. And I want to thank Alan for all of his
24	hard work. And I'm proud to share the Lowery
25	[phonetic] site and the Bowery with you. And for

1	COMMITTEE ON LANDMARKS AND LAND USE 57
2	all my colleagues and their concerns, I also want
3	to say, you know, we could also take up this issue
4	on another front, and we could get more funding
5	for individuals who are living on SRO who need
6	legal representation. So thank you.
7	CLERK: Council Member Oddo.
8	[background noise]
9	COUNCIL MEMBER ODDO: -attempt to
10	explain my vote. I would just like to acknowledge
11	and voice my appreciation and gratitude to Council
12	Member Gerson for all his work on creating this
13	district and negotiating this particular building.
14	I want to thank the subcommittee chair and staff
15	for all the work on making this district. I don't
16	believe this particular building should be in this
17	district. And I think, essentially, the
18	resolution we reached today is short of bringing a
19	horse to water and putting a gun to his head and
20	making him drink. And I think I am not
21	comfortable putting my name or the council's name
22	attached to a promise that I think will not ever
23	manifest itself. I think it's a false promise,
24	and I'm not comfortable doing that. So I vote no.
25	CLERK: By vote of seven in the

1	COMMITTEE ON LANDMARKS AND LAND USE 58
2	affirmative, two in the negative, and no
3	abstentions, LU827 is approved and referred to the
4	full Land Use Committee
5	CHAIRPERSON LAPPIN: Meeting
6	adjourned.
7	CHAIRPERSON KATZ: I would like to
8	make a comment, if I can, on the subcommittee
9	hearing and the agreement, if I can do that. I
10	think that this was probably one of the best tests
11	and displays of the democratic process that there
12	is. The council members were all talking to one
13	another and talking to me and talking to the
14	speakers and to the chair of the subcommittee,
15	Jessica Lappin, who I think always does a
16	phenomenal job at her hearings under some very
17	difficult circumstances. And, you know, we made
18	it clear that everyone should listen to the
19	testimony and vote. And that was that. And I
20	think that that's important for everyone to know
21	and acknowledge. I want to just say as the chair
22	to Land Use committee, though, that this agreement
23	was made between the council member and the
24	administration. And I think that Alan should be
25	congratulated for the agreement that he made. But

1	COMMITTEE ON LANDMARKS AND LAND USE 59
2	I want to make it clear to the council members and
3	to the public that is watching, I am extremely
4	uncomfortable with making an agreement with the
5	administration on things that they will do. And
6	not because we don't trust them, not because
7	they're not good agencies, the Landmark Commission
8	is a very good agency, but because we don't have
9	the power or control as we move forward to make
10	sure that that actually happens. So just from a
11	process viewpoint, everyone needs to understand
12	that there's a difference, I believe, in making an
13	agreement on, for instance, there's going to be a
14	rezoning, but the infrastructure—if I could have
15	some order in the room, that'd be great. The
16	infrastructure needs to be taken care of, so the
17	city agrees to take care of the infrastructure so
18	that the project can go forward. I think it's-can
19	you guys-
20	[pause]
21	CHAIRPERSON KATZ: I think it's a
22	little different also than a fuka [phonetic],
23	which have done several times, which is an
24	agreement on a certain thing that will be done in
25	the future and a certain outcome that we agree to.

1	COMMITTEE ON LANDMARKS AND LAND USE 60
2	And I also think it's different than negotiating
3	with the city, for instance, on the height of a
4	building, which may not necessarily be within the
5	outskirts of a zoning. But the developer, the
6	council member, and the committee agree on it. So
7	I think that there's a big difference because of
8	what Council Member Fidler said, which is that we
9	don't know what the outcome is going to be. And I
10	just wanted to state that for the future so that
11	when you're negotiating your items that you
12	understand that I do think there is a difference
13	between those things. Having said that, as chair
14	of the committee, I think that the subcommittee
15	Chair Council Member Lappin did such a phenomenal
16	job in really getting everybody and having
17	Landmarks come testify and pursuing this process.
18	And the council member has the support of the
19	majority of the members, and I think that's
20	important. And I also would remind him that in
21	the future we want to talk a little more about how
22	we view the agencies as we go forward. But we
23	know that you're going to keep on top of this.
24	And so now that I got that on the record, I am
25	going to go through the agenda and make a motion

1	COMMITTEE ON LANDMARKS AND LAND USE 61
2	to approve. LU Number 810, ACA Dollar Homes
3	[phonetic] Amendment, that's a technical amendment
4	to previously approve projects to allow the tax
5	exemption to begin. LU Number 827, Council Member
6	Gerson and Council Member Mendez's district, LU
7	Number 827, which is the NoHo historic district
8	extension. LU Number 859 is to preserve the built
9	content and support to make sure that there's
10	orderly growth in Laurelton. And that is in
11	Council Member Sanders's district. UDAPs
12	[phonetic] is LU Number 763 in Council Member
13	Sanders's district, LU Number 776 in Council
14	Member Jackson's district, LU Number 777 in
15	Council Member Dickens's district, 778 in Council
16	Member Dickens's district-I'm getting old.
17	Council Member Van's District is 809, and Council
18	Member Dilan's district is LU Number 852. Any
19	discussion? And again with congratulations to
20	everybody involved with NoHo, including Council
21	Member Mendez, who I neglected to mention. And I
22	apologize for that. I know she was very
23	supportive of it. I make a motion to approve.
24	CLERK: Katz.
25	CHAIRPERSON KATZ: Aye on all.

1	COMMITTEE ON LANDMARKS AND LAND USE 62
2	CLERK: Dickens.
3	COUNCIL MEMBER DICKENS: Aye.
4	CLERK: Avella.
5	COUNCIL MEMBER AVELLA: Aye on all.
6	CLERK: Barron.
7	COUNCIL MEMBER BARRON: I'd just
8	like to explain my vote very briefly. You know, I
9	heard what you said, Madam Chair, but I hope we
10	are consistent with that. Because, see, I hear
11	what you're saying, Madam Chair, around this
12	particular issue, how we shouldn't trust
13	Landmarks. But I've been in these meetings, where
14	other items come up, where the chair and the
15	speaker and others agree with. And we have to
16	make commitments to trust an agency. So, I mean,
17	I appreciate the lecture, but let's be consistent.
18	If we're not going to trust agencies, and we have
19	power to do something about it, then we should use
20	that power until we get the right thing for the
21	people and not have it judged project by project.
22	In one meeting we're talking about not trusting,
23	and then in the next meeting, particularly like
24	Duffel [phonetic] Street, we voted for the
25	demolition of Duffel Street. Madam Chair, are you

1	COMMITTEE ON LANDMARKS AND LAND USE 63
2	hearing this?
3	CHAIRPERSON KATZ: [off mic]
4	COUNCIL MEMBER BARRON: Okay. Just
5	want to make sure, because I know you're very busy
6	over there.
7	[crosstalk]
8	COUNCIL MEMBER BARRON: We voted.
9	And I was reading an article that said people who
10	think they're multi-tasking is not a good thing,
11	that you really should focus, because you miss
12	things.
13	CHAIRPERSON KATZ: What'd you say,
14	John? Did you say something, John? Go ahead.
15	COUNCIL MEMBER BARRON: So I just
16	remember Duffel Street, where we didn't have the
17	conclusion of whether that was some historical
18	value to the black community. We voted to
19	demolish. We voted to trust the Landmarks
20	Commission to do their research and so on and so
21	forth. So let's be consistent, if we're going to
22	feel that way. We should be consistent like that
23	on all the projects. And I vote aye on all.
24	CHAIRPERSON KATZ: And I would like
25	to clarify my position. It's funny you mentioned

1	COMMITTEE ON LANDMARKS AND LAND USE 64
2	the Duffel, because we were just actually talking
3	about that. I am not at all stating that I don't
4	trust Landmarks. In fact, I've had a very decent
5	relationship with Landmarks, especially
6	Commissioner Tirny [phonetic], who I find has kept
7	his word to me. The issue is not whether we trust
8	the agency or not trust the agency. The issue is
9	whether or not in the end-
10	[crosstalk]
11	CHAIRPERSON KATZ: -the agency has
12	agreed to review it, has agreed to expedite it,
13	and we all appreciate that. And I know that they
14	will do exactly what they agree to. My concern is
15	that Councilmen Gerson gets what he thinks he
16	needs for his area in the end. And I think that
17	that's really the issue, because they may have
18	actually a very logical substantive disagreement.
19	I mean, and nobody can fault the agency or the
20	councilmen for that. And that's really where my
21	issue was it that, you know, we hope that in the
22	end they come to an agreement that they both can
23	live with. And that's really where my issue is.
24	Thank you.
25	CLERK: Rivera.

1	COMMITTEE ON LANDMARKS AND LAND USE 65
2	COUNCIL MEMBER RIVERA: I vote aye.
3	CLERK: Baez.
4	COUNCIL MEMBER BAEZ: Aye.
5	CLERK: Comrie.
6	COUNCIL MEMBER COMRIE: Permission
7	to explain my vote? I'll take that as a yes.
8	Okay. I want to congratulate Council Member
9	Mendez. I didn't mention her name before. I do
10	want to also congratulate the Laurelton Spring
11	Field Gardens [phonetic] Community and Councilman
12	Sanders on the long awaited rezoning that will
13	create protection over in that area. I am
14	concerned about-and I guess I need to hear more
15	clarification from Council Member Katz about what
16	she was saying about negotiation with agencies,
17	because if we don't negotiate within projects, how
18	do we get stuff done? But I understand your point
19	in general. But there's a specific problem on how
20	we deal with all of these projects. And I think
21	that that's a general land use problem that I
22	think we're going to need to talk about,
23	especially as things come up in the next few
24	months and some major projects that are coming
25	down our pipe, such as Woodard's [phonetic] point,

1	COMMITTEE ON LANDMARKS AND LAND USE 66
2	such as Hunt's [phonetic] point. I think we're in
3	a position now, where, when we're trying to figure
4	out how to meet the needs of communities, how to
5	meet the needs of individuals, how to meet long-
6	term projects that will be finalized by other
7	entities or not is something that we really have
8	to take into consideration. And how do we make
9	sure that there's a process to ensure that what we
10	do today, what we implement today, is actually
11	done at the end of the process as something that
12	concerns all of us, I think. And I'm not going to
13	get into one project over another project. But
14	clearly, there are issues that we need to think
15	about this and deal with this in open discussion.
16	I vote aye on all.
17	CLERK: Gioia.
18	COUNCIL MEMBER GIOIA: Thank you.
19	I vote yes.
20	CLERK: Jackson.
21	COUNCIL MEMBER JACKSON: I vote aye
22	on all.
23	CLERK: Liu.
24	COUNCIL MEMBER LIU: Yes.
25	CLERK: Martinez.

1	COMMITTEE ON LANDMARKS AND LAND USE 67
2	COUNCIL MEMBER MARTINEZ: I vote
3	aye with exception of LU Number 827. That one is
4	no.
5	CLERK: McMahon.
6	COUNCIL MEMBER MCMAHON: Aye on
7	all.
8	CLERK: Sears.
9	COUNCIL MEMBER SEARS: Aye.
10	CLERK: Palma.
11	COUNCIL MEMBER PALMA: Aye.
12	CLERK: Arroyo.
13	COUNCIL MEMBER ARROYO: Aye.
14	CLERK: Garodnick.
15	COUNCIL MEMBER GARODNICK: I vote
16	aye.
17	CLERK: Lappin.
18	CHAIRPERSON LAPPIN: Aye on all.
19	And big congratulations to Alan Gerson.
20	CLERK: Mendez.
21	COUNCIL MEMBER MENDEZ: I vote aye.
22	And I wanted to thank Chair Lappin for all of her
23	hard work, which I forgot to do earlier. Thank
24	you, Jessica.
25	CLERK: Vann.

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1	COMMITTEE ON LANDMARKS AND LAND USE 68
2	COUNCIL MEMBER VANN: Aye on all.
3	CLERK: Ignizio.
4	COUNCIL MEMBER IGNIZIO: I vote no
5	on Land Use 827 primarily because I believe the
б	developers have come here and agreed under duress.
7	Aye on all others.
8	CLERK: Oddo.
9	COUNCIL MEMBER ODDO: No on 827.
10	Yes on all others.
11	CLERK: Felder.
12	COUNCIL MEMBER FELDER: [off mic]
13	CLERK: By vote of 22 in the
14	affirmative, 0 in the negative, and no
15	abstentions, all items are adopted with the
16	exception of Land Use Item 827, which is adopted
17	by a vote of 19 in the affirmative, 3 in the
18	negative, and 0 abstentions. Council members,
19	please sign all committee reports. Thank you.
20	[pause]
21	CHAIRPERSON LAPPIN: Meeting's
22	adjourned.
23	[pause]
24	

I

CERTIFICATE

I, April Hodson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

April . Hodson Signature_

Date _

<u>____November 21, 2008</u>____