

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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July 17, 2012
Start: 11:39 a.m.
Recess: 1:00 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

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

APPEARANCES (CONTINUED)

Lynne Brown
Senior Vice President
New York University

Alicia Hurley
Vice President
New York University

Alison Leary
Executive Vice President for Operations
New York University

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2 CHAIRPERSON WEPRIN: Okay. You
3 ready to go? Alright. Good morning, everyone.
4 It's still morning. Good. My name is Mark
5 Weprin. I am the Zoning and Franchises
6 Subcommittee. Let me offer my apologies for the
7 delay. We are now ready to go. We are joined by
8 the following members of the Subcommittee on
9 Zoning and Franchises: Council Member Al Vann,
10 Council Member Joel Rivera, Council Member Dan
11 Garodnick, Council Member Leroy Comrie, and
12 Council Member Jessica Lappin. We are also joined
13 by a number of members of the Land Use Committee,
14 who are here for the following meeting and the way
15 this is going to work, we are continuing a
16 recessed meeting. We had a hearing as many of you
17 know, a nine hour hearing where we heard an
18 enormous amount of issues brought up, a lot of
19 community concerns about the project that NYU is
20 doing, and over the past two weeks, we have been
21 having negotiations to try to address many of
22 those concerns and with the help of our staff and
23 the staff of NYU as well as Council Member
24 Margaret Chin, who hasn't gotten much sleep, but
25 she is here beside me, and although she is small

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2 in stature, I want her on my side when I'm in a
3 fight. We have come to an agreement with New York
4 University on changes to this plan and we are
5 going to have them come up and describe the
6 details of that agreement and then take questions
7 from the Subcommittee members first and then the
8 members of the Land Use Committee, who have any
9 questions. So I'd like to ask the panel of people
10 who are going to be representing NYU to please
11 come forward. Once again, we are now back on the
12 record.

13 [pause]

14 CHAIRPERSON WEPRIN: Again,
15 identify yourselves for the record. Once again,
16 we are back on the record, so when you speak, give
17 your name and then every time you speak, please
18 restate your name. Okay, whenever you are ready.

19 LYNNE BROWN: Thank you very much.
20 My name is Lynne Brown, senior vice president at
21 New York University. Mr. Chair, members of the
22 Committee, Councilwoman Chin, working as the Chair
23 said with all of you and Land Use counsel, we're
24 pleased to come forward to you today to present to
25 you for your review and approval a series of key

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2 modifications to our core project. From the
3 outset and our planning effort did begin over five
4 years ago on this project, we had several goals in
5 mind to create a transparent and predictable
6 blueprint for NYU's growth over a full two decades
7 to maintain our own academic momentum by being
8 able to provide space for classrooms, faculty
9 offices, labs, theaters, rehearsal and study
10 space; three to concentrate our expansion on our
11 own footprint; four, in the process to seek
12 designs for these superblocks that you see behind
13 me that would increase and improve open space that
14 was truly accessible to a wider community and that
15 reintegrated these blocks better into the urban
16 fabric and finally, to enable NYU to contribute
17 and continue to contribute to New York City's
18 economic and intellectual vitality. I believe
19 that with the plan before you today we have met
20 those goals and also been able to address very
21 other important community needs and priorities
22 identified by Councilwoman Chin and members of the
23 Committee. The plan before you is not the same as
24 the one you saw a few weeks ago, and it's not the
25 same as the one that was certified by City

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2 Planning in January, and it's certainly not the
3 same as the one we began with in January 2007.
4 ULEP [phonetic] is a process designed to foster
5 such movement and evolution as the circle of
6 stakeholders are taken into account, widen the
7 range of goals and views and now as you members of
8 the City Council weigh offsetting priorities for
9 communities for the city at large and for its
10 major institutions like NYU. I will summarize the
11 main proposed Council modifications and then turn
12 to my colleague, Alicia Hurley, to take you
13 through them on the site plan. The modifications
14 call for a reduction in density. Using our plan
15 at certification as a baseline, the plan before
16 you now represents a 25% reduction in above grade
17 density and overall, a 20% reduction counting both
18 above and below grade. Second, the plan will
19 provide for space dedicated for community uses.
20 Third, the plan increases the amount of publically
21 accessible open space overall, and requires early
22 investments in improving existing open space.
23 Fourth, the plan requires NYU to take on the
24 responsibility for the operations and maintenance
25 of the open space, including the public land and

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2 finally, the plan requires community consultation
3 on open space and construction issues. The plan
4 also requires NYU to meet certain MWBLE goals
5 which we can describe as well. So as it comes
6 before you for your consideration we believe this
7 plan represents a thoughtful balance not to be
8 confused with an easy to achieve balance between
9 density and open space, between allowing NYU to
10 meet its academic needs, but being respectful of
11 the surrounding neighborhood, between preserving
12 some of the elements of the superblocks that were
13 best, but allowing other elements to change in
14 response to a changing city and different ideas of
15 urban planning. So thank you. I will now turn to
16 Alicia Hurley and just first re-orient you back
17 again from our site plan to be clear about the
18 blocks we're talking about. These are the two so-
19 called superblocks. As part of urban renewal,
20 they were originally six city blocks fused into
21 these two superblocks in the late 1950s, 1960s,
22 and this is north, south, west and east. That's
23 the site plan with Washington Square Park and over
24 here to the right, the existing site plan. I'll
25 leave it there and turn it over—unless there are

1
2 any questions - - Dr. Hurley, and we'll answer
3 questions.

4 ALICIA HURLEY: Thank you. I like
5 to point. Thank you. Alicia Hurley, vice
6 president at New York University. I'd like to
7 walk you through two categories of changes.
8 There's the first set, which we will walk through
9 which are actual adjustments, modifications to the
10 application. The second are a set of commitments
11 that we have made to the Council and the
12 Councilwoman, which are--there's a separate letter
13 of agreement from President John Sexton, which has
14 been made available to the Council, so some of
15 those items are not linked with the application.
16 So first of all, we'll start with the reductions
17 in density. As Lynne noted, it's an overall above
18 grade reduction of about 25% and I'll walk you
19 through the major changes, so for those of you who
20 are familiar with the plan, this is what we have
21 called the Zipper Building. It is the building to
22 replace the current Coles Athletic Facility on the
23 street that is bound by Bleecker Street and
24 Houston along Mercer Street. It's a full block
25 long building. It's current our athletic

1 facility, a single story. This was our original
2 proposal. It was not modified by the City
3 Planning Commission, so this is what was before
4 the Council originally, and what you can see is a
5 70,000 square foot reduction and particularly the
6 focus was shifting the density to the south, which
7 is what the request that they asked us to look at
8 given the residential nature of the buildings
9 across the street, particularly on Bleecker and
10 Mercer Streets, so this podium as you can see,
11 drops from a building of 168 feet down to 85 feet.
12 The other pieces of the building you can see up
13 higher here have also been reduced and some of the
14 bulk was shifted to the south as per the request,
15 mainly to really try to relieve the density of the
16 space on Bleecker Street. The second section of
17 density reductions is with regard to what we call
18 the boomerang buildings, and you can see here
19 would be the buildings inserted into the northern
20 block. Again, there's already a single story of
21 retail on a footprint there. This building would
22 be where the new footprint is. This was what was
23 certified by City Planning. You can see
24 particularly notice the Mercer Building at 11
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1 stories and the LaGuardia Building, an 8 story
2 building. So you can see a significant reduction
3 to the Mercer Building, reducing it from 11
4 stories down to 4, a 94 foot reduction of that
5 building alone. The LaGuardia Building was as
6 I'll show you next--'cause the other question and
7 concern raised was the amount of open space and
8 particularly whether or not these buildings would
9 feel like they were blocking access into what is
10 meant to be this public open space on the north
11 block, so the footprints of the two buildings were
12 reduced by a total of 7500 feet in total. You can
13 see on the red lines the actual shrinkage, so very
14 much widening even more the distances between the
15 buildings, so at this point at - - we're between a
16 full 65 to 70 feet. If you can picture, a normal
17 city street is about 60 or a distance between
18 buildings, so it's a very generous and it should
19 be a welcoming open way into the site, which is
20 intended to be a public open space. This is an
21 overall table. It's in your packets. Happy to
22 rehearse any of it, but this is how we derive the
23 numbers of the reduction from the certified plan
24 and specifically outlines the reductions of the
25

1 Council. And so that's the set of density
2 reductions for the Bleecker Building. This is the
3 site here, which is on the corner of Bleecker and
4 LaGuardia. The certified application by the City
5 Planning Commission had outlined that the School
6 Construction Authority had until 2025 to notify
7 the university whether or not it wanted to utilize
8 the site. At that point, if they elected not to,
9 the site reverted to the university for its sole
10 use. What the Council has asked are two things—
11 one is they have shortened the window, making it
12 more an urgent concern and question about whether
13 a school is needed on this site, and given the SCA
14 until 2014 to give us notice and 2018 to begin
15 constructing the site. If the SCA opts out of
16 doing that, the university has agreed that we will
17 not take the whole building and in fact a
18 community center at the university's expense will
19 be built. We will build - - and the fit out for a
20 community center up to 25,000 square feet, and
21 that was part of a real priority for the
22 Councilwoman understanding the many needs in the
23 area. On the note of community uses as Lynne
24 noted one of the priorities that was raised for us
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2 was ensuring that there is—we already provide
3 plenty and a lot of access to community groups to
4 use our spaces. What this is now enshrining is
5 dedicated space for community users, so in
6 addition to the agreement on the Bleecker
7 Building, which I just discussed, what you can see
8 we've agreed to and this is in the spirit of
9 trying to ensure the public are feeling welcome
10 and can be drawn into and across the site, but
11 particularly here in this Zipper Building, we have
12 committed to up to 7500 square feet for a public
13 atrium and some community amenity. That will be
14 determined as we're looking at the space—

15 CHAIRPERSON WEPRIN: [Interposing]

16 Excuse me. I'm going to ask everyone to please be
17 quiet. We can't have outbursts. The sergeants at
18 arms are prepared to escort anyone out who becomes
19 out of hand, so I just ask you to please be quiet.
20 Thank you. I won't ask for jazz hands [phonetic]
21 necessarily, but I will ask for quiet. So please...

22 ALICIA HURLEY: Thank you. The
23 intention behind the public atrium is really
24 ensuring that this green street walkway is
25 something that pedestrians feel they can be drawn

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2 into and enjoy. The other piece which will be an
3 immediate amenity is 4 Washington Square Village
4 [phonetic]. This space right here within the year
5 will be converted to some community use to be
6 determined with the Council, whether it's
7 childcare related or senior related, that is what
8 we will be working through, but that will be space
9 that's converted for use. It's - - it's ground
10 floor area, so highly compatible to those types of
11 uses. Again, at the university's expense, the
12 only thing is we would like an independent
13 operator. The agreement is to have somebody come
14 in and run these spaces. I'll note here as many
15 of you may have received our maps in the past
16 week, you see all of the outreach our students do
17 and our schools do. We have distributed those
18 maps. So these are programs that are great for us
19 because our students can work in these
20 organizations, volunteer. They are very
21 compatible with some of our nursing programs. So
22 there's a lot of opportunity for us as well by
23 hosting these uses. So this is where—this is just
24 text from here, so forgive me for that, but
25 there's a hundred and some page restrictive

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2 declaration that makes all of this legal and puts
3 the authority in place to bind the university. So
4 the further modifications again, the reduction of
5 the footprints by 7500 square feet on those two
6 buildings on the north, funding commitments to
7 ensure upkeep and maintenance of public spaces and
8 parkland, so in the restrictive declaration the
9 university and with the separate maintenance and
10 operations agreement with the Parks Department,
11 the university commits to up keeping and
12 maintaining after we built out all of the public
13 and obviously the private space. The public had
14 not been included by the City Planning Commission.
15 That is what the Council is adding—the requirement
16 that we also maintain the public open spaces.
17 Because the university quite honestly has not had
18 a great history in this, we have agreed to put a
19 letter of credit aside for the Parks Department,
20 which will ensure that there are funds available
21 if for some reason we are in default of our
22 obligation. The Council recommendations are to
23 expand the responsibilities of what is known as an
24 open space oversight organization, providing
25 opportunity for that organization to provide input

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2 on design as well as monitor the maintenance of
3 the commitment, so that will be an organization
4 that we will be required to set up as a 501c3 by
5 the end of this calendar year, and they will be
6 working with us as our partners, and there are
7 members who are designated by the Council, the
8 borough president and the community board and the
9 Parks Department. There's also now the creation
10 of a construction committee to liaise with the
11 university on construction matters. As you may
12 remember, we also have an independent monitor, who
13 will be ensuring that everything that we have
14 written into the restricted declaration in terms
15 of mitigation and careful procedures on the site
16 are overseen by somebody independent of the
17 university. So finally, I will go to the
18 additional commitments. This was in the letter
19 outlined by President Sexton, which was delivered
20 this morning. Again, the request is we all heard
21 a lot about the wonderful Sasaki [phonetic]
22 garden. We've been asked to make improvements and
23 improve access and make sure the public
24 understands that they are welcome to go into that
25 area. It disappeared. I'm sorry. It was in the

1 existing conditions. It's still there. I
2 promise. So this is the garden in the middle of
3 the Washington Square Village area. So through
4 way finding and notifications and different
5 measures we will be making sure that it's
6 understood as publically accessible. The
7 university also will again back on the spirit of
8 making sure that people understand that we're
9 serious about maintaining these spaces, create an
10 endowment to ensure that at least \$150,000
11 starting in current year is available to be able
12 to provide maintenance for the public open spaces,
13 community access to the future gym and academic
14 facilities will exist as they do today. We have
15 agreed to limitations on the retail that can go
16 into the superbloc retail areas, precluding bars
17 and nightclubs, but allowing bona fide restaurants
18 as exist on the superblocs today--we have about
19 three or four different restaurants now--and then
20 a commitment as we mentioned to convert 6,000
21 square feet of space at Washington Square Village
22 to a community use, and finally, and I'd like to
23 call up the university's head of construction to
24 talk about the goals that we have outlined for
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2 ourselves in the MWLBE. So Alison Leary?

3 ALISON LEARY: Thank you. Good
4 morning. I'm Alison Leary, executive vice
5 president for operations. I'm here to express the
6 university's commitment to ensuring that the set
7 of projects benefits minority, women and locally
8 owned businesses and residents. Toward that end,
9 we intend to develop and implement a robust and
10 effective program that ensures that we have a
11 minimum participation rate of 25% for minority,
12 women and locally owned business enterprises. We
13 have—sorry about that. We have established sub
14 targets within that 25% overall participation of
15 25% minority owned businesses, 15% women owned
16 businesses, 20% locally owned businesses.
17 Further, we have agreed to commit to working with
18 our construction architects, engineers and other
19 service providers on these projects to have overall
20 workforce participation by minority, women and
21 local residents of no less than 20% with sub
22 targets of 20% minority, 15% women and 25% local
23 residents. The details of proposal including our
24 commitments for tracking and reporting our
25 participation are outlined in your packet and I'm

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happy to take any questions you might have.

CHAIRPERSON WEPRIN: That's the end of your presentation, Ms. Brown?

LYNNE BROWN: Yes.

CHAIRPERSON WEPRIN: What I'd like to do now is I'm going to ask Council Member Margaret Chin, who represents this site to make a statement.

COUNCIL MEMBER CHIN: Thank you, Chair Weprin. I just want to thank you for the opportunity to address this morning's meeting of the Subcommittee on Zoning and Franchises. I want to take a moment to thank Gail Benjamin, Danielle - - , Christian Hilton and Ann [phonetic] McCoy from the Council's Land Use Division as well as Council Member Comrie's staff, Council Member Weprin's staff and my own staff for all their hard work and many late nights and early mornings over the last month. I also want to thank my colleagues, many of whom are gathered here today, for their deliberate and thoughtful consideration of the application before this committee today. I know many of you attended last month's public hearing and have continued to meet with groups on

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2 both sides of this issue, and I've heard that many
3 of our district offices have gotten hundreds and
4 hundreds of phone calls. I wanted to thank you
5 for taking such a proactive role in this process.
6 At least month's public hearing, I made it clear
7 that I did not support NYU's expansion proposal as
8 modified by the City Planning Commission.

9 Throughout this process, I have tried to keep an
10 open mind. I have maintained that it is possible
11 to strike a balance that upholds the integrity of
12 Greenwich Village and meets NYU's immediate
13 academic needs. I'm confident that the proposal
14 that you've just heard strikes this appropriate
15 balance. My priorities in modifying NYU's
16 application focus on three issue areas; one,
17 reducing density on the north and south
18 superblock, preserving open space and holding NYU
19 to its responsibility as a good neighbor. Today,
20 you have heard NYU commit to major modifications
21 to their core campus expansion proposal, and let
22 me tell you, they have made significant
23 concessions. To be perfectly honest, no one got
24 everything they wanted. This was a compromised,
25 but it was arrived at rationally and in good

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2 faith. It is because of those modifications and
3 NYU's willingness to fully engage in the public
4 process and respond to concerns expressed by the
5 community that I express my support for this
6 proposal moving forward. I wholeheartedly believe
7 that this proposal will allow NYU's growth in the
8 village to occur at a sustainable pace and it will
9 not overwhelm the wider [phonetic] village
10 community. The construction mitigation plans that
11 have been approved by City Planning are exhaustive
12 and I have added to the requirement that NYU must
13 meet in the phasing construction and design of the
14 superblocks. I have sought reduction in the above
15 grade density that responds directly to concerns
16 expressed by constituents, namely with regards to
17 the Mercer Street boomerang and the - - Building
18 Towers at the corner of Mercer and Bleecker. I
19 have been able to substantially reduce the density
20 that will be built above ground while securing
21 commitment from NYU to build and maintain improved
22 open space and community amenities that the
23 village is sorely lacking. Over the past few
24 months I have heard a litany of NYU's broken
25 promises from village residents. It is time to

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2 start a new chapter. I have put in place strong
3 checks and balances to ensure that NYU holds up
4 its end of the bargain. If NYU fails to do so,
5 there will be consequences. To that end I hope
6 that members of the Greenwich Village community no
7 matter what side of the aisle you sit on can work
8 together to shape this plan as it moves forward.
9 You have a seat at the table. There are
10 significant opportunities for community input and
11 I ask you to make your voices heard. As for my
12 colleagues, I ask you to stand with me in
13 supporting this NYU's modified 2031 expansion
14 proposal. Thank you.

15 CHAIRPERSON WEPRIN: Thank you,
16 Council Member Chin. What I'd like to do now—
17 first of all, we've been joined by the following
18 members of the Subcommittee, who weren't here when
19 we first started: Council Member Ignizio, Council
20 Member Reyna and Council Member Jackson. What I'm
21 going to do is have the members of the
22 Subcommittee get the first questions and then a
23 lot of the members of the Land Use Committee have
24 questions as well. I'd like to start with the
25 chair of the Land Use Committee and a member of

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2 the Subcommittee, Council Member Leroy Comrie.

3 COUNCIL MEMBER COMRIE: Thank you.

4 First off, I want to congratulate Council Member
5 Margaret Chin for the hours and hours that she put
6 in trying to come to a point where we are today
7 where she can be comfortable with moving this plan
8 forward. The reductions that she has put in, the
9 checks and balances that she has made, the
10 opportunities for community input, the making sure
11 that public space was maintained and - - that the
12 enhanced community space would be developed are
13 all important components in maintaining the
14 quality of life in the Washington Square area. I
15 think that Council Member Chin has made a
16 herculean effort in listening to all sides, on
17 hearing all sides of the debate, understand the
18 issues, and understand that there needed to be a
19 way to make this happen that made sense and
20 created some compromise for all. In every plan
21 there is never-everyone is never satisfied. In
22 every plan, everyone still has issues, but I think
23 that Council Member Chin has a - - effort, and we
24 would hope that with everything that is put in
25 place, the community supports her after this and

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2 that NYU will continue to follow through because
3 they have been given new charge to do more, a new
4 charge to make checks and balances, the creation
5 of an endowment fund, the creation of a
6 maintenance fund, the promise to include community
7 space and also community participation and also a
8 plan for inclusion for people to take
9 opportunities in both the construction, training
10 and cost of developing this plan. In that regard,
11 I would like you to explain the underground
12 reductions. You didn't talk about that
13 specifically.

14 LYNNE BROWN: This is Lynne Brown.
15 As certified—as voted out by City Planning, Mr.
16 Chair, there were below grade reductions on the
17 strips, the public strips. We had originally
18 asked to be able to develop those below grade, but
19 City Planning did not accept that, and so we are
20 just using them for easements to construct and
21 then getting off and using them as parkland, but
22 there were no further below grade reductions after
23 those.

24 COUNCIL MEMBER COMRIE: So there's
25 no reduction in the below the garden areas? There

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2 won't be any expansion of construction below the
3 garden area?

4 LYNNE BROWN: No. In fact, I think
5 one of the importance points we were able to make
6 in our discussions with Councilwoman Chin and many
7 others is that below grade space for us, although
8 not always considered optimal [phonetic] space for
9 other developers is actually quite helpful to us
10 in being able to meet our academic needs
11 specifically on those northern blocks for
12 classrooms, and the reason the classroom below
13 grade are so important there is by the time we get
14 to the northern block in phase two, we will have
15 finished most of our renovation of our existing
16 buildings outside the superblocs to be able to do
17 a major renovation and expansion into the
18 sciences. That is very important for a university
19 to stay current with sciences. We have plans that
20 we're already moving forward on to convert
21 existing buildings for sciences, but one of the
22 effects of that is that we displace 40 to 50
23 classrooms, working classrooms, now to be able to
24 bring on the science facilities, so the below
25 grade space on the northern blocks allows us to go

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2 as many as four levels down, and that will be
3 vital space for us to be able to move the 40 to 50
4 classrooms we need that we will have displaced in
5 renovation our science facilities.

6 COUNCIL MEMBER COMRIE: And the
7 boomerang buildings, you did reductions from 11
8 stories to 4 stories and you maintain 1 at 8
9 stories, but you brought down the density of the 8
10 story building and that was brought down from—

11 ALICIA HURLEY: [Interposing]
12 Alicia Hurley. It was brought down from City
13 Planning had approved the LaGuardia Building at
14 135,000 square feet. The City Council proposal
15 would be 114,000.

16 COUNCIL MEMBER COMRIE: And that
17 will allow the smaller footprint and more of the
18 existing gardens to be maintained?

19 ALICIA HURLEY: That's right.

20 COUNCIL MEMBER COMRIE: Now can
21 you—just talking about the garden space, the dog
22 run that folks were concerned about, will that be
23 maintained and preserved and where will that be
24 located? And if you could just talk about the
25 other new transfers of public and accessible space

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2 because we talked about losing the space on
3 Houston Street, but with the expansion of the
4 Zipper Building, and how will that be reallocated
5 and where will that be assigned?

6 ALICIA HURLEY: Okay, so currently
7 there is a dog run at the corner of Houston and
8 Mercer Street, which is sitting flush against our
9 Coles Gymnasium, which is a brick wall, so that
10 works. The idea is to take the dog run and work
11 with them to move them to the other side of the
12 new building onto NYU property. It's a landmarked
13 site, but we already have the approval to convert
14 it to a dog run. We're working with the Dog Run
15 Association that runs the dog run to sign a lease
16 for them to use our property. The idea of the
17 footprint of the Cole's Gymnasium versus the
18 Zipper, the footprint stays the same, but it does
19 shift toward the street wall, and the idea there
20 was not to have a 30 foot sidewalk in front of a
21 large building, also to make sure we were in
22 compliance with how the building on the other
23 side—there's a certain distance you have to have
24 to have between windows, so we had to observe
25 silver towers as we were looking at all of this.

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2 So the idea is to push the building toward Mercer
3 Street, still allow a generous 15 foot sidewalk,
4 but create on the other side of the new Zipper
5 Building, a generous 25-28 foot pedestrian walkway
6 that will have plantings and benches, and the idea
7 behind the public atrium is to put it somewhere
8 along that walkway so that people have this
9 amenity that is all joining together. There will
10 also be a new playground installed on the
11 landmarked site just north of the dog run.

12 COUNCIL MEMBER COMRIE: And those
13 properties will be maintained by NYU?

14 ALICIA HURLEY: All by NYU. All
15 built and maintained by the university.

16 COUNCIL MEMBER COMRIE: And plus
17 the endowment fund. Is that in addition to the
18 maintenance of the NYU or - - ?

19 ALICIA HURLEY: The endowment is
20 really to ensure so—the desire was that the
21 university makes sure that for the public spaces
22 particularly that we can't default on our
23 obligation and so we were asked to set aside
24 funding so that there is a certainty of a flow of
25 funds to maintain those spaces so that in 20 years

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2 if it's not--grass is not a priority for a
3 president, it doesn't matter, the funds exist.

4 COUNCIL MEMBER COMRIE: And also
5 just to--I have many other questions. I know other
6 members have questions, but just to talk about the
7 MWLBE, what are you going to do to ensure
8 compliance and to ensure that there is community
9 participation and how will notification be done?
10 Will that be done to the member or the Council,
11 the community board to ensure that there is
12 compliance numbers that can be realized, that
13 people can understand?

14 ALISON LEARY: Alison Leary. As
15 you note, tracking and reporting these numbers
16 would be very important to ensuring our commitment
17 and toward that end, I'm assessing right now the
18 internal resources and the external resources we
19 will need to put in place to make sure that we can
20 make good on those commitments. Additionally, we
21 have some existing systems that we can adapt to
22 help us meet this commitment and ease the ability
23 to report. There are a number of details we will
24 need to work out in order to make sure that we are
25 meeting our commitments to your satisfaction.

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We're committed to doing so.

COUNCIL MEMBER COMRIE: And those details will be worked out before the 25th?

ALISON LEARY: Before the 25th?

COUNCIL MEMBER COMRIE: Yes.

ALISON LEARY: The details that we have been able to work out are already outlined in your packet. I think it's just an outline and there is definitely a lot more we need to put in place to flush that out. That will not be done by the 25th, but I'm committed to getting that in place over the next six months or so, certainly before we start awarding contracts, so that we can meet these commitments.

COUNCIL MEMBER COMRIE: Okay. I think we need to talk about that a little bit more because I'd like to see as much done before the final vote is possible. Also, just one last question, on the facts of construction, how will you mitigate the impact of the construction to the residents in the area and what will be done to ensure that there is a minimum intrusion to existing residents and homeowners in the area on the construction?

ALISON LEARY: Alison Leary again.

We have a number of steps and they have been outlined in a fair amount of detail in information that has been provided to you. They are comprised of a combination of steps that will be taken in the residents' apartments, which include installing additional windows for sound and dust attenuation, modifying the air conditioning units and the openings through the walls for the same purpose. We also have a number of steps that will be take on the sites. We're limiting the hours of construction. We're taking a number of dust mitigation steps. We're taking in a number of sound mitigation steps, including installing barriers and other sound attenuating construction barriers to help with that. We're imposing in our construction contracts a number of requirements including limiting how long trucks can idle for example and using low sulfur diesel fuel, trying to locate noisy equipment away from residential areas. It's really quite comprehensive and all of the details are included in the information that we have provided.

COUNCIL MEMBER COMRIE: And that

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2 has been detailed already? We don't have all of
3 that in front of us yet, but I'm sure the Council
4 Member has it and we'll get that - - .

5 ALICIA HURLEY: I'm sorry. It's
6 Alicia Hurley. To be clear, that is all outlined
7 in the restrictive declaration - - .

8 [crosstalk]

9 COUNCIL MEMBER: Oh, it's in the
10 restrictive dec [phonetic]. Okay. Okay.
11 Alright. Thank you. Mr. Chair, I want to thank
12 you as well for all of your work and diligence.
13 You have been a great subcommittee chair with a
14 high level of integrity in making sure that all of
15 the hearings and meetings were held at a very
16 structured and coordinated and open manner. I
17 just want to thank you for all of your work in
18 making this happen.

19 CHAIRPERSON WEPRIN: Thank you,
20 Chair Comrie. I'd like to now call on Council
21 Member Robert Jackson, another member of the
22 Subcommittee.

23 COUNCIL MEMBER JACKSON: Did you
24 all hear me there before? So let me thank you for
25 your advocacy on behalf of the people that you

1
2 represent. Even though I know that some of those
3 individuals will still disagree, but as you
4 indicated when you gave your opening statement
5 during the hearing and which was held
6 approximately two weeks ago that at the current,
7 the way the plan was proposed that you disagreed
8 with it and you felt the need to be a lot of give
9 and take in order to move this forward. Listening
10 to you today, you are clearly an intelligent
11 articulate individual and in my opinion have your
12 heart and mind on behalf of the constituents
13 overall that you represent, so I thank you on
14 behalf of myself as someone that has been through
15 this process with Columbia University, along with
16 my colleague, Inez Dickens and others. I thank
17 you for your advocacy and your intelligent,
18 articulate voice in this particular matter. Let
19 me just say that I've said two individuals that
20 I've spoken to that not being directly involved in
21 the negotiations, not being in that community and
22 attending hundreds of meetings over the past
23 several years, I don't know all of the ins and
24 outs and details. And I speak for myself as a
25 member of the City Council, who lives in

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2 Manhattan, but also I know that as other members
3 of the City Council, meaning 51 of us, many of us
4 are in the same position that I am in, and what we
5 do is we depend on the City Council staff and
6 people that are involved in the negotiations to
7 reach a solution to this particular matter
8 considering the time frames in which we are
9 governed by and as such, what I'm hearing today is
10 that we have reached that point where a
11 recommendation is being made to vote yes on this
12 particular matter, and so I have a couple of
13 questions because in talking to some of the
14 residents of that area, one of the issues which
15 was brought out publically which was even
16 mentioned today is the issue of trust and the
17 issue that NYU has broken commitments on various
18 things in the past. I've heard that from more
19 than one individual. I ask the question today on
20 all of the commitments that were indicated in your
21 presentation and that may have been put forward in
22 writing, I want to hear from the officials of NYU
23 that you will honor these commitments and will not
24 break these commitments so that in the future we
25 will not hear from residents and others that NYU

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2 has reneged again and broken their promise to the
3 members of their community with respects to all of
4 the things that have been outlined here, and
5 especially when it relates to public park and
6 access and all of the things that have been
7 outlines, so I ask you whether to not you promise
8 not to break any of the commitments and is there
9 an enforceable agreement anywhere in this
10 particular matter?

11 LYNNE BROWN: Thank you, Council
12 Member Jackson. Lynne Brown. I think the
13 operative word is actually to move beyond trust to
14 verify, and I think one of the prime motives and
15 in her discussions with us over these weeks with
16 Councilwoman Chin, this is what she was after.
17 Trust, but verified and verified is more
18 important. The set of commitments in the
19 restrictive declarations have the force of
20 covenant and law behind them, and she wanted us to
21 go beyond that, which is why have the letter
22 before you from President Sexton and we have
23 committed to actually posting all of those
24 commitments and promises prominently on our
25 websites, inviting the community and others to go

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2 to it at any point that they feel one of those
3 commitments is not being met. They will be able
4 to be in touch with us and the Councilwoman and
5 others to say that. We have committed to anything
6 we have put in writing before you. Certainly the
7 restrictive declarations, but even in the sidebar
8 letters to commit to. I think that's also an
9 important reason and motive for the Councilwoman
10 to ask to beyond talk the talk walk the walk and
11 put money on the table to make sure that those
12 promises would be kept, and that id what we have
13 done. On a personal note, I also don't want to
14 face Margaret Chin if she is disappointed.

15 COUNCIL MEMBER JACKSON: So also, I
16 was looking at on page 11 where it says future
17 modifications. It says create a construction
18 committee to liaison with the university on
19 construction matters. I make the assumption that
20 these committee members will involve people from
21 the community. Has that been established in
22 detail or that is to be worked out along with the
23 Council Member. Can you explain that if you can?

24 ALICIA HURLEY: It's--the language
25 right now actually, the borough president of

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2 Manhattan and the community board 2 who will
3 decide who is on the committee and what that
4 committee does and our responsibility to work with
5 that committee, provide them aspects of the
6 reports from the independent monitor who is
7 monitoring the construction and to provide them
8 information. We will liaise with them. The
9 obligation is to be at the hands of the community
10 board and the borough president of the creation of
11 that committee as it should be. It should not be
12 created by the university.

13 COUNCIL MEMBER JACKSON: So what
14 about the open space committee. Same thing?

15 ALICIA HURLEY: There's a lot more
16 information about the open space oversight
17 organization-

18 COUNCIL MEMBER JACKSON:
19 [Interposing] In essence I'm raising the issue of
20 any committees or groups that are going to be
21 established, I want to make sure that NYU doesn't
22 control those situations.

23 ALICIA HURLEY: That's right.

24 COUNCIL MEMBER JACKSON: Basically,
25 in order to ensure as you talked about, trust but

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2 verified. Because NYU is a huge educational
3 institution in the city of New York and in our
4 country and some people say it's too big, and it
5 should be cut down to size, so in order to grow
6 appropriately, you have reached an agreement in
7 substance and in this particular process we will
8 be voting on in order to make sure that the growth
9 happens, but also to protect the community, so I'm
10 concerned about committees that have been put into
11 the agreement, but have not been established and
12 making sure that NYU doesn't control those
13 committees.

14 ALICIA HURLEY: The open space
15 oversight organization will be a separate 501c3
16 that will be established at the university's
17 expense. There will be five members, four of them
18 appointed by elected officials, one by the Parks
19 Department and one for the university, so
20 certainly no control.

21 COUNCIL MEMBER JACKSON: And last,
22 you had indicated in one of the buildings that
23 there was going to be a childcare center that's
24 going to be run independently by an independent
25 organization, a 501c3, I make the assumption. So

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2 is that for a 10 year period of time, 20 year
3 period of time or in 10 years it will be there and
4 then it won't be there again? You may change your
5 mind?

6 ALICIA HURLEY: Our obligation is
7 for the life of the facilities, and that as long
8 as there is a viable person who wants to run it
9 that we will make the space available. We've
10 worked out rent arrangements and how to make sure
11 that we can attract tenants. Currently just so
12 you know we currently already have a nursery
13 school and a day care center in the facilities.

14 COUNCIL MEMBER JACKSON: So you say
15 the life of the facility. Do you mean as long as
16 you have a viable operator to operate it or the
17 life of the building? Are you planning on tearing
18 down the building in five or ten years?

19 ALICIA HURLEY: No.

20 COUNCIL MEMBER JACKSON: I'm just
21 asking because these are obviously concerns that
22 people have because of the lack of trust and
23 people have indicated broken promises before.

24 ALICIA HURLEY: Right. So for
25 instance, so the space that we identified in

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2 Washington Square Village, those are large
3 residential buildings. Those aren't going
4 anywhere. Those house thousands of people so that
5 ground floor space that's already where an
6 existing daycare nursery is, so there's an
7 expansion of that program. The other commitments
8 for the new buildings are they will as long as
9 that building is standing 150 years from now would
10 be probably more appropriate, not a five ten
11 [phonetic]. We don't build buildings and tear
12 them down. It's much more on that horizon that we
13 can make these commitments right now.

14 COUNCIL MEMBER JACKSON: Mr. Chair,
15 thank you and I thank everyone involved.
16 Margaret, I thank you and your staff and all of
17 the staff involved in order to bring us to where
18 we are today. Thank you.

19 CHAIRPERSON WEPRIN: Thank you
20 council Member Jackson. Before I call on Council
21 Member Lappin, who is the last member of the
22 Subcommittee with a question, colleagues, if we
23 could just keep the questions as short as
24 possible. Not that you went on long, but you did
25 not. I don't want to put a clock on the

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2 colleagues, so just we have a number of people
3 still to ask questions. With that, Council Member
4 Lappin?

5 COUNCIL MEMBER LAPPIN: Thank you.
6 I will try to be as brief as possible. I have
7 also as many of the other committee members have
8 heard from and met with concerned residents
9 throughout this process and something that has
10 come up repeatedly is a question that I wanted to
11 pose to you today give your expansion as near as
12 Brooklyn and as far as Abu Dhabi, how you will be
13 financing this proposal that you presented to us
14 today?

15 LYNNE BROWN: This is Lynne Brown,
16 and this came up at the hearing as well where we
17 did have our Chief Financial Officer and our Chief
18 Fundraiser submit documentation, so I'll go
19 through the way we typically approach a building
20 project. It's a mixture of philanthropy, debt
21 financing—we do take on a common practice among
22 universities taking on a capital project is to
23 take on some debt—and working capital, as working
24 capital project, it's part of our rolling capital
25 budget and plan. You retired debt; you're able to

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2 get a ceiling and take on more. We do think this
3 will be the centerpiece of a major fundraising
4 project. Four years ago NYU successfully
5 completed the then largest fundraising campaign of
6 any private university in the country—over \$3
7 billion. This will probably be the center piece
8 of a fundraising campaign that is even more than
9 that. We have extremely good rating from the
10 rating agencies and I would say that as a
11 benchmark over the last two decades, NYU has been
12 bringing on new and renovated space at about
13 200,000-300,000 square feet a year. What we are
14 projecting for this plan over the course of 20
15 years does not outpace that ability, so we've been
16 able to do it the last two decades, and this is
17 bringing on projects at just about that same pace.
18 We feel very comfortable. We have a board of
19 trustees, some of whom are leading realtors in New
20 York City. They do not let any building project
21 go forward unless they assured it's on a sound
22 financial footing from beginning to end.

23 COUNCIL MEMBER LAPPIN: And I said
24 Abu Dhabi. It is actually Dubai or it is Abu
25 Dhabi?

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2 LYNNE BROWN: No, you're right. It
3 is Abu Dhabi.

4 COUNCIL MEMBER LAPPIN: And there
5 are no planned tuition hikes?

6 LYNNE BROWN: Well, that's a
7 somewhat separate issue. Usually within--the
8 conversation about tuition has more to do with
9 your operating budget and the pressures that are
10 on operating budgets from a number of a factors; a
11 small part is debt service, and so that's where a
12 capital project presses in upon the operating
13 budget. We think this project would only increase
14 our debt service by one or two percentage points,
15 but that's the balance of private university in
16 particular is always struggling with costs of
17 salary, faculty. The driver of most costs in
18 education is labor, and those are the factors you
19 take into account with trying to moderate tuition.
20 You try to raise money. You try to put dedicated
21 resources into scholarship funds. You have to pay
22 your faculty and staff and you have to keep your
23 existing buildings in shape, so there is always
24 upward pressure on tuition, but I think most
25 people would tell you, it's not linked to your

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capital projects except through the debt service.

COUNCIL MEMBER LAPPIN: Okay. In terms of the community dedicated space, I just want to be crystal clear. The school if it is not a school will remain a community facility forever. Correct?

LYNNE BROWN: On that site on the Bleecker Building, if SCA now the way the plan would take the entire site—

COUNCIL MEMBER LAPPIN:
[Interposing] Right.

LYNNE BROWN: --the full 100,000 square feet. Building the school would be an expense that the city would have to bear in the plan, and if SCA decided to go ahead by 2014, the site would be theirs. They would build it out. If they decide not to build it by 2014, the site reverts back to NYU with NYU's commitment that on that site, we will build core and shell [phonetic] and fit out 25,000 square feet for a community facility of some use.

COUNCIL MEMBER LAPPIN: Okay. And that is in addition to a new enlarged preschool facility and then a separate facility that may be

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used for either senior use or child use?

LYNNE BROWN: That's correct. So it comes to close to 40,000 square feet spread over the site at different time periods for non-NYU dedicated community facility use.

COUNCIL MEMBER LAPPIN: Thank you.

CHAIRPERSON WEPRIN: Thank you, Council Member Lappin. I am now going to turn to some members of the Land Use standing Committee. I'd like to call on Charles Barron followed by Inez Dickens.

COUNCIL MEMBER BARRON: Thank you very much. You know, we talk about trust. This is not a body that should just ask you, "Can you be trusted?" I want to encourage us remember when President Sexton came to our Committee or came to this body and here he said, "I hope you have the courage to vote yes on this project." I'm asking my colleagues that I hope you have the courage to vote no on this project. We have to listen to the people in our communities that are affected most and a lot of faculty members was against this project, Community Board 2 is against it, 40 members of the board voted against it. They have

1 a whole list. I read this thoroughly and I'm
2 wondering if you all read through all of their
3 concerns from noise, from traffic congestions,
4 from affecting affordable housing, from changing
5 the character of the community, from expanding a
6 university as Columbia did. These are
7 neighborhoods. These are not university towns
8 where you can come in expand your university so
9 that a community becomes less and less of a
10 community and more of a campus. This and open
11 space should be determined by the people of the
12 community, the kinds of buildings, the height even
13 you modify, should be determined by the people of
14 the community. Most of us don't live us. Most of
15 us that will be voting on this project don't live
16 in the community, but yet we're going to give the
17 NYU as we did Columbia and Columbia is a notorious
18 real estate agency I think in Manhattan, and we're
19 going to regret this vote. I know nothing comes
20 here without the votes being in place, but I'm
21 asking my colleagues as much work that has been
22 done that this thoroughly put together document by
23 Community Board 2, we should send them back to the
24 drawing board and make them respect the wishes of
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2 the community and vote no on this project. I'm
3 going to ask you some things from this that I
4 would like some answers to. Even the president
5 understands the faculty might even be prepared for
6 a vote of no confidence for your president and
7 students that graduate from NYU I understand that
8 the average debt they are in is \$43,000, which
9 across the country is only \$23,000, so this is for
10 students and faculty—even the faculty and the
11 students are having problems with the
12 administration. I just think that some questions
13 need to be answered. One, did you read this
14 report thoroughly from Community Board 2 and all
15 of their concerns—I mean from environmental
16 concerns to character change concerns to not
17 believing that the open space and parks that you
18 promise are going to be the kinds of open space
19 and parks that this community wants? It's so
20 much. What has your response been to all of these
21 issues?

22 LYNNE BROWN: This is Lynne Brown.
23 We have read carefully the document from the
24 community board and we were engaged with them for
25 several years through this process and over three

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2 dozen presentations and meetings. It was a frank
3 and candid exchange of views. We knew some of the
4 concerns from the past that the community board
5 had expressed. All I can say is that what we
6 tried to do in this is a couple of things; one,
7 one of the impetuses for us beginning this
8 planning process was a fundamental complaint from
9 the community that we had never put a plan on the
10 table so leaving aside for the moment what people
11 think about the plan--and there are disagreements
12 about it--we thought and I thought actually
13 understandably the community had come to us and
14 said, "We don't know what you're doing next. You
15 look for opportunities in the neighborhood. You
16 look for real estate opportunities; sometimes you
17 take them and you build. What we would like is a
18 roadmap and a blueprint." And actually that's what
19 we spent three or four years trying to put on the
20 table. Again, separate from whether you like the
21 roadmap or the blueprint, it was a concerted
22 effort by us to say this is what we think we need
23 and this is why we think, trying to concentrate it
24 on our own footprint to your point; not expanding
25 out into the neighborhood with one off [phonetic]

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2 projects, but having something that concentrated
3 in our own area was a considered way to go. So
4 that was our motive. We have worked closely with
5 the community board. We have read all of their
6 documents, and we have tried to be as responsive
7 as we could in the plan as it's evolved over these
8 five years.

9 COUNCIL MEMBER BARRON: Alright.

10 But it does appear from me reading these documents
11 and looking at your plan that they are
12 diametrically opposed to just about everything
13 that you have planned, and this is the community
14 that lives there. Even when they say more
15 students will be coming and more people will be
16 coming and they will cause traffic congestions
17 that will impact hospitals. They just closed down
18 a hospital in the area, so that will impact
19 medical services. It will impact emergency
20 vehicles--all of this and that is just the
21 environmental impact. That's not even talking
22 about scores of other things and I just think that
23 too often this body, we, this is a so-called
24 representative democracy and we're supposed to be
25 represented the people, not NYU. We're supposed

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2 to be representing the best interests of the
3 people, not using our power to diametrically
4 oppose the things that the people are requiring or
5 asking us to do, so once you get this vote today,
6 you can promise all you want. You can say you're
7 going to verify all the things you want. You
8 don't have to. The bottom line is that once we
9 give up our power and vote for a project that the
10 people of that community diametrically oppose;
11 can't you understand the frustration that a
12 community will have if so much of this document is
13 not adhered to? It's thick and it's so many
14 issues, and I've read it thoroughly and I've
15 listened to your presentation and your
16 presentation doesn't meet hardly anything in this
17 document that the majority of the community are
18 concerned about, so I just want to encourage my
19 colleagues once again to do the opposite of what
20 President Sexton said. Have the courage to vote
21 no. Force them back to the community and make
22 them respect the thorough job, the reasonable,
23 logical job of the people that live in the
24 district and will be affected most by it. Thank
25 you.

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2 CHAIRPERSON WEPRIN: Thank you,
3 Council Member Barron. I'd like to call on
4 Council Member Inez Dickens from Manhattan
5 followed by James Sanders - - .

6 COUNCIL MEMBER DICKENS: Thank you,
7 Mr. Chair, for allowing me to ask some questions
8 when I am not a member of Zoning. I do want to
9 commend the Council's Land Use staff, particular
10 Gail Benjamin [phonetic], who worked very hard to
11 try to address the concerns of both the developers
12 and in this case, NYU, and the people, the
13 community. I want to thank Council Member and
14 chair of Land Use, Leroy Comrie, for this long and
15 dedicated hours and to Council Member Margaret
16 Chin in whose district this development actually
17 will occur because it's very difficult to go
18 through a ULEP [phonetic] process. I've been
19 through one, and it's hard and difficult because
20 you try to address the issues of your constituents
21 as well as to recognize that development is going
22 to go forth and looking to the future to try to
23 ensure that there are benefits that are inherent
24 for the community, the residents, the growth of
25 the city as well as the community. Having said

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2 all of that, I have a question about that \$150,000
3 endowment. An endowment usually means the
4 principal stays in the bank and the interest is
5 what is used. Is that what I hear because it
6 seems to be a significant shortfall here for the
7 maintenance of gardens, open space, dog runs, play
8 yards, atrium and even if it's the principal, it's
9 a shortfall, so I'm asking about that because
10 you're agreeing to do the maintenance and I
11 assume-well, I shouldn't assume-I'm going to ask
12 does that mean maintenance in perpetuity - -
13 150,000?

14 LYNNE BROWN: Lynne Brown. No,
15 they're separate. The maintaining of the space
16 would be NYU's responsibility as part of our
17 general budget and our space and the way that we
18 maintain all of our current buildings and space.
19 That is out of our budget every year.

20 COUNCIL MEMBER DICKENS:
21 [Interposing] What is the 150,000?

22 LYNNE BROWN: The 150 is-I'll ask
23 Alicia...

24 ALICIA HURLEY: I'm sorry. Alicia
25 Hurley. So, Councilwoman, thank you. So the idea

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2 was just making sure that there is an endowment to
3 ensure that there is funding particularly for the
4 public spaces so these are the spaces - - the
5 spaces that are going to become parkland as part
6 of our application. The university is also
7 obligated to maintain all of our own property,
8 which is the area which will become privately
9 owned public space open to the community. That
10 will be separate from the 150. What we did right
11 now is set aside an endowment in the area of \$3
12 million to ensure that a certain amount every year
13 can be assured to provide interest and use that
14 for the maintenance and operation. We don't have
15 the maintenance budgets yet. That will be
16 something that happens once the parkland is
17 developed. DPR, the Parks Department will work
18 with us to come up with maintenance budgets at
19 that time. That will be ten years from now at
20 least, and at that point that will become the
21 budget that we will be responsible for, whether
22 the 150 is adequate at the time, we're unsure but
23 we wanted an upfront commitment to make-

24 COUNCIL MEMBER DICKENS:

25 [Interposing] So, then if it's not-if it is

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2 inadequate, you will increase that amount
3 accordingly based upon the budget? 'Cause I can
4 already tell you that is woefully shortfall today,
5 let alone in ten years.

6 ALICIA HURLEY: That's correct.

7 COUNCIL MEMBER DICKENS: Aright.

8 Now I am sorry. What is your name? Would you
9 please...? Because now my next questions will be
10 addressed to you. I have been reading through
11 your proposal for the MWLBE utilization plan. I
12 didn't see anything in here that addressed soft
13 costs such as insurance, architect, engineering,
14 expeditors, et cetera that are inherent in any
15 construction or development and I see nothing in
16 here as relates to soft costs. MWBE, MWLBE or
17 MBE.

18 ALISON LEARY: Yes. Alison Leary.

19 So I think in terms of total project cost, which
20 as you note includes soft costs and hard
21 construction costs and it's my understand and
22 certainly my intention that we would look at our
23 total project costs and strive to achieve the
24 targets we have set out based on a total project
25 cost basis including soft costs in addition to

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hard costs.

COUNCIL MEMBER DICKENS: Alright, because I see nothing in here that would lead me to believe that soft costs will become a part of that and that's a concern that I have because we always ask about construction, but there's money in the soft costs--

ALISON LEARY: [Interposing] Right.

COUNCIL MEMBER DICKENS: --and all development and we've got to begin to address that because we have insurance brokers, we have architects, we've got engineers, we've got expeditors, we've got all of that that are MWBEs and that's never addressed by any developer, so we've got to begin to address that and not just ask about the - - , which is - - . What will be in here? Council Member Chin, I'm asking is there anything that you plan to do to change this to incorporate soft costs for MWLBES?

ALISON LEARY: May I respond?

Alison Leary again. I think we do have a brief mention, but I think in order to be responsive to Councilman Comrie's and your concerns, we should over the next week expand our existing proposal to

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make sure that your concerns have been addressed.

COUNCIL MEMBER DICKENS: On page 2 have you identified a firm or hired a firm that will be your compliance firm for MWLBE?

ALISON LEARY: Alison Leary. We have not yet identified a firm. We have started to develop a request for proposals in order to begin to solicit those proposals and engage a firm.

COUNCIL MEMBER DICKENS: The reporting that is done that you mentioned in here, who will get those reports other than NYU?

ALISON LEARY: Alison Leary. It's obviously our intent to be transparent and to report to the City Council, to Councilwoman Chin and anybody else that has an interest and need to receive those reports.

COUNCIL MEMBER DICKENS: Now this is a question, on page 2 next to the last paragraph, you mention the compliance team will monitor payments to contractors who have subbed [phonetic] to MWLBE subs the amounts paid to the subs that are paid to other MWLBES will be credit to the contractor only once for the purposes of

1 tracking. Now I get an understanding of this
2 because historically subs that are MWBEs have
3 problems because the payments are slow and the
4 contractors are huge contractors that can afford
5 to have a payment held up and slowed down, but the
6 subs cannot. So I'm very concerned that even
7 though you're putting these requirements in that
8 if they don't get paid, many of the subs don't
9 want to even participate in these developments for
10 that very reason.

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12 ALISON LEARY: Alison Leary.

13 COUNCIL MEMBER DICKENS: You don't
14 have to keep saying it. It's alright.

15 ALISON LEARY: I'm sorry. I just
16 want to follow instructions.

17 CHAIRPERSON WEPRIN: Actually, you
18 do. Thank you. You guys are doing great at that.

19 ALISON LEARY: We recognize that
20 many of these firms are small enterprises and/or
21 just getting started and trying to get their
22 financial footing. I'm very sensitive to that and
23 we will take steps to make sure that we keep their
24 cash flow healthy.

25 COUNCIL MEMBER DICKENS: That was

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2 nice. Now the bids, you mention in here from
3 between two and three about working with certain
4 agencies - - as well as the Empire State et
5 cetera, which I'm not impressed with their list.
6 They all have lists of MWBEs. They don't update
7 them. They haven't even encouraged participation
8 by MWBEs and so working with them is just part of
9 that's not impressive. What are you actually
10 going to do to ensure that with all of these 25
11 percents [phonetic] and the 20 percents and the 15
12 percents of area residents et cetera that would
13 get job employment out of this development? Where
14 is the teeth for enforcement in this document? I
15 don't see that anywhere in here because
16 historically what contractors do is they say, "Oh,
17 guess what? I agreed to 25%, but you know what?
18 I can't find a person that can do this job, so
19 therefore, I've got to move forward and I don't
20 comply." We historically have allowed contractors
21 and developers to get away with that. That has
22 got to stop. We have got to begin to put teeth
23 into these agreements that there are penalties
24 realized for failure to comply with all the things
25 that are put in, which sounds nice, very pretty on

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2 print, has absolutely no meaning and significance,
3 so where's the teeth to this? Where's
4 enforcement?

5 ALISON LEARY: Alison Leary. I
6 think some of the teeth come as Lynne described in
7 the force of the approvals that we obtain and the
8 covenants that bind us to these commitments as
9 well as our obligation to meet our commitments and
10 report to Councilwoman Chin. We intend to hold
11 our contractors contractually liable for meeting
12 these obligations. Certainly is part of our
13 process for soliciting proposals and bids from
14 whether it be architects, engineers, contractors
15 and the like, will be for them to demonstrate to
16 us their willingness and ability to commit to
17 achieving meaningful participation. It's very
18 important to me to make sure that we're not just
19 hitting numbers for the sake of hitting numbers.
20 I want to make sure that the participation is
21 meaningful and that we're distributing the
22 financial benefit to as wide a cross section of
23 the community as we possibly can. You have my
24 personal commitment. We are promising to report.
25 We are promising to hold our contractors and

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2 service providers liable. We are promising to
3 withhold the prime contractor's payments if they
4 fail to comply with our requirements and I think
5 at the end of the day, the proof will be in the
6 pudding when we produce our reports and the
7 results that we hope to obtain.

8 COUNCIL MEMBER DICKENS: It sounds
9 very nice. I'm sorry that I don't agree that you
10 will do that. I have not stated how I intended to
11 vote, but you know, this is another agreement on
12 paper that I don't think is enforceable because
13 there's no teeth to it. It has no mean for MWBEs
14 offer [phonetic] the area residents. Don't raise
15 your hand so fast because I didn't say I wasn't
16 going to vote for it yet, but I am going to
17 question because these dire times, the area
18 residents need those jobs. Alright. Well, thank
19 you. Thank you.

20 ALISON LEARY: Thank you.

21 CHAIRPERSON WEPRIN: Thank you,
22 Council Member Dickens. Council Member James
23 Sanders followed by Council Member Mendez.

24 COUNCIL MEMBER SANDERS: Thank you.
25 It's rough around here. I will be—they gave me

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2 the power back, I will be quick. Ms. Leary, what
3 is your title?

4 ALISON LEARY: My title - - ? My
5 title is executive vice president for operations.

6 COUNCIL MEMBER SANDERS: Okay. I
7 too have questions about MWBE. Many of them have
8 been given by the people who spoke before me. I
9 am especially interested in what penalties will
10 take place if these worthy goals are not met. I
11 am also concerned about the idea of after an
12 agreement is signed then we will fill in the
13 blanks. That's usually not a good way to go about
14 these things. There are many people on this
15 Council and other places who have a lot of
16 experience. I'm the author of Local Law 129.
17 There are many people who have a lot of experience
18 about this that could help you fill in the details
19 before the vote and outside of this Council there
20 are many organizations that are worthy and could
21 be useful to you. I stand willing--as all of my
22 colleagues I'm sure up here do--to supplement, to
23 give you any information that you need. I too
24 want to know the reports back in the future. That
25 short enough, Mr. Chair?

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2 CHAIRPERSON WEPRIN: Thank you very
3 much, Mr. Sanders. I'd like to call on now
4 Council Member Rosie Mendez.

5 COUNCIL MEMBER MENDEZ: Thank you,
6 Mr. Chair, particularly for getting my name right.
7 I like that. So if you could just explain to me
8 about the 150,000 what it covers, name all of the
9 open spaces, all of the parks, the dog run if it's
10 included, can you just walk us through each and
11 every open space and what that 150 would cover and
12 what this something of credit--whatever it was--is
13 going to cover?

14 ALICIA HURLEY: Alicia Hurley.
15 Those are two different items. The line of
16 credit, the letter of credit, that's the assurance
17 piece that will be tied to the two parklands--
18 remember this application is mapping as parkland--
19 two public spaces between 3rd Street and Bleecker
20 on LaGuardia and Mercer. Those DOT now [phonetic]
21 DOT, Department of Transportation strips will
22 become parkland subject to easements that the
23 university has worked on with the city. Those are
24 the primary areas that are focused for the
25 \$150,000. It's also the primary focus for where

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2 the letter of credit. The letter of credit will
3 be established based on 150% of the management,
4 the operating expenses that will be determined
5 once those are actually designed, so the request
6 to us was early on to make sure that we've got
7 money on the table to make sure that we can go in
8 and do work around the site to improve the
9 maintenance and operations, but that 150 is
10 specifically for those, the rest. So the dog run
11 is actually a private dog run. It's a members'
12 organization. They maintain themselves now. We
13 have helped them on the fit out of their space.
14 We will do that again, but that's a private entity
15 and they pay for themselves. All the other public
16 land will just become part of our operating budget
17 as Sasaki [phonetic] Garden is today, as other
18 areas are today that we maintain.

19 COUNCIL MEMBER MENDEZ: With the
20 150 and the line of credit?

21 ALICIA HURLEY: No. Separate
22 operating budget.

23 COUNCIL MEMBER MENDEZ: Will be
24 maintained.

25 ALICIA HURLEY: That's right. We

1
2 have gardeners. We have a troop of people right
3 now who take care of planters and Sasaki Garden
4 and the areas around the buildings.

5 COUNCIL MEMBER MENDEZ: And LMNOP
6 [phonetic], that falls under the 150 and the line
7 of credit? Is that correct? Is that on that
8 site?

9 ALICIA HURLEY: That's right. The
10 Mercer site.

11 COUNCIL MEMBER MENDEZ: Okay.
12 Thank you. And then my other question is about
13 community use. Currently the community uses Bobst
14 or your libraries and the gym. Is that correct?

15 ALICIA HURLEY: We have paid
16 memberships to Bobst Library as well as the Coles
17 Gymnasium.

18 COUNCIL MEMBER MENDEZ: And so can
19 you talk me through what that is right now? How
20 many memberships? How much does it cost? Is that
21 going to increase the amount of memberships to the
22 community for any of those sites?

23 ALICIA HURLEY: If you don't mind,
24 Councilwoman, I'd like to send you that
25 information just so I have all of the numbers and

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2 data and it's available some of it on our website,
3 but I will send that to you as a follow up, but
4 the idea is to maintain certainly the Bobst
5 Library is not changing, access to the new gym is
6 intended to stay as it is today. The primary
7 access that the community uses our facilities for
8 are for holding meetings and public sessions, that
9 type of thing and provide that free of charge.

10 COUNCIL MEMBER MENDEZ: So the
11 numbers--and you'll get them to me or I could look
12 it up online--will be about the same for community
13 access that you current have now.

14 ALICIA HURLEY: It should be.

15 COUNCIL MEMBER MENDEZ: Okay.
16 Thank you very much.

17 CHAIRPERSON WEPRIN: Thank you. We
18 are going to be moving to a vote. Before I do
19 that, I just wanted to thank all those involved in
20 this process, the people from NYU, the community,
21 Community Board 2. I really have to say you have
22 been so intelligent and cooperation in so much
23 aspects of this. I know a lot of people have
24 concerns still, but just it's been a long time
25 we've been spending together. I made a lot of new

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2 friends... a couple enemies, but mostly friends, and
3 really been terrific. Council Member Chin in
4 particular, thank you so much for the way you've
5 handled these negotiations. With that in mind,
6 I'm going to move the following Land Use items,
7 Land Use No. 632, 633, 634 and 635 with
8 modifications that have been presented here today
9 and I'm going to call on Christian Hilton to call
10 the roll on the vote of the Subcommittee.

11 COUNSEL: Chair Weprin?

12 CHAIRPERSON WEPRIN: Aye.

13 COUNSEL: Council Member Rivera?

14 COUNCIL MEMBER RIVERA: I vote aye.

15 COUNSEL: Council Member Reyna?

16 COUNCIL MEMBER REYNA: Aye.

17 COUNSEL: Council Member Comrie?

18 COUNCIL MEMBER COMRIE: Aye.

19 COUNSEL: Council Member Jackson?

20 COUNCIL MEMBER JACKSON: Aye.

21 COUNSEL: Council Member Vann?

22 COUNCIL MEMBER VANN: [no audible
23 response]

24 COUNSEL: Council Member Lappin?

25 COUNCIL MEMBER LAPPIN: [no audible

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response]

COUNSEL: Council Member Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL: Council Member Lappin?

COUNCIL MEMBER LAPPIN: May I be excused to explain my vote? Well, I wish that this final plan had gone further, but on balance, there were significant changes made in terms of density, height, open space and community dedicated space, and I also want to acknowledge just how hard Councilwoman Chin has worked on this for many, many months and want to be supportive of her and her good work and her efforts and I vote aye.

COUNSEL: Council Member Ignizio?

COUNCIL MEMBER IGNIZIO: Aye.

COUNSEL: By a vote of nine in the affirmative, none in the negative and no abstentions, L.U. 632, L.U. 633, L. U. 634 and L.U. 635 are approved with modifications and referred to the Land Use Committee.

CHAIRPERSON WEPRIN: Okay.

Alright. Well, thank you very much. The Land Use Committee will be meeting immediately after the

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Subcommittee, and with that in mind, the
Subcommittee is now adjourned.

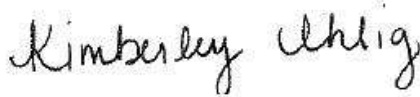
[gavel]

COUNCIL MEMBER COMRIE: Can we
please inform all the members the Land Use
Committee will start right away?

C E R T I F I C A T E

I, Kimberley Uhlig 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.

Signature _____



Date _____ July 28, 2012 _____