

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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May 2, 2013
Start: 1:18 p.m.
Recess: 1:38 p.m.

HELD AT: 250 Broadway
Committee Rm, 16th Fl.

B E F O R E:
LEROY G. COMRIE, JR.
Chairperson

COUNCIL MEMBERS:

Council Member Maria del Carmen
Arroyo
Council Member Charles Barron
Council Member Inez E. Dickens
Council Member Daniel R. Garodnick
Council Member Sara M. Gonzalez
Council Member Robert Jackson
Council Member Jessica S. Lappin
Council Member Rosie Mendez
Council Member Annabel Palma
Council Member Diana Reyna
Council Member Joel Rivera
Council Member Albert Vann

A P P E A R A N C E S

COUNCIL MEMBERS:

Council Member Mark S. Weprin
Council Member Vincent M. Ignizio
Council Member Peter A. Koo
Council Member Ruben Wills
Council Member Margaret Chin

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

William Martin
Clerk
New York City Council

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2 CHAIRPERSON COMRIE: We're going to
3 convene a Committee, the full Committee on Land
4 Use for May 2nd. I'm going to dispense with
5 calling all the Members names, knowing we have a
6 quorum. Some members have to leave. Council
7 Member Maria del Carmen Arroyo would like to vote
8 now because she is supposed to be chairing a 1
9 o'clock committee. So, with all due, if our
10 Council Member Arroyo, can you vote aye on the
11 agenda and knowing htat voting aye on Land Use
12 number 794, 794 Wooster Street and aye's to
13 approve a motion, a resolution to disapprove those
14 applications.

15 COUNCIL MEMBER DEL CARMEN ARROYO:
16 Let the record reflect Charles is objecting but I
17 vote aye on all.

18 CHAIRPERSON COMRIE: All right,
19 thank you. All right, so just to go through the
20 items on the agenda. Everything has been fully
21 vetted in the subcommittee's. We have Land Use
22 number 790, Café Argentino in Council Member
23 Reyna's district, Brooklyn Community Board One,
24 Land Use Item Number 20135372 TCK, it's to
25 continue to maintain an unenclosed sidewalk café

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2 at 499 Grand Street in Council Member Quinn's
3 district. Also to continue to operate an
4 unenclosed sidewalk café at 113 7th Avenue South
5 known as Ofrenda [phonetic] Land Use Number 791,
6 item number 20135340 TCM in Manhattan Community
7 Board Two, in Council Member Koppell's district.
8 This is an item to develop a sidewalk café at 3708
9 Riverdale Avenue, known as the Tin Marin
10 Restaurant and Lounge. That's Land Use Number
11 792, item number 20135376 TCK. Item Numbers 793
12 and 794, as I said, are at 150 Wooster Street in
13 Council Member Chin's district. Items number
14 N1202200 ZRM and C120201 ZSM and that is a
15 disapproval for those applications and we're
16 asking for an aye vote to approve the resolution
17 to disapprove those two applications on the
18 recommendations of Council Member Chin. We also
19 have the Manhattan Core Parking Text Amendment,
20 Land Use Number 75, that affects, 795, sorry,
21 which affects Manhattan community boards 1, 2, 8,
22 item number N130105 ZRM. It affects multiple
23 Council Members and then we have Council Member
24 Lappin's and actually the City's project, the
25 Cornell New York City Tech Campus, which Land Use

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2 Item 796 through 799 which are related. And then
3 Manhattan community board eight and items number C
4 130007 MMM, C130076 ZMM, N 13077 ZRM and C 130078
5 PPM, and then we have one last one, item, another
6 sidewalk café in Council Member Brewer's District
7 at 173 West 78th Street, it's known as Sugar and
8 Plumm, item number 801, Land Use number 801, item
9 number 20135361 TCM. I tried to run through the
10 entire agenda quickly. I just want to note for
11 the record that there has been a lot of work done
12 on the Cornell Tech Campus. I think it's a
13 signature project for the City. We were concerned
14 about the amenities for the Roosevelt Island
15 constituency and I think that Council Member
16 Lappin has done a yeoman's job at trying to make
17 sure that the needs of her community and needs of
18 this city were well balanced and I want to
19 congratulate her. I want to note also for the
20 record that Council Member Reyna's earlier
21 comments that I'm sure she'll repeat again in a
22 minute regarding the projects and how we make sure
23 that the entire city benefits from projects is
24 something that we need to look at more as a body.
25 With that, I would recommend the clerk, I would

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2 recommend a yes vote on all items on today's
3 agenda, reminding folks that a yes on Land Use
4 items 793, 794 Wooster Street is to approve, the
5 aye vote will approve the resolution to disapprove
6 those applications. Mr. Martin, if you can call
7 the roll? Thank you.

8 MR. WILLIAM MARTIN: William
9 Martin, Committee Clerk, roll call vote, Committee
10 on Land Use. Council Member Comrie?

11 CHAIRPERSON COMRIE: Aye on all.

12 MR. MARTIN: Rivera?

13 COUNCIL MEMBER RIVERA: Aye on all.

14 MR. MARTIN: Reyna?

15 COUNCIL MEMBER REYNA: Aye on all
16 except Land Use number 796, 797, 798, and 799.

17 MR. MARTIN: Barron?

18 COUNCIL MEMBER BARRON: May I be
19 excused to explain my vote? I want to join my
20 Council Member Diana Reyna and I appreciate her
21 input on this. You know, many of the projects
22 that the City, Mayor, has united or cooperated
23 with, connected with, University's, like, Columbia
24 University and NYU and now Cornell generally
25 doesn't lead to benefitting the black, Latino and

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2 Asian communities. And these schools have a
3 history of having some challenges around that
4 because of the costly tuition and other kinds of
5 programs. And generally doesn't benefit the
6 immigrant community. The Mayor has used his
7 office to get with these developers, rezone almost
8 40 percent of the city and huge profits are going
9 to these developers and they getting tax breaks
10 from tax free bonds. But we don't see that really
11 translating to highly benefiting the new majority
12 in the city which is 65 percent people of color
13 and the struggling working class families of this
14 city. So, I think we should hear what our Council
15 Member is saying. She may not be saying exactly
16 what I'm saying but in the way she laid it out for
17 us I think it's something that we should give
18 serious thought to. They have all these community
19 issues and they always have these negotiations and
20 there's always some kind of settlement but then
21 after all of this is over with, after we use our
22 power to pass these projects you're going to hear
23 more complaints from the community whether it's
24 around transportation, environment, infrastructure
25 or the project itself. So, because of that I'm

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2 going to vote no on Land Use items 796 to 799,
3 Cornell University Project and aye on all the
4 rest.

5 MR. CLARK: Jackson?

6 COUNCIL MEMBER JACKSON: May I be
7 excused to explain my vote? Thank you. So, while
8 I clearly understand and respect concerns raised
9 by our colleague, Diana Reyna, clearly I think the
10 City of New York needs to be a more comprehensive
11 approach and that's why, for example, communities,
12 like community boards, have 197-A plans that lays
13 out a situation. But it's obvious, as you said,
14 Chair Comrie and what our colleague Jessica Lappin
15 has indicated in the 13 page document is just a
16 more detail, she just briefly described some of
17 the things in which she felt this is a good
18 project overall for our city as far as economic
19 development. Otherwise, I respect the concerns and
20 understand the concerns raised by my colleague,
21 Diana Reyna. I must vote yes on this particular
22 matter, so I vote aye on all.

23 CHAIRPERSON COMRIE: Mr. Martin, I
24 just want to say one other thing on this.
25 Clearly, we are never going to be fully satisfied

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2 the way the Land Use, the Committee has a certain
3 parameter and I just want to remind the Members of
4 the parameters that we have is to look at the Land
5 Use applications of a project. A lot of there
6 issues are beyond the purview of the Committee but
7 I think that we do need to have a oversight
8 hearing just to talk about how in the future we
9 can make sure that those things are a brought into
10 the discussion in a positive way and not a way
11 that would be considered negative but would
12 enhance the ability of the city, the entire city,
13 to benefit from things that are happening within
14 the City. I just want to also note that, you
15 know, the 13 page letter came from Cornell who has
16 been extremely cooperate in this process. And I
17 want to just note again that, you know, I'm
18 concerned about the letter from the Administration
19 because oftentimes these letters get lost and
20 their promises don't get kept. So, I'm concerned
21 about how that is developed also, especially since
22 I think there's a long term need for a ferry
23 service at Roosevelt Island. And to put all of
24 the onus on the elected officials to try to come
25 up with the funding for a pier, I think is unfair.

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So, I just want to put that out there as well.

Mr. Martin?

MR. MARTIN: Vann?

COUNCIL MEMBER VANN: Explain my vote? Clearly I don't have a solution to the problem of how our Committee is going to benefit from the - - when it comes into it. There is a bill that I think makes a major step in that direction, community impact bill which we heard yesterday. And I think goes a long way because at least requires small business, SBA, to provide a report 30 days prior to any provision of benefits for either transfer of land or any benefit as provided other developers. And there's a lot of detailed information for the displacement where they create jobs or not, if so, what kind of jobs, what compensation and so on, very detailed, very helpful information that you would have me, the community, everybody would have prior to the City making a decision that this deal should go forward. So, clearly I, this is something hopefully when they come before us in the next month or so we will see the need to support that. Having said that, I'm not voting no, I'm voting

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aye for the issue before us. I vote aye.

MR. MARTIN: Gonzalez?

COUNCIL MEMBER GONZALEZ: Aye on
all.

MR. MARTIN: Palma?

COUNCIL MEMBER PALMA: Aye.

MR. MARTIN: Dickens?

COUNCIL MEMBER DICKENS: Permission
to explain my vote?

CHAIRPERSON COMRIE: Uh-huh.

COUNCIL MEMBER DICKENS: My
colleague, Council Member Reyna, has consistently
and so has Council Member Barron, raised issues
over the years, since I've been here, about
inclusion of MWBE's, the way the contracting is
not enforced for MWBE's, for the lack of inclusion
on economic development across the board.
However, this is a project and part of it is in
its infancy and as a pilot. I just read Council
Member Lappin's letter of support and that she has
indicated why she supports it. My concern is is
that, and as Council Member Vann said about the
SBS reporting, the issue is enforcement of the
reporting because we can put it in everything we

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2 want to say about everybody has to report. If
3 nobody oversees it, if there is no enforcement and
4 if there is no changes as a result of reading a
5 report than a report becomes a useless document,
6 in essence. I'm going to ask, because Council
7 Member Lappin will not be the Council Member
8 representing that district, and I'm going to ask
9 if there is something that she would consider to
10 put in place to ensure that the reporting that
11 Council Member Vann discussed is not only done but
12 is enforced and followed through on with the
13 changes made effectively that would enhance the
14 contracting and the fairness and economic
15 development that Council Member Barron and Reyna
16 spoke about. I'm asking that here in the hearing
17 prior to me casting my vote. I've asked my
18 colleague for a question, Mr. Chair, so if we
19 could wait for her to give an answer?

20 CHAIRPERSON COMRIE: [crosstalk]

21 Yeah, I heard, - - I was just getting ready to
22 check with my counsel to see, because that's an
23 unusual request. So, why don't we continue to
24 call the roll while we figure that out if that's
25 okay.

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COUNCIL MEMBER DICKENS: That's--

COUNCIL MEMBER LAPPIN:

[interposing] I guess I, oh, I want to be clear about what you're asking. They've committed to do 17 percent of MWBE hiring. This document that Cornell submitted is going to be part of the lease that they are entering into with the City of New York. It's not just a letter that they're submitting to use, it's part of the lease document. But you're asking for reporting? I just want to be clear on what you're asking.

COUNCIL MEMBER DICKENS: - - spoke about reporting, yes, that's one part of it and also the 17 percent, is that a goal? Is that a goal set in the lease?

COUNCIL MEMBER LAPPIN: Correct.

COUNCIL MEMBER DICKENS: And so a goal, historically, is not enforced. And frequently we set these goals and then I find that we frequently are told, well, we couldn't find. And so that's why I was asking, Council Member, if there was some type of enforcement that is going to be done or penalty exercise even? And would you agree to doing that and getting back to me?

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COUNCIL MEMBER LAPPIN: Is this something that you want a response to before you vote today or is this--

COUNCIL MEMBER DICKENS:
[interposing] No, I was just - - today, I will vote today--

COUNCIL MEMBER LAPPIN: --discuss that.

COUNCIL MEMBER DICKENS: I haven't said how I will vote. I will vote today but what I am asking is if you would work towards part of the goal that Council Member Vann asked for and part of that 17 percent being enforced, rather than just set--

COUNCIL MEMBER LAPPIN:
[interposing] Let me be very clear. I'm going to work to get all 13 pages enforced.

COUNCIL MEMBER DICKENS: Mm-hmm.

COUNCIL MEMBER LAPPIN: Because these are things that are very important to the community that I represent. That is just one of the things that they have agreed to that, yes, we're going to work very hard to hold them to their word.

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2 COUNCIL MEMBER DICKENS: All right,
3 Council Member, because this is your district,
4 because I believe that you will do that, I trust
5 that I won't be disappointed. I haven't in the
6 past. So, I will vote yes, but please know that I
7 do expect to get an answer. Thank you, and I vote
8 aye.

9 MR. MARTIN: Garodnick?

10 COUNCIL MEMBER GARODNICK: Sorry,
11 don't steal my thunder, Mr. Ignizio. Aye.

12 MR. MARTIN: Lappin?

13 COUNCIL MEMBER LAPPIN: Aye.

14 MR. MARTIN: Mendez?

15 COUNCIL MEMBER MENDEZ: Aye.

16 MR. MARTIN: Koo?

17 COUNCIL MEMBER KOO: Aye.

18 MR. MARTIN: Weprin?

19 COUNCIL MEMBER WEPRIN: Aye.

20 MR. MARTIN: Wills?

21 COUNCIL MEMBER WILLS: Aye.

22 MR. MARTIN: Ignizio?

23 COUNCIL MEMBER IGNIZIO: Yes, I
24 vote aye but I just want to commend my colleague,
25 Jessica Lappin, who I've known a long time and

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2 just to, you know, to inform those who choose to
3 watch us on Channel 74, how difficult it is to
4 negotiate something this complex and to get the
5 Administration to buy in and to get all sides to
6 come together. I think sometimes when those who
7 are watching us forget that and some of us in this
8 room forget how difficult it is to negotiate with
9 the Administration, with this Council and with the
10 private institution to ensure that we get the best
11 thing we possibly can for our respective
12 districts. So, I want to commend you and I concur
13 with some of my colleagues who want to see
14 additional reporting on all things we do, not just
15 this particular project and hopefully we will hold
16 many people's feet to the fires as well from
17 private developing and on the other side, City
18 Hall, as well as in this body. So, I commend you,
19 colleague, and I vote aye.

20 CHAIRPERSON COMRIE: I concur.

21 Council Member Lappin asked to amend her vote.

22 COUNCIL MEMBER LAPPIN: Thank you.

23 CHAIRPERSON COMRIE: Council Member
24 Lappin?

25 COUNCIL MEMBER LAPPIN: I'd like to

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2 abstain on item number 795. I vote aye on the
3 rest.

4 MR. MARTIN: All items on today's
5 agenda have been adopted by a vote of 17 in the
6 affirmative, zero in the negative and no
7 abstentions with the exception of the following
8 items which are adopted, LU 795 is adopted 16 in
9 the affirmative, zero in the negative, one
10 abstention and Land Use item 796 and 97, 798 and
11 799 have been adopted by a vote of 15 in the
12 affirmative, two in the negative and no
13 abstentions. Members, please sign all committee
14 reports. Thank you.

15 CHAIRPERSON COMRIE: I want to
16 remind members that the, that May 7th that we have
17 a joint hearing with Consumer Affairs at 1 o'clock
18 regarding sidewalk café's and that next
19 Subcommittee meeting agenda date is May 13th, for
20 Land Use is May 14th. And before we close the
21 hearing I just want to, again, commend the
22 Administration for developing the tech plan at
23 Cornell for being able to be the first of the
24 three bidders to create this tech opportunity,
25 advanced technical school and again, to Council

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2 Member Lappin for negotiating. And I just want to
3 remind Members that when they have to negotiate
4 projects that they need to make sure that they
5 reach out to the entire body if they have some
6 difficulties in post negotiation. The issue of
7 making sure that, I'll wait 'til the room is
8 quiet. The issue of making sure that things are
9 done permanently beyond our Member's term is
10 actually something that we also need to focus on
11 to ensure that the promises are kept and in
12 perpetuity. But with that I would, unless we're
13 expecting anyone else to show up we can close the
14 meeting for May 2nd and thank you all.

C E R T I F I C A T E

I, Tara Juhl 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

A handwritten signature in cursive script, appearing to read "Tara Juhl", is written over a light gray rectangular background.

Date 5/23/13