

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

----- X

December 18, 2013  
Start: 10:32 a.m.  
Recess: 10:50 a.m.

HELD AT: Committee Room  
City Hall

B E F O R E: JOEL RIVERA  
Acting Chairperson

COUNCIL MEMBERS:

Inez E. Dickens  
Daniel R. Garodnick  
Robert Jackson  
Rosie Mendez  
Jessica S. Lappin  
Diana Reyna  
Albert Vann  
Stephen T. Vann  
Mark S. Weprin  
Vincent M. Ignizio  
Peter A. Koo  
Charles Barron  
Jumanne D. Williams

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

3

CHAIRPERSON RIVERA: Good morning, ladies and gentleman. My name is Joel Rivera. I'm going to be the Acting Chair of today's Land Use Committee. I'm joined here by my assistant sitting on my lap, Sophia Rivera. I'm also joined by my colleagues in the Council. With us we have Council Member Charles Baron, Council Member Robert Jackson, Council Member Al Vann, Council Member Maria Del Carmen Arroyo, Council Member Inez Dickens, Council Member Dan Garodnick, Council Member Jessica Lapin, Council Member Rosie Mendez, Council Member Koo, Council Member Levin, Council Member Weprin, Council Member Williams, Council Member Reyna and Council Member Ignizio is here with us as well.

Today we're going to be voting on several items. I'm going to have the clerk read the items into the agenda.

THE CLERK: Okay. Land Use Item 987 Meadows Application No. 20142201TCM, sidewalk café 696 Madison Avenue, Manhattan Community Board 8 in Council Member Garodnick's district. Land Use Item 1002, the Randolph at Broom Application No.

20145155TCM, sidewalk café located at 349 Broom Street in Council Member Chin's district.

Land Use Items 994 through 999, which are related, the Seaside Park and Community Arts Center being voted with modifications approved by the Zoning Subcommittee. Application No. C140063ZSK for the grants and the special permit. Application No. N140064ZRK, an amendment to the zoning resolution. Application No. C140065ZMK for an amendment to the zoning map section 28D. Application No. C140066PPK for the disposition of city-owned property.

Application No. C140067PQK for the acquisition of property by the city. Application No. M090107BMMK for a modification of a previously approved amendment to the city map. Land Use Item 1000, Land's End Two also known as Cherry Street in Council Member Chin's District, Manhattan Community Board Three. Application No. 20145224HAM approval of new tax exemption for real property taxation, termination of existing tax exemption and voluntary dissolution of the current owner under the private housing finance law located in Manhattan Community Board 3. Land Use Item 1001 127th Street Cluster.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

Application No. 20145225HAM a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located in Committee Board 11 in Council Member Dickens District.

CHAIRPERSON RIVERA: Do any members on the Committee have any questions on today's calendar? Council Member Robert Jackson has a comment.

COUNCIL MEMBER JACKSON: Thank you, Mr. Chair. Good morning, my colleagues. I am -- while I'm voting for the Seaside Parks and Community Arts Center, I did not have the opportunity based on my schedule to listen to all of the people who gave testimony. And I was approached this morning by a representative of the New York City Community Gardens Coalition which raised some concerns.

And what I clearly indicated to the representative is that I have not been directly involved in the negotiations and the discussions on this particular project. So I don't know all of the particular details like they know and like the other parties know who have been negotiating and dealing with this particular matter and I will be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

voting yes. But clearly, I think that the issues or concerns that they raised should be considered. And I hope they were.

I wanted to say that for the record. Understanding that I do know that in my district that I represent community gardens are very, very important for the livelihood and welfare of our community in which people involved bring the community together and they grow fruits and vegetables and other good things in order to have the type of holistic vitality of the community. So with that, I just wanted to say that even though I will be voting yes on this particular matter. Thank you.

CHAIRPERSON RIVERA: Council Member Barron.

COUNCIL MEMBER BARRON: That's not nice. You know, I'm leaving so I can fire away now for sure.

CHAIRPERSON RIVERA: There's children in the audience so --

COUNCIL MEMBER BARRON: I just want to courage my colleagues when we see conflicts and contradictions in projects, sometimes a no vote is

1  
2 not necessarily against the project but it just  
3 simply means hold it up until some things can get  
4 resolved. So I think the Seaside project should be  
5 held up. And if you can Council Member Jackson, if  
6 you can, and others because it's beyond the  
7 gardens. The gardens are extremely important and  
8 that's a major issue in it.

9           But it's also infrastructure problems,  
10 sewage, there's problems with toxic grounds, the  
11 EIS hasn't been done properly. There could be very  
12 toxic grounds there. We need to look at that  
13 again. We need to look at more community inclusion  
14 of the process so people can determine -- you know,  
15 be more involved in what should be put there. A  
16 lot of people are all right with an amphitheater  
17 but not at the expense of gardens and having sewage  
18 problems and having toxic problems.

19           So if we can, my colleagues, and I know  
20 we don't usually do this but since some of you are  
21 leaving so you won't be punished, you can vote no  
22 now just to hold it up. And a no vote is not  
23 against the local council member, but a no vote is  
24 for the community saying let's hold it up and let's  
25 hold it up -- and I guarantee you, I didn't say

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

this to solicit that, but if you'll want to clap again it's all right. No, stop. You're not supposed to do that in here.

But on a serious note, if we can help the community on this one, it doesn't mean the project is not going to happen but a no vote can really get the project in the shape that not only benefits the developers and those we will benefit from this project but also benefit the community. So I'm trying to appeal to my colleagues to do a no vote and let the project go through the process and come out better for all. Thank you.

CHAIRPERSON RIVERA: Any other questions or statements or members from the Committee. At this point in time seeing there are no other questions or statements. I'll ask the Clerk to please call the roll.

THE CLERK: Acting Chair Rivera.

CHAIRPERSON RIVERA: I vote aye and I urge my colleagues to vote aye and Sophia votes aye as well. I do see some friends in the audience. I recognize Karen Washington who is from my district and who has a community garden there. I have been a big fan of community gardens my entire life and I



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

know the value they provide and I am hopeful this project moving forward -- I understand that there is going to be relocation and I hope the new location will bring life to what's needed there in terms of the garden moving. With that being said, I do vote aye.

THE CLERK: Council Member Reyna.

COUNCIL MEMBER REYNA: Permission to explain my vote.

CHAIRPERSON RIVERA: Yes.

COUNCIL MEMBER REYNA: Thank you very much. I wanted to just raise the issue I had raised yesterday at the subcommittee level regarding the MWBE and local business enterprise percentage. I understand and commend the work that has reached up until this point, reaching what was in the contract with the holding group, a 15 percent MWBE procurement goal, but making sure that EDC understands we could have pushed for and should be in the works of revising that contract, which they mentioned they will evaluate, to be able to increase the percentage to a 20 percent so that it mirrors the city's procurement goal of Local Law One.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

I look forward to seeing that that revision is going to be completed and that the contract will reflect what's going to be -- so I just received word that they did consider and it is just in. So, therefore, I would like to vote aye on all.

THE CLERK: Council Member Barron.

COUNCIL MEMBER BARRON: I just want to say once again, even when they relocate gardens, that's usually a rap they give the community so that they can settle for something they shouldn't be settling for. Because relocation -- and I've had that happen in my district a lot, they say they'll relocate and then you spend years and you never find the space so you find inadequate space. Relocation can mean anything. So for all those who are maybe not voting no because of relocation, that's unacceptable.

So I vote no on LUs 994 to 999, which is all of the Seaside Park. I vote no on that and aye on all the rest.

THE CLERK: Council Member Jackson.

COUNCIL MEMBER JACKSON: I vote on aye on all based on what I said.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

THE CLERK: I'd just like to remind all Committee members that you have to sign the committee reports and they'll be delivered to you shortly.

[Pause]

THE CLERK: Council Member Vann.

COUNCIL MEMBER VANN: Aye.

THE CLERK: Council Member Arroyo.

COUNCIL MEMBER ARROYO: Yes.

THE CLERK: Council Member Dickens.

COUNCIL MEMBER DICKENS: Permission to explain my vote.

CHAIRPERSON RIVERA: Yes.

COUNCIL MEMBER DICKENS: I strongly promote community gardens. They are very important in my district. They provide an opportunity for the communities to have a place within the inner cities that allows for growth of vegetables, flowers, a place to sit, a safe haven for our youth and our seniors and family to participate.

So it worries me and I question on sea haven -- that this is done. Contrary to my colleague -- my esteemed colleague who will be departing December 31st, and that's Council Member

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

Barron, when a community garden has to be relocated in my district I ensure that it's within that neighborhood before I agree to it and that it is of at least a comparable or larger size. I'm trusting that the council member whose district that it is in has done so and therefore I'm voting aye on all.

THE CLERK: Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

THE CLERK: Council Member Lappin.

COUNCIL MEMBER LAPPIN: Aye.

THE CLERK: Council Member Mendez.

COUNCIL MEMBER MENDEZ: I vote all on aye, but I'm going to abstain on any of the LU members associated with Seaside. Do I need to give you those numbers or can you read them into the record? They're numbers 994 through 999.

THE CLERK: Council Member Koo.

COUNCIL MEMBER KOO: Aye on all.

THE CLERK: Council Member Levin.

[Pause]

THE CLERK: Chair Weprin.

COUNCIL MEMBER WEPRIN: Aye.

THE CLERK: Council Member Williams.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

COUNCIL MEMBER WILLIAMS: May I please explain my vote?

CHAIRMAN RIVERA: Yes.

COUNCIL MEMBER WILLIAMS: Thanks. So I'm in a bit of a quandary. I am very concerned about this project, but I'm also a little frustrated. I've met some folks in the street and asked them to contact my office so I can speak about what these issues are and I didn't hear from anybody. And I want to also be fair to my colleague who has been working on this. So when I ask for a response, I really need to get it because I am very concerned about what's going on here and I feel it unfair to get information the day of that I then have to vote against my colleagues. So that really, really bothers me.

And I'm saying this not just for these groups but I've said this before to groups, please reach out and then they just don't. And then it's hard to do the thing that you believe is right to do. I had, based on my original concerns, planned on voting no but it's hard to do that when I'm just getting information today. So I am going to abstain right now for L. Use Nos. 994 to L. Use

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON LAND USE

Nos. 999 with the anticipation of getting some information.

But I will say I am very much leaning towards yes because I think it's unfair to spring this on my colleague when I have asked this information for a number -- for some time before when I could have actually processed it a lot better. And aye on all the rest.

THE CLERK: Council Member Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

THE CLERK: Council Member Levin.

COUNCIL MEMEBR LEVIN: I vote aye.

[Pause]

THE CLERK: Vote on Committee on Land Use. All items are adopted by a vote of 15 in the affirmative, zero abstentions and zero negatives except Land Use Items 994, 995, 996, 997, 998 and 999, which are adopted by a vote of 12 in the affirmative, one in the negative and two abstentions.

[Pause]

CHAIRPERSON RIVERA: With all votes being taken, this meeting is now adjourned.

[Gavel]

C E R T I F I C A T E

World Wide Dictation certifies 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.



Date 01/06/2014