

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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November 19, 2008

Start: 10:47

Recess: 10:57

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Joel Rivera
Simcha Felder
Eric N. Gioia
Melinda R. Katz
Helen Sears
Albert Vann
Rosie Mendez
Alan J. Gerson

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2 CHAIRPERSON AVELLA: Good morning,
3 everyone. It is still morning. I'm reconvening
4 the meeting of the Subcommittee on Zoning and
5 Franchises to take a vote on the Lower East Side,
6 East Village rezoning. We do have an agreement
7 with the administration worked out with Council
8 Member Rosie Mendez and Alan Gerson. I have a
9 document in front of me dated November 19th, to
10 both council members, which basically outlines a
11 number of the agreements. There is some minor
12 language change that's being made as we vote. And
13 the final document should be in front of us for
14 the Land Use Committee. Before we vote I'll just
15 call on Council Member Rosie Mendez.

16 COUNCIL MEMBER MENDEZ: Thank you,
17 Chair Avella. This rezoning that we're going to
18 vote on today is something that my community
19 conceived of and started planning for the last
20 seven years. We've been working on this. My
21 chief of staff was chair of the community board at
22 the time and we've had three chairs since. And
23 everyone has worked really diligently on this, and
24 I see the district manager from Community Board 3
25 is here, Susan Stetzer. 70% of this rezoning is

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2 in my district and 30% is in Alan Gerson's
3 district, in our council districts. But this has
4 been a long time coming. It will bring and keep
5 the nature and character, the low scale character
6 of our community, and it is something that we have
7 worked really hard on. And I'm pleased that this
8 is finally going forward. Thank you very much.

9 CHAIRPERSON AVELLA: Thank you.
10 Now Council Member Gerson has promised me some
11 brief, brief remarks.

12 COUNCIL MEMBER GERSON: You
13 noticed. Mr. Chair, your insistence. Members of
14 the Committee, I have just handed the Chair--

15 COUNCIL MEMBER MENDEZ:
16 [Interposing] Mr. Chair, since only 30% of the
17 rezoning is his area, he can only talk for 30% of
18 what I spoke for. How's that?

19 COUNCIL MEMBER GERSON: Except for
20 the fact that the area of impact extends well
21 beyond the boundaries to include the greater
22 Chinatown community and the Bowery Corridor as
23 well as areas within the District, including the
24 commercial sectors which require further
25 examination and certainly additional protections

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2 and adjustments to best serve all of the impacted
3 communities within and without. The document I
4 handed the Chair is a document agreed to by
5 Council Member Mendez and myself and the
6 administration. I ask, Mr. Chair, that this
7 document be incorporated in the record and
8 referenced in the vote. It commits us to a follow
9 up process to deal with the outstanding issues as
10 expeditiously as legally possible. It commits to
11 a process to preserve and expand and create
12 considerable and significant amounts of affordable
13 housing, in the interim to provide vital anti-
14 harassment protections to the areas impacted both
15 within and without. I thank you, Mr. Chair, and I
16 thank you, my colleagues. And with the
17 incorporation of the agreement, which I will
18 discuss in greater detail later today at the
19 Stated, and in other forums, I urge an Aye vote.
20 Thank you.

21 CHAIRPERSON AVELLA: That was
22 pretty good, Alan.

23 [Laughter]

24 CHAIRPERSON AVELLA: Just one quick
25 comment as the Chair of the Committee. I think

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2 Council Member Gerson did not mean to imply in his
3 remarks that the environmental impact statement
4 for the rezoning was not completely done.

5 COUNCIL MEMBER GERSON: I never
6 referenced the environmental impact statement and
7 I make no reference one way or the other to the
8 environmental impact statement. I referred only
9 to the document provided.

10 CHAIRPERSON AVELLA: Chair
11 recommends approval. Ask Counsel to call the
12 vote.

13 COUNSEL: Chair Avella?

14 CHAIRPERSON AVELLA: Aye.

15 COUNSEL: Council Member Rivera?

16 COUNCIL MEMBER RIVERA: I vote Aye.

17 COUNSEL: Council Member Felder?

18 [Off Mic]

19 COUNSEL: Council Member Gioia?

20 COUNCIL MEMBER GIOIA: I vote yes,
21 thank you.

22 COUNSEL: Council Member Katz?

23 COUNCIL MEMBER KATZ: Yes.

24 COUNSEL: Council Member Sears?

25 COUNCIL MEMBER SEARS: Yes.

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CHAIRPERSON AVELLA: Council

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Member, you also have to vote on the other items

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from the other day.

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COUNCIL MEMBER SEARS: Thank you,

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very much. With permission I'd like to vote on

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all the call up items, thank you. I vote yes.

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COUNSEL: Council Member Vann?

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COUNCIL MEMBER VANN: Aye on all.

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COUNSEL: By a vote of seven in the

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affirmative, none in the negative, no abstentions,

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all items are approved and referred to the full

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Land Use Committee.

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CHAIRPERSON AVELLA: I'd like to

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call on Council Member Katz?

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COUNCIL MEMBER KATZ: As happens so

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often in Land Use, there are still items being

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worked out for Dan Garodnick's subcommittee and

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the full Land Use committee. So instead of doing

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Land Use twice, I hate to say this, we're going to

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have to call people back today. So if you can try

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to be on call today towards session time. Right,

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Gail?

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GAIL BENJAMIN: Right.

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COUNCIL MEMBER KATZ: What time do

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2 we think? Can we try to make the assumption that
3 about 1:00 we might have to call back the
4 Subcommittee on Planning and also Land Use.

5 CHAIRPERSON AVELLA: Thank you.

6 This closes this meeting--

7 COUNCIL MEMBER KATZ: [Interposing]

8 Oh, the Subcommittee would be 12:45 or 12:30. So
9 we will keep everyone as up to date as we can.

10 CHAIRPERSON AVELLA: Council Member

11 Felder?

12 COUNCIL MEMBER FELDER: Excuse me.

13 I appreciate the difficulties in trying to resolve
14 issues. And this is of course not addressed to
15 anyone in particular, but my attendance is very
16 important to me and I try to make sure that I'm
17 here when I'm supposed to be here. And I don't
18 know how, you know who this should be directed to,
19 Rules or otherwise, but I don't think it's fair
20 for me to miss an appointment and a vote if I was
21 here when I was supposed to be here. I don't know
22 what the solution is and I'm not complaining. All
23 I'm saying is that on a case when a Land Use
24 meeting was scheduled this morning for a certain
25 time and because of unforeseen circumstances it's

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2 going to be done 1:00, when I'm going to be at the
3 other end of the City and miss the vote possibly
4 because I can't get here at 1:00, I would ask that
5 there would be something in the rules or in the
6 considerations to be able to vote as long as I get
7 here, you know, before the votes, the Stated
8 meeting starts. I don't think it's reasonable.

9 COUNCIL MEMBER KATZ: Okay. We
10 can-- I was trying to save some people some time.
11 I mean the other alternative is to do Land Use on
12 all the other items right now so that everybody at
13 least has a vote on those and if you're not
14 planning on being here at 1:00 because I mean,
15 session is at 1:30, so we were trying to do it as
16 close to 1:30 as we possibly can. We could do it
17 at 1:15, so that it's only a 15-minute difference.

18 COUNCIL MEMBER FELDER: I don't
19 mind if you do it at 1:00 and it's held open for
20 me to vote at 1:30 when I was going to be here.
21 I'm not asking you to do anything you shouldn't
22 do. All I'm saying is, is that especially when
23 the vote is scheduled for the morning and it's
24 done some other time, there has to be some
25 consideration.

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2 COUNCIL MEMBER KATZ: I couldn't
3 agree more. You know, but I will just say what
4 I've always said about Land Use, and I know you're
5 probably sick of hearing it, but the truth is in
6 everyone's district, there always comes the time
7 for all of us when we need the cooperation of the
8 Committee as we move forward. And I do understand
9 that at times it's unfair, and I apologize for
10 that. But all I can say is that in Harborview
11 there are still issues being worked out by the
12 Council Member to benefit her district. And so we
13 were just trying to make the next meeting as
14 quick, you know, as close to the actual stated as
15 we possibly can. We can try to do the actual
16 meeting at 1:15. Maybe that's a little easier.

17 COUNCIL MEMBER FELDER: I'm not
18 complaining. I don't want you to misunderstand.
19 I'm not complaining. It's a very simple thing. I
20 want to be able to come at 1:30 and be marked here
21 and vote, because I was here when I was supposed
22 to be here, that's all.

23 CHAIRPERSON AVELLA: Chair Katz?

24 COUNCIL MEMBER KATZ: Okay. So it
25 seems like everyone wants to do what we can do

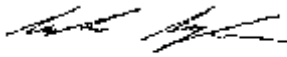
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now. And then we'll try to figure out the rest.
I can't imagine we're going to be ready exactly at
1:00 anyway. So let's do the other votes now so
at least everyone's on the record for those.

CHAIRPERSON AVELLA: This closes
this meeting on the Subcommittee on Zoning and
Franchises.

C E R T I F I C A T E

I, Erika Swyler, 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 December 4, 2008 _____