

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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June 4, 2009
Start: 2:08pm
Recess: 2:39pm

HELD AT: Hearing Room
250 Broadway, 16th Floor

B E F O R E:
MELINDA R. KATZ
Chairperson

COUNCIL MEMBERS:
Miguel Martinez
Simcha Felder
Larry B. Seabrook
Joel Rivera
Tony Avella
Maria Baez
Leroy G. Comrie, Jr.
Eric N. Gioia
John C. Liu
Helen Sears
Sara M. Gonzalez
Annabel Palma
Maria del Carmen Arroyo
Daniel R. Gardonick
Jessica S. Lappin
Elizabeth Crowley
Albert Vann
Vincent M. Ignizio
Charles Barron

COUNCIL MEMBERS (Continued)
Inez E. Dickens

A P P E A R A N C E S

COUNCIL MEMBERS:

David Yassky

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2 CHAIRPERSON KATZ: Okay. Let's try
3 to complete the Land Use process right now, if I
4 can. The application, we have several
5 applications for today. I'll go through them very
6 quickly. Preconsidered LU P.S. 331 is a siting of
7 a primary school in Council Member Gentile's
8 district.

9 Preconsidered LU Numbers 1073
10 through 1075 is the Dock Street school siting,
11 Dock Street project. One is the school siting.
12 The other one is the amendment to the zoning map,
13 special permit; two special permits. There are
14 four applications to facilitate the development of
15 a residential building with a public school.
16 Ground floor retail and parking. I have a
17 restrictive declaration to the Dock Street. I'd
18 like to just read the summary into the record.
19 And then, I will give it to the Counsel to be part
20 of the record of the Land Use Committee.

21 For the school, it is approximately
22 45,000 square feet community facility. It must be
23 a public school according to the restrictive
24 declaration. There is also the restrictive
25 declaration of providing that the residential

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2 units are no fewer than 20%. I will have the
3 entire document placed into the record. I thank
4 you.

5 LU Number 1102 is the Carl Icon
6 Charter School in Council Member Foster's
7 district. It is a ULURP and UDAP to allow the
8 expansion of the playground for the school.

9 LU Number 1105 in North Zarega
10 [phonetic] Industrial site is in Council Member
11 Vacca's district. It is the disposition to
12 facilitate industrial expansion.

13 LU Number 1106 is in Council Member
14 de Blasio's district, 111 Union Street rezoning.
15 It's an amendment to the zoning map to extend the
16 commercial overlay.

17 We'll be done in a minute. LU
18 Number 1107 is the Cross Access text amendment.
19 It is in Council Member Ignizio, Oddo and Council
20 Member Mitchell's district. It's an amendment to
21 the zoning text to allow vehicles to move between
22 retail development without reentering traffic.
23 And, we are told that we will get back to us on
24 how the rest of the City can utilize that, as
25 well, one day.

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2 LU Number 1108 is privately owned
3 public plazas text amendment. It is Citywide
4 amendment to the zoning text to update the 2007
5 text.

6 Intro 979 is a local law to extend
7 the operating authority of the unsubsidized
8 private buses to LaGuardia and JFK from Midtown
9 Manhattan and, the buses between Williamsburg and
10 Borough Park, Brooklyn. Council Member Martinez,
11 I know you have to go Chair a committee meeting.
12 How do you vote on the items?

13 COUNCIL MEMBER MARTINEZ: I want to
14 vote aye. And, I want to also inform that the day
15 after tomorrow is a better movie with the Bridge.

16 CHAIRPERSON KATZ: Okay. [Pause]
17 You want to go now? No, go ahead. Let me take
18 prerogative. This is Council Member Yassky's. I
19 would like to call on him for a few words.

20 COUNCIL MEMBER FELDER: I have to
21 leave.

22 CHAIRPERSON KATZ: You have to
23 leave?

24 COUNCIL MEMBER FELDER: May I
25 request permission even if I'm not going to Chair

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2 [off mic]

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CHAIRPERSON KATZ: Council Member
Yassky.

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COUNCIL MEMBER YASSKY: Go right
ahead.

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COUNCIL MEMBER FELDER: Please.

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CHAIRPERSON KATZ: He yields his
time to you.

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COUNCIL MEMBER FELDER: Thank you
very much. [Off mic]

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CHAIRPERSON KATZ: Council Member
Felder.

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COUNCIL MEMBER FELDER: I vote yes
on all the items.

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CHAIRPERSON KATZ: Thank you very
much, Council Member Felder. Does anyone else
have to leave for a meeting before... Council
Member Seabrook.

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COUNCIL MEMBER SEABROOK: I'll
wait.

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CHAIRPERSON KATZ: You can vote.
It's up to you.

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COUNCIL MEMBER SEABROOK: No [off
mic]

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2 CHAIRPERSON KATZ: Council Member
3 Yassky.

4 COUNCIL MEMBER YASSKY: Thank you.
5 I just want to take, you know, this one last
6 opportunity to urge you, my colleagues on this
7 Committee, to vote to reject this proposal. You
8 have heard my arguments at the hearing. But, I
9 just want to, I guess, take what Simcha Felder
10 said really as the frame here. No one, I think,
11 is saying this is a holy issue and that the world
12 will fall apart and that no one will be able to
13 see Manhattan from Brooklyn if this building's
14 built. Of course, no one's saying that. What I
15 am saying is that the experience of walking over
16 and driving over and biking over the Brooklyn
17 Bridge will be changed. And, I think that Council
18 Member Felder acknowledged that when he said no
19 one says there's no impact. It will be changed.
20 And, is change always bad? We live in a City that
21 is constantly changing, thank goodness. And,
22 that's part of why-- that's what makes it a great
23 City.

24 But, there are a few things that we
25 should not tamper with. And, I would say the

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2 Brooklyn Bridge, if you said there are three
3 things or five things, however many things that
4 you should not tamper with, the Brooklyn Bridge
5 would be one of those. And, the experience of
6 walking and riding and driving over the Brooklyn
7 Bridge should not be tampered with. And, when
8 Council Member Felder refers to the humungous
9 Verizon building, I can't imagine there's anyone
10 in this room or anyone who's ever walked over the
11 Bridge toward Manhattan that wouldn't say, if you
12 could go back in time and get rid of that Verizon
13 building, of course you would do that.

14 And, do I know that what will be
15 built on this site will be as bad as the Verizon
16 building? No, I don't. Maybe it will be, and I
17 hope it will be a far more graceful design. But,
18 there is simply no reason to take that risk. And,
19 would anyone here regret voting to reject this
20 application? I can't see why you would. Might
21 you regret voting to approve it? You might. And,
22 I bet that you will.

23 And, on the issue of the school. I
24 just want to say that the fact that the School
25 Construction Authority has behaved atrociously,

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2 that's not a reason to vote against the project if
3 it was otherwise a good project. But, a lot of
4 people have told me, a lot of Council Members have
5 told me that they see the reason to vote for this
6 that it provides a school for downtown Brooklyn.
7 If that's your reason, that is a bad reason
8 because it is as clear, and thanks really to the
9 aggressive and wonderful questioning of Council
10 Member Gioia, it is clear as day that we would
11 have-- there are plenty of other places in
12 downtown Brooklyn to have a school that the School
13 Construction Authority did decide, for reasons
14 unknown, that this was the only place that they
15 would look at seriously. And, that if this
16 project were defeated, they could find another
17 place in downtown Brooklyn for a school. So, that
18 is no reason for it.

19 And, I appreciate that there's a
20 restrictive declaration that requires a school
21 here. And, as I understand it, the restrictive
22 declaration requires that the-- says that the City
23 will pay \$1 for the core and shell. But, I would
24 note, and I would just sort of urge the Committee
25 to be careful here, I would note that the School

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Construction Authority is still carrying, in its budget, \$42 million for the fit-out of the school. So, they get the core and shell for \$1. They get the fit-out for \$42 million. At a, you know, a 40,000 feet facility, that's almost a \$1,000 a square foot or three times the going rate that the SCA pays for a fit-out. So, that's like saying, you know, a restaurant says \$1 steak. You walk in and it's a \$1 steak. And, the bill comes and it's \$45 for the mashed potatoes that come with it. That is not a good deal. That's a bad deal. And, I would urge the Committee to take real care to ensure that the taxpayers of the City are not played for suckers, as I fear they're going to be.

So, I thank you, Chair, for indulging me in allowing me to make this statement. And, again, I would urge the Committee members to vote no.

CHAIRPERSON KATZ: Any other discussion? Okay. Call the roll.

CAROL SHINE: Carol Shine, Chair to the Committee.

CAROL SHINE: Chair Katz.

CHAIRPERSON KATZ: I will explain

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my vote. I will be voting yes on this project. We have had an answer to some of the folks. We have had hearing upon hearing on this issue. I believe that everyone on both sides of this issue have been heard. The Speaker and I and several other folks went out to take tours. We walked the bridges. We walked the Bridge. And, you know, it is amazing in Land Use that, at the end of the day, decisions need to be made. And, priorities need to be given priorities. And, the truth is that almost in every project, there is compromise and there is fighting. And, at the end of the day, you hope that you come out with a better project.

We are in very difficult economic times today. We are looking for jobs. We are looking to put our children in schools all over the City of New York. I have carefully balanced the interests on all sides of this issue. I thank all the community groups for all the work they've done. I respect Councilman Yassky for the work he has done. I also respect Council Members Tish James and Al Vann, who are avid supporters of this project. So, having said that, I vote yes and I

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2 ask you to continue the roll. [Pause] I vote aye
3 on all, as well.

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CAROL SHINE: Council Member

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Rivera.

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COUNCIL MEMBER RIVERA: I vote aye

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on all.

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CAROL SHINE: Council Member

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Avella.

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COUNCIL MEMBER AVELLA: [No

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response]

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CAROL SHINE: Council Member Baez.

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COUNCIL MEMBER BAEZ: Aye.

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CAROL SHINE: Council Member

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Comrie.

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COUNCIL MEMBER COMRIE: Permission

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to explain my vote?

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CHAIRPERSON KATZ: Yes.

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COUNCIL MEMBER COMRIE: Thank you.

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I'm voting aye on all. I have had a chance to

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talk to both sides on this issue. I think that

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both sides brought up a lot of issues that dealt

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with their vision of the project and their vision

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of downtown Brooklyn; their desire to see the Dock

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Street area handled in a certain way and done in a

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2 certain way. But, at the end of the day, I think
3 that this is a sound project. This project meets
4 the goals that all of the people that are in the
5 area knew were about to happen and were going to
6 happen eventually. I think, also, that this
7 project is a project that has been amended,
8 compromised and is being done by people that had
9 preplanned this project for a long time. This is
10 not an issue that I think, at the end of the day,
11 will cloud the Brooklyn Bridge's vision.

12 You know, I take the Brooklyn
13 Bridge every morning on my way into the City.
14 I've gone and I've detoured through that area many
15 mornings when the BQE's backed up. In fact, one
16 of my favorite, well, restaurants is down in that
17 area where I go sneak and eat when there's an
18 opportunity to not come into the City. I think
19 that, you know, and then, the other thing is that
20 area's an area that constantly has photo shoots.
21 It's one of the areas that the media goes to on a
22 regular basis to get period pieces.

23 I don't think any of that will be
24 compromised by this project. I think that there's
25 a been a great effort on behalf of the new

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2 residential community in that area to make sure
3 that it's contextually done. I think the
4 developers have worked hard to try to make the
5 project as detail orientated as possible to meet
6 the needs of the community. And, I think, at the
7 end of the day, the project stands on its own as a
8 strong project. I vote aye.

9 CAROL SHINE: Council Member Gioia.

10 COUNCIL MEMBER GIOIA: Thank you.

11 I vote no on 1073 through 1075, otherwise known as
12 the Dock Street Dumbo Project. And--

13 CHAIRPERSON KATZ: [Off mic]

14 COUNCIL MEMBER GIOIA: Well, that's
15 essentially what I want to vote. No. Hold on.
16 Pardon me one second. [Pause] 1073, 1074, 1075--

17 CHAIRPERSON KATZ: It's the
18 preconsidered [crosstalk]--

19 COUNCIL MEMBER GIOIA: --
20 preconsidered Land Use motion--

21 CHAIRPERSON KATZ: -- item. You
22 want to vote against--

23 COUNCIL MEMBER GIOIA: -- and the
24 school siting, as well.

25 CHAIRPERSON KATZ: Correct.

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COUNCIL MEMBER GIOIA: Bundled together, the Dock Street Dumbo rezoning and the school siting. Is that okay?

CHAIRPERSON KATZ: Yeah.

COUNCIL MEMBER GIOIA: With precision.

CHAIRPERSON KATZ: [Off mic] I'm not controlling - -

COUNCIL MEMBER GIOIA: And, I vote yes on all other and I want my-- I spoke at the Zoning Committee and I stand by my statements. Thank you.

CAROL SHINE: Council Member Liu.

COUNCIL MEMBER LIU: I vote yes on all items, except for preconsidered Land Use item on Dock Street School and the Land Use items number 1073, 1074 and 1075, I vote no on those. I don't vote no on those because of the obstruction to the view. I don't think that's a really a key issue. I think the issue here is one of land use and the member there, Council Member Yassky, has done his due diligence there. Thank you.

CAROL SHINE: Council Member

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Seabrook.

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COUNCIL MEMBER SEABROOK: Explain my vote. I indicated that I will be voting to allow this project. And, I will make my tour myself and see what it is and make my decision on my third vote, as well. So, I vote aye on these items here and all else.

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CAROL SHINE: Council Member Sears.

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COUNCIL MEMBER SEARS: Aye.

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CAROL SHINE: Council Member

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Gonzalez.

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COUNCIL MEMBER GONZALEZ: Aye on

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all.

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CAROL SHINE: Council Member Palma.

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COUNCIL MEMBER PALMA: Aye.

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CAROL SHINE: Council Member

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Arroyo.

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COUNCIL MEMBER ARROYO: Yes.

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CAROL SHINE: Council Member

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Garodnick.

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COUNCIL MEMBER GARODNICK: Moment

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to explain my vote?

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CHAIRPERSON KATZ: Please.

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COUNCIL MEMBER GARODNICK: Thank

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2 you. I am going to vote aye on this application
3 as a member of this Committee. I think Council
4 Member Seabrook made an important point, which is
5 that there are some very reasoned views on both
6 sides of this issue. One thing that I'm a little
7 troubled by is that I have some competing
8 information as to exactly how close the lower
9 portion of this building is to the Bridge at this
10 moment in time. And, I realize this is not the
11 moment to be asking questions of anybody. I was
12 not here for the hearing as to whether that's a
13 50-foot or a 100-foot and exactly where the taller
14 portion of this building is.

15 But, I also recognize that there is
16 an as-of-right development that could be built
17 here. And, I'm sensitive to that. And, that is
18 what allows me to vote yes on this item today
19 because I think that we certainly want to make
20 sure that we deal with these land use issues in a
21 comprehensive way, in a way that respects the
22 zoning that we believe should be appropriate in
23 that area.

24 So, a long way of saying I'm going
25 to vote aye. I'm going to take a careful look at

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2 this between now and next week. And, on all of
3 the other items, I also vote aye. I can see the
4 Counsel prompting me to vote on all items. Thank
5 you.

6 CAROL SHINE: Council Member
7 Lappin.

8 COUNCIL MEMBER LAPPIN: May I have
9 a moment to explain my vote, Madam Chair?

10 CHAIRPERSON KATZ: Yes.

11 COUNCIL MEMBER LAPPIN: Thank you.
12 I'm going to vote aye on all items on the agenda
13 today. And, I did think long and hard about the
14 Dock Street application. But, as Council Member
15 Garodnick alluded to, at the end of the day, the
16 owner of this property has a right to develop it.
17 And, in fact, if they developed it as a right,
18 they could build something potentially closer to
19 the Bridge and certainly larger in terms of bulk
20 and height.

21 So, what we're really voting on
22 today is a land use question. Should it be a
23 manufacturing site? Or, should it be a mixed use
24 site? And, I think a mixed use site that involves
25 residential, retail and a school makes more sense

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2 for the neighborhood than a manufacturing site.
3 And, that's the item that is before us today.
4 Anything that gets built here is going to impact
5 the Bridge to some extent, any item.

6 And, there are other parcels in the
7 neighborhood that have not been developed. And,
8 when they are, they're going to impact the Bridge,
9 too. There's another parcel very close to this
10 one that, when it's developed, is going to impact
11 the Bridge. Do we want that developed as a
12 manufacturing site or potentially as something
13 else? That's going to be another question for us
14 to discuss. So, that's the reason why I'm voting
15 aye. Thank you.

16 CAROL SHINE: Council Member
17 Crowley.

18 COUNCIL MEMBER CROWLEY: Madam
19 Chair, may I have permission to explain my vote?

20 CHAIRPERSON KATZ: Yes.

21 COUNCIL MEMBER CROWLEY: I vote aye
22 on all of the items. I would just like to say I
23 thought long and hard. I had both supporters and
24 opponents come into my office and explain the
25 proposal. And, like many of my colleagues have

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2 said earlier today, they could have gone forward
3 with a more unattractive building that would have
4 had a larger impact on the historic nature of the
5 area. I feel that the current proposal is one
6 that is well thought out and that's how I'm voting
7 in favor of the proposal. Aye on all.

8 CHAIRPERSON KATZ: Thank you.

9 Continue the roll.

10 CAROL SHINE: Council Member

11 Avella. [Pause]

12 COUNCIL MEMBER AVELLA: I was

13 actually going to-- well, first of all, I vote on
14 all items, except the applications related to the
15 Dock Street proposal, I vote no. I was actually
16 going to let my comments stay that I made at the
17 subcommittee. But, I think I wanted to make a few
18 additional comments.

19 First of all, in relation to the
20 issue about the as-of-right, if they were going to
21 do the as-of-right scenario, they would have done
22 it. It doesn't make sense for them to do it. If
23 there was any financial viability to that as-of-
24 right scenario, they would have done it. That
25 argument holds absolutely no water.

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2 And, for anybody to say that this
3 is not going to block the Bridge to some extent is
4 just simply untrue. And, I think it was Council
5 Member Felder who was alluding to the fact that
6 some of the people in opposition to the project
7 live in Dumbo and their views would be affected.
8 Well, I got to tell you, I have gotten e-mails
9 from all over the country about the fact that this
10 proposal will block some of the Bridge. That has
11 nothing to do with the people who live in Dumbo.
12 This is a national treasure. It should be
13 protected. That's the bottom line.

14 And, the main reason I wanted to
15 add a comment was in relation to Council Member
16 Sears' comment. Anybody who believes that the
17 real estate industry doesn't move the agenda in
18 this City is crazy. And, it's the money that
19 moves the situation. And, that's what's wrong
20 with this project.

21 CAROL SHINE: Council Member Vann.

22 COUNCIL MEMBER VANN: [Off mic].

23 [Pause]

24 CAROL SHINE: By a vote of 18 in
25 the affirmative, none in the negative and no

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2 abstentions, the aforementioned items are adopted
3 with the exception of preconsidered 20095229 and
4 LUs 1073, 1074 and 1075, which are adopted by a
5 vote of 15 in the affirmative, three in the
6 negative and no abstentions.

7 CHAIRPERSON KATZ: We have Council
8 Members on their way. Council Member Ignizio.
9 Council Member Dickens is in her office. If we
10 can give her a call, she will come down to vote.
11 So, we will keep the roll open for 15 minutes.
12 Thank you very much.

13 CAROL SHINE: Council Member
14 Ignizio.

15 COUNCIL MEMBER IGNIZIO: Aye on
16 all. Aye on all.

17 CAROL SHINE: Thank you. The vote
18 stands at 19 in the affirmative, none in the
19 negative and no abstentions all on all items, with
20 the exceptions of the four Dock Street items, 16
21 in the affirmative, three negative and no
22 abstentions.

23 Council Member Barron.

24 COUNCIL MEMBER BARRON: I vote aye
25 on all except for the [pause] I vote no. Yes.

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2 CHAIRPERSON KATZ: On the four Dock
3 Street items.

4 COUNCIL MEMBER BARRON: No, wait,
5 wait. Don't trick me.

6 CAROL SHINE: I'm not tricking you.

7 COUNCIL MEMBER BARRON: For the
8 four Dock Street items, I vote no.

9 CAROL SHINE: Right. The vote
10 stands at 20 in the affirmative, none in the
11 negative and no exemptions, with the exception of
12 the Dock Street items, where it is 16 in the
13 affirmative, four in the negative and no
14 abstentions.

15 Council Member Dickens.

16 COUNCIL MEMBER DICKENS: Aye.

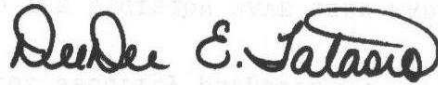
17 CAROL SHINE: The vote stands at 21
18 in the affirmative, none in the negative and no
19 abstentions, with the exception of preconsidered
20 20095229, LUs 1073, 1074 and 1075, in which the
21 vote is 17 in the affirmative, four in the
22 negative and no abstentions.

23 COUNCIL MEMBER DICKENS: The
24 Committee hearing on Land Use of June 4th, 2009 is
25 hereby adjourned.

C E R T I F I C A T E

I, DeeDee E. Tataseo 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 that reads "DeeDee E. Tataseo". The signature is written in black ink and is positioned above a horizontal line.

Date

July 24, 2009