

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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June 10, 2009
Start: 11:37 am
Recess: 12:00 pm

HELD AT: Council Chambers
City Hall

B E F O R E:

TONY AVELLA
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Elizabeth Crowley
Simcha Felder
Daniel R. Garodnick
Eric N. Gioia
Robert Jackson
Melinda R. Katz
John C. Liu
Joel Rivera
Helen Sears

A P P E A R A N C E S [CONTINUED]

Gale Brewer
Council Member

Eric Gioia
Council Member

Mentioned:

Ethel Shaffer
Community Board 7

Richard Ash
Community Board 7

Michael Grohl
Neighbor

Terry Grohl
Neighbor

Sidney Goldfetter
Neighbor

Ed Wallis
Fordham University

Deidre Carson
Fordham University

Brian Burn
Fordham University

Tom Dunn
Fordham University

Gail Benjamin
Committee Staff

Christian Hilton
Committee Staff

A P P E A R A N C E S [CONTINUED]

Jessie Bodean
Committee Staff

Kanal Mahatra
Committee Staff

2 CHAIRPERSON AVELLA: Well I guess I
3 can actually say good morning, it still is the
4 morning. I'd like to open this meeting of the
5 Subcommittee on Zoning and Franchises. Call it to
6 order.

7 [Gavel banging]

8 CHAIRPERSON AVELLA: Joining me
9 this morning are members of the Committee. I'll
10 first call and recognize them. Council Member
11 Robert Jackson, Eric Gioia, Joe Rivera, Simcha
12 Felder, Helen Sears and Melinda Katz. And I see
13 we also have members of the Land Use Committee
14 that are starting to attend. We need the agenda.

15 [Off mic]

16 CHAIRPERSON AVELLA: [Laughing] You
17 sure you want this job? You know, because there's
18 an old saying, be careful what you wish for--

19 [Laughter, clapping]

20 CHAIRPERSON AVELLA: Be careful
21 what you wish for because you may just get it.
22 You can talk about that in the next Council
23 because I won't be here one way or the other.

24 We have a number of items to vote
25 on, on the agenda. The Fordham University

2 package, the Sunnyside Gardens text, and the Café
3 application for 683 9th Avenue. First let me say
4 that after extensive discussion that has gone on
5 since the last meeting, the 683 9th Avenue
6 application has been withdrawn for the sidewalk
7 café application. That was just decided in the
8 last five minutes.

9 Fordham University, there has been
10 extensive negotiations with the Council Member
11 Gale Brewer and representatives of the University.
12 And there is a compromise application and I
13 certainly want to call upon Council Member Brewer
14 for her remarks. And then I will read into the
15 record the changes we are going to be modifying in
16 this application. So let me start with that,
17 Council Member Brewer.

18 COUNCIL MEMBER BREWER: Thank you
19 very much Mr. Chair. And I want to thank my
20 colleagues for bearing with us on all of this. As
21 you know Lincoln Center is the home to Fordham
22 University. It's one of its campuses and this
23 particular development is on a site of seven
24 acres. It has schools there now that are part of
25 the University and it wants to expand. And

2 between 60th and 62nd Street, Columbus to Amsterdam
3 is exactly the site.

4 The issue is how do you expand and
5 still maintain neighborhood contacts which is what
6 we tried to achieve. The fact of the matter is
7 that Community Board 7, particularly Ethel Shaffer
8 and Richard Ash put in hundreds of hours and
9 certainly the Community Board led by Helen
10 Rosenthal participated. I also want to thank the
11 neighbors headed up by Michael and Terry Grohl and
12 Sidney Goldfetter who are neighbors and who formed
13 their own organization. And I did the best I can
14 to be their advocate in all of these discussions.
15 And I'm sure folks from Fordham will talk earlier
16 but Ed Wallis, Deidre Carson, Brian Burn and Tom
17 Dunn were very much involved. These folks put in
18 a great deal of time. And I also cannot thank,
19 until midnight she stayed, Gail Benjamin, and so
20 did Christian Hilton and Alonzo Carr. Those were
21 the staff people who really made a difference in
22 making us all come together after many, many
23 meetings, more than I can ever remember.

24 The neighborhood is one that is
25 concerned about height and density and open space.

2 The project in general is able to go forward in As
3 of Right, but they wanted certain waivers in order
4 to be able to maximize certainly revenue for the
5 University and also private buildings which is
6 always controversial in our neighborhood because
7 we are not--we worry about midtown creep going
8 north.

9 The neighborhood in this particular
10 case is both the Columbus and Amsterdam
11 neighborhood in particular. On the Columbus
12 Avenue side, the issue was always access to the
13 University's open space. This is a University
14 that has buildings around the edge and then in the
15 middle, we call it the Podium, some others might
16 call it a grass and open space that's part of the
17 University. It is elevated. And so it is hard to
18 make it accessible. So after many Borough
19 President discussions, Community Board
20 discussions, a series of hopefully accessible
21 stairs, both on the Columbus Avenue side and the
22 62nd Street side bring the public onto the Podium
23 so they have access with a lot of greenery along
24 the way.

25 In this particular discussion for

2 the post-City Planning Commission which should
3 also be thanked, and post-Borough President, we
4 agreed that the Columbus Avenue side from
5 approximately 61st to 62nd Street would in fact
6 include a 3,500 square foot atrium that would be
7 contiguous space, capable of supporting a use that
8 is in an open space. You have no idea how many
9 hours it took to come up with those words. But
10 that would be a space that is open to the public.
11 And in addition in that atria area would be an
12 escalator in addition to the stairs going up to
13 the Podium.

14 This particular area on 62nd and
15 Columbus is opposite of the new development of
16 Lincoln Center. Lincoln Center on its side of 62nd
17 and Columbus will also have an open park. So I
18 hope that this will produce the kind of open space
19 and accessibility that the neighborhood should
20 enjoy.

21 Something small, there's a garage
22 that is part of the--one of the residential
23 buildings, again I won't get into all the garage
24 issues but the curb cut will be moved from one
25 street to another, 60th to 61st Street, a request of

2 the community.

3 Putting all this together will be a
4 Design Review Committee. Fordham University, this
5 is a big Master Plan, it's a 25-year plan. The
6 Community Board was really concerned that we may
7 be dead and gone but the fact of the matter is
8 somebody has to plan into the future. And we want
9 to make sure it's a good design. So the Design
10 Review Committee of seven will also include two
11 professionals from the community. And what I mean
12 is they will be appointed by the Borough President
13 and the City Council these two individuals and
14 they will be professionals, knowledgeable about
15 Land Use, Planning, Architecture and so on,
16 Engineering, relevant to a design of a Master Plan
17 of this size.

18 The entire project, one way or
19 another will hopefully be environmentally
20 suitable. The Law School which is in design now
21 will be silver, much of the rest of the project
22 will be LEED Gold and the residential buildings,
23 LEEDS 3.0, although since they won't be built
24 immediately I hope that as time goes on they would
25 be closer to whatever standards are set, even

2 higher by the City Council and certainly by the
3 Mayor's PlanNCY would make sense.

4 I want to also add in terms of
5 buildings themselves, which is obviously the most
6 visible and controversial issue, the buildings on
7 Columbus Avenue which are dorms and some studio,
8 some academic-relevant buildings, will be thinner
9 rather than a fatter--it's not a really academic
10 or planning term. But short of the fact of the
11 matter is there's two options in an envelope and
12 the thinner one is what will be built.

13 On the Amsterdam Avenue, two
14 buildings which will be residential, the taller
15 will be 598 maximum, that is the same size as a
16 neighboring building called The Rose Building
17 which is part of the Lincoln Center Campus built
18 some time ago. There's also another building on
19 Amsterdam Avenue which will be less feet, so the
20 maximum will be 598.

21 I want to say that I think that's
22 sort of a summary of some of the things we worked
23 on. I want to add that there is right across the
24 street from this development, Amsterdam Houses and
25 Amsterdam Addition, which are part of the New York

2 City Housing Authority. This is not something
3 that is in the Resolution per se but I know that
4 in the past and into the future, people from
5 Fordham have worked in this community and I hope
6 as the project proceeds we will have input to be
7 sure that there are jobs that are part of the
8 community that also go and work hand in hand with
9 residents of this NYCHA development. And in
10 addition the folks from Fordham University are
11 participating in a Century 21 Application for an
12 after school program that is part of five or six
13 high schools at the Martin Luther King Jr. High
14 School Complex which is just a few doors away.

15 Again some of those details are to
16 be worked out. It was a very long process. I
17 think we came to a conclusion. Nothing's ever
18 perfect and I want to say that in general I think
19 the University is a great institution. I think we
20 all know about it. I just wish that as a City, we
21 would be able to find ways of supporting
22 universities and supporting institutions and
23 supporting some of our great jewels where we don't
24 have to be constantly finding ways to pay for it
25 with private entrepreneur and private real estate

2 that gives a completely different character to all
3 of our campuses and all of our institutions. It
4 seems to be a fact of life that really needs a
5 different alternative.

6 Thank you very much Mr. Chair.

7 CHAIRPERSON AVELLA: Thank you.
8 And I think we all want to congratulate you on the
9 successful negotiations. You have gone over most
10 of the items that are actually in the
11 modification. So in the interest of time, I'll
12 just--when we cal the vote, just refer the
13 modification to Counsel. So we'll modify as per
14 the agreement. I am waiting for Council Member
15 Gioia to come back into the room for his item, the
16 Sunnyside Gardens.

17 COUNCIL MEMBER BREWER: Can I just
18 add--

19 CHAIRPERSON AVELLA: [Interposing]
20 Sure.

21 COUNCIL MEMBER BREWER: --I want to
22 thank Jessie Bodean [phonetic] from our office and
23 Kanal Mahatra [phonetic] who's also been very
24 helpful on this project. Thank you.

25 CHAIRPERSON AVELLA: While we're

2 waiting for Council Member Gioia, Chair will
3 recommend approval of the Fordham University
4 application and approval of accepting the letter
5 of withdrawal for the sidewalk café. I'm going to
6 call on Council Member Gioia to discuss his item
7 and make the motion. I will not be voting in
8 favor of the Sunnyside Gardens application. So
9 Council Member Gioia will make the motion.

10 COUNCIL MEMBER GIOIA: Thank you
11 Mr. Chair. I just want a moment to talk about
12 Sunnyside Gardens. I--thank you. Sunnyside
13 Gardens is a neighbor that I know well. I grew up
14 on 50th Street in Woodside. I now live around the
15 corner on 49th Street and Sunnyside, just a couple
16 of doors away from the Landmarked District. But
17 it's a neighborhood I've called him my entire
18 life. It's a neighborhood I'm raising my family
19 in now.

20 I believe that the preservation of
21 Sunnyside Gardens is vital. And that's why I
22 chose to support Landmarking of Sunnyside Gardens
23 two years ago to ensure the preservation of this
24 unique neighborhood for both the current residents
25 and for future generations. And when you look at

2 the uniqueness of Sunnyside Gardens, it's not that
3 our houses have extraordinary architecture. It's
4 the way the homes relate to one another,
5 especially the common gardens. And it really is a
6 beautiful place. I'll note by the way that Time
7 Out New York ranked my block the 40th best block to
8 raise a child on in New York City. So those of
9 you, you know, looking around New York City.

10 But--

11 [Off mic]

12 COUNCIL MEMBER GIOIA: Was it one?
13 I actually--to really show you I have no idea what
14 the first 39 were. I just knew my block was 40th.
15 As a Landmarks Preservation Commission now
16 regulates all changes to homes and courts in
17 Sunnyside Gardens, all applications for
18 modifications must undergo a duplicative process
19 of both going to the LPC as well as the Department
20 of City Planning.

21 This obviously was not the goal of
22 Landmarking. The goal of Landmarking is not to
23 make it so onerous that no change can be made to
24 your home without great expense. That's not the
25 idea. However in talking to many residents and

2 many of the advocates of Landmarking in the first
3 place, it became clear to me over the past few
4 months that Sunnyside Gardens, the residents,
5 needed more assurance from the Landmarks
6 Commission that the unique character of our
7 neighborhood would continue to be protected
8 following the removal of City Planning's oversight
9 and the rules governing Sunnyside Gardens.

10 That's why I've requested that the
11 Landmarks Commission enact comprehensive revisions
12 to the Sunnyside Gardens Homeowner's Guide so that
13 the application process would be both simpler and
14 more transparent for all residents as we move
15 forward under the new Zoning Text. But also clear
16 in its prohibitions and guidelines, in that the
17 whole point of Landmarking is to protect the
18 character of our neighborhood.

19 And this is not going to make all
20 of the residents happy because there's still quite
21 a concern of people who fought for many years to
22 protect Sunnyside Gardens, that they're worried of
23 all the things we Landmarked it for will now
24 happen. But at some point I believe, and this is
25 why I'll be voting for it, I--and by the way I

2 want to, in response to my request, Landmarks has
3 pledged to revise the Homeowner's Guide to include
4 detailed information on the regulations, process
5 that is clearly stated and that is specific to
6 Sunnyside Gardens. They've also agreed to provide
7 a description of the approval process at the staff
8 and upper levels and to provide information on the
9 process for issuing violations.

10 What we really saw was that under
11 DCP there was a Homeowner's Guide, a brief, almost
12 a pull-out, with illustrations. And someone, I
13 believe it was Liz Reynolds who testified, she
14 said the rules were not clear but the
15 illustrations were. And it put people on notice
16 the sort of things you can't do in a neighborhood
17 like curb cuts and big sheds and extensions that
18 are out of character.

19 The Landmarks, LCP will now be
20 putting forward a book with actual photographs
21 saying what will not be approved at the staff
22 level but which will require full Commission
23 hearings which is very similar to what was
24 happening under DCP. But at some point if you're
25 going to be in favor of Landmarks, you have to

2 trust the Landmarks Commission. And that is
3 exactly what we're seeing here. And my concern,
4 in addition to my neighborhood, is that if we
5 didn't approve this now, it could actually stall
6 any other Landmarking because how could you be in
7 favor of any other Landmarking in other parts of
8 the City when you know then that it would then
9 have to be DCP as well as LCP, a duplicative,
10 expensive process that homeowners will not be able
11 to deal with.

12 And one of the things I thought was
13 so important about our precedent in Sunnyside
14 Gardens was that it set an example that even in
15 the outer Boroughs, places where Landmarking has
16 not happened as often as it should, it can happen.
17 It can protect the character of a neighborhood.
18 And it can be made to work where people are
19 working, working families and middle class
20 families who don't have a lot of money to go
21 through a long process but that it can work in
22 neighborhoods like mine.

23 And so my hope is that not only
24 will this booklet be out and this guide be out but
25 that moving forward the Landmarks Commission will

2 work with residents to make appropriate changes in
3 their homes but also protect the character of this
4 very, very special place to show that this can
5 work.

6 And with that I'll be voting yes
7 and I actually motion that it be, Land Use number
8 1082 be introduced and voted on by the Committee.
9 Thank you.

10 CHAIRPERSON AVELLA: Thank you.
11 Any discussions on the motion before I call for
12 the vote? I'll ask Counsel to call the roll.

13 COMMITTEE COUNSEL: Chair Avella.

14 CHAIRPERSON AVELLA: I'll be voting
15 yes on Fordham University and yes to accept the
16 letter of withdrawal on the café and no on the
17 Sunnyside Gardens. And if I may, just a quiet
18 [phonetic] quick, brief explanation. I certainly
19 appreciate the changes that Council Member Gioia
20 was able to obtain in the application and in the
21 process, however as much as I can--have been able
22 to ascertain in the last half hour, there was
23 still significant opposition to the plan and the
24 process. It is a shame that this is a community
25 initiated historic district. The community fought

2 for it for, you know, well beyond a decade. And
3 from what I hear from them, there was not enough
4 discussion with Landmarks and the Department of
5 City Planning as to the actual regulations and
6 guidelines.

7 They believe and I concur with
8 them, a much better job could have been done. And
9 they have asked that this be turned down and sent
10 back to the drawing board. And I think from my
11 perspective I think the community has the right to
12 be heard. So I vote no on that application.

13 COMMITTEE COUNSEL: Council Member
14 Rivera.

15 COUNCIL MEMBER RIVERA: I vote aye.

16 COMMITTEE COUNSEL: That's - - .
17 Council Member Felder.

18 COUNCIL MEMBER FELDER: Yes.

19 COMMITTEE COUNSEL: Council Member
20 Gioia.

21 COUNCIL MEMBER GIOIA: Yes.

22 COMMITTEE COUNSEL: Council Member
23 Jackson.

24 COUNCIL MEMBER JACKSON: Mr. Chair
25 may I be excused to explain my vote?

2 CHAIRPERSON AVELLA: Yep.

3 COUNCIL MEMBER JACKSON: Thank you.

4 I'd like to congratulate Gale Brewer in her
5 discussions and negotiations concerning her
6 project. And I agree that all things considered
7 what she's said is in the best interests of the
8 community that she represents. As you know,
9 Chair, I sat through the entire Subcommittee
10 Hearing on the project in Eric Gioia's District
11 along with my colleague Simcha Felder. And I've
12 listened to all sides on the matter. And
13 understanding that this is a very sensitive issue,
14 and understanding it impacts everyone, I sat there
15 with Eric Gioia and listened to and answered...
16 listened to the responses and listened to the
17 questions that he asked. Even when Chair, you
18 know, when you asked me to, at the last few
19 minutes of the hearing, sit. I sat and listened
20 to questions and responses from the respective
21 agencies to Council Member Gioia's questions. And
22 all things considered I must say that I
23 congratulate you Eric for, I guess reaching the
24 same decision that I would have reached under the
25 circumstances. Considering all things, that I

2 think that your decision is in the best interests
3 of the community in which you represent. And
4 obviously I don't represent that area. And as you
5 know, many members on Committees do not sit
6 through the entire testimony. They only hear bits
7 and pieces and basically take the lead from their
8 representative whose District it's in because they
9 know the District better than anyone else. But I
10 sat through and I heard everything. And I must
11 say that I probably would have reached the same
12 conclusion you did. So I say that to say I vote
13 aye on all. Thank you.

14 COMMITTEE COUNSEL: Council Member
15 Katz.

16 COUNCIL MEMBER KATZ: Mr. Chair,
17 to explain my vote?

18 CHAIRPERSON AVELLA: Yes.

19 COUNCIL MEMBER KATZ: I'll talk
20 about Fordham when I make the motion as the Chair
21 of the Land Use Committee but because Council
22 Member Gioia made the motion here, I'd like to
23 just talk on Sunnyside Gardens. I'm voting in
24 support of the motion that Councilman Gioia made.
25 I, you know, as many of you know on this

2 Committee, one of my biggest issues with
3 Landmarkings and with Historic Districts, both of
4 them actually, is the speed at which the Landmarks
5 Commission can actually allow people to make
6 modifications to their homes which they own in a
7 timely fashion should it be appropriate for the
8 area that we are talking about.

9 I was one of the folks that went
10 out to Sunnyside at well, looked around, did the
11 tour with the commission. And you know one of the
12 biggest arguments then by the community that was
13 against it which by the way was only a few folks,
14 was that, you know, when we want to make
15 modifications how much time is it going to take,
16 how difficult is it going to be.

17 And I think that that's a very fair
18 comment. For those of us that live in the other
19 Boroughs besides Manhattan and I say other
20 Boroughs, not outer Boroughs. Other Boroughs
21 besides Manhattan, one of the biggest fears that I
22 always hear from our communities is well, you
23 know, we shouldn't Landmark this area because we
24 won't be able to make modifications. And the
25 truth is that in order to convince other folks in

2 other communities that the Historic District will
3 be an appropriate thing for their community and
4 that they won't be stopped in making minor
5 modifications or modifications that are within the
6 District's criteria is by sending out a message, I
7 believe, that if something is within the criteria
8 that we have set out in this Committee and
9 something will not hinder the status of that area,
10 and Landmarks is going to make a learned,
11 experienced judgment on it, that it won't be as
12 difficult to do as folks really think it is.

13 So I'm voting yes. I respect the
14 Councilman's decision in this and I look forward
15 to working with other Historic Districts in the
16 other Boroughs and using this as an example of the
17 fact that you can do it and still have fairness in
18 the process as well. I vote yes. Thank you very
19 much. On the entire Subcommittee agenda.

20 COMMITTEE COUNSEL: Council Member
21 Sears.

22 COUNCIL MEMBER SEARS: Aye.

23 COMMITTEE COUNSEL: By a vote of
24 six in the affirmative, one in the negative and no
25 abstentions, LU 1082 is approved and referred to

2 the full Land Use Committee. By a vote of seven
3 in the affirmative, none in the negative, no
4 abstentions, LU 1077, 1078, 1079 and 1081 are
5 approved with modification and referred to City
6 Planning Commission. By a vote of seven in the
7 affirmative, and none in the negative, LU 1104 is
8 a motion filed pursuant to withdrawal and
9 approved.

10 CHAIRPERSON AVELLA: Thank you
11 everyone. This closes this meeting of the
12 Subcommittee on Zoning and Franchises.

13 [Gavel banging]

14 COUNCIL MEMBER KATZ: Please, we
15 have Land Use will start in as soon as I have a
16 quorum. So if--we have a quorum. Switch.

17 [END TAPE 1002]

18

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in black ink that reads "Laura L. Springate". The signature is written in a cursive style with a clear distinction between the first name and the last name.

Signature Laura L. Springate

Date July 26, 2009