

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LANDMARKS,
PUBLIC SITING & MARITIME USES

----- X

October 24, 2013
Start: 10:40 p.m.
Recess: 11:03 p.m.

HELD AT: Council Chambers
250 Broadway-Committee Rm.
16th Fl.

B E F O R E:
BRAD LANDER
Chairperson

COUNCIL MEMBERS: Annabel Palmer
Rosie Mendez
Diana Reyna
Maria del Carmen Arroyo
Jumaane D. Williams

2 CHAIRPERSON LANDER: [gavel] Good
3 morning. I am pleased to call this meeting of the
4 City Council's Land Use Subcommittee on Landmarks,
5 Public Siting and Maritime Uses to order. I am
6 City Council Member Brad Lander joined by members
7 of the committee, Annabel Palma from the Bronx and
8 Rosie Mendez from Manhattan and we're pleased also
9 to be joined by other members of the Land Use
10 Committee. We have very brief items on our
11 calendar for today that we've heard previously.

12 First, I just want to note for the
13 record that on Tuesday, October 22nd this
14 subcommittee unanimously approved with two
15 modifications the LPCs designation of the West End-
16 Collegiate Historic District Extension, Land use
17 number 918. I misspoke and I just want to clarify
18 for the record the tax block and lot designation
19 for one of the two properties, which has been
20 excluded from the Historic District, the Rutgers
21 Presbyterian Church House at 236 West 73rd Street,
22 and the correct tax block and lot for that property
23 we excluded by our vote on Tuesday is Manhattan tax
24 block 1164, tax lot 42. That is the Rutgers

2 Presbyterian Church House at 236 West 73rd Street.

3 That is what we voted to exclude on Tuesday and

4 what we are bringing forward to the full committee

5 as part of our broader approval of the West End-

6 Collegiate Historic District Extension today.

7 And then we have two items on our

8 calendar for today, which we heard a couple of

9 weeks ago and they are both child care centers in

10 Council Member Reyna's district. Land use number

11 938 and 939, the UTD Bushwick Early Learning Child

12 Care Center, and 939 is the Bushwick United Early

13 Learning Center. We had a number of questions for

14 the Administration for Children's Services, who did

15 not have particularly satisfying answers for us at

16 the time and I know have provided some subsequently

17 information to Council Member Reyna, and let me

18 turn it over to her to talk about it before we

19 vote.

20 COUNCIL MEMBER REYNA: Thank you so

21 much, Mr. Chair. I just wanted to thank the

22 committee and you for your indulgence in making

23 sure that we were able to represent our district

24 and these two particular sites that our city leased

25 with sound leases. Unfortunately, the scope that

1 was communicated to the council was limited to five
2 years. We cannot expand those years because it
3 would be out of scope to do so in the interest of
4 our community, and as much as I pushed back it was
5 not possible due to charter rules. So I wanted to
6 just share that for the record because I'm not
7 pleased that we are signing off on a five year
8 lease with no option to renew for an additional
9 amount of years. I also wanted to just share we
10 have received communication from ACS and there has
11 been interesting information that corrects the
12 record as to the last hearing we had on this issue
13 and it reads as follows: Dear Council Member
14 Reyna, below please find the details that you
15 requested with respect to the two city leases at
16 issue. As you will see, the proposed rent at 600
17 Hart Street for the next five years is the same as
18 the previous year; as the previous rent, excuse me,
19 \$312,157 per year. The proposed rent for 200
20 Central Avenue is \$294,000, only significantly
21 higher than the previous rent of \$199,760. The
22 increase is due to the fact that the landlord is
23 planning to do significant work to improve
24 conditions as explained below: landlord to replace
25

1 roofing system resilient surface and repair work to
2 building exterior and included in this rate. So I
3 wanted to just read that for the record to make
4 sure that we understand these were some of the
5 questions that were asked and it is to the
6 satisfaction of this committee and myself
7 representing this district. There was also items
8 that were supposed to be followed up that still
9 need... have been requested time from ACS and we
10 are expected to receive in the next few weeks a
11 catalogue of every ACS city lease including the
12 building conditions, terms of the lease including
13 duration and total cost, cost per seat per
14 building; that's one item outstanding, the
15 evaluation criteria for how New York City
16 determines whether to renew or terminate a lease is
17 the second finding. The process by which the terms
18 of a lease are negotiated with individual owners is
19 the third. New York City's rationale for renewing
20 the two subject leases for a term of five years
21 when the previous lease terms were for 20 years was
22 answered and that particular rationale was based on
23 the fact that given the changing needs of the city
24 and the uncertain fiscal climate according to ACS
25

1 it would be bad practice for the city and non-
2 profit providers to enter into long-term leases.
3 They want to reassess every three to five years to
4 ensure we are meeting the needs of both community
5 and taking into account the city's finances. So
6 that particular question was answered, and the
7 contact information of the two owners so that our
8 office and my successor can continue to hold
9 accountable with information regarding the two
10 sides have been satisfied as well. Thank you so
11 much.
12

13 CHAIRPERSON LANDER: Thank you, Council
14 Member Reyna, for your diligence in this matter and
15 I just want to flag that many of the... and for
16 pushing us to really do our job to have some
17 oversight. I think we... there's been a lot of
18 frustration and we're honored that the Chair of the
19 General Welfare Committee is a member of this
20 Subcommittee and she has often been pushing the
21 Administration for Children's Services in that
22 committee to be more forthcoming with the necessary
23 information for us to understand the ACS lease
24 portfolio and you know, why it is put together the
25 way it is and how much we're paying and what the

1 relationship between that and a broader set of
2 choices about child care are. So I will call to
3 attention the people that are interested in these
4 questions. The General Welfare Committee is having
5 a hearing on Monday that people may want... you
6 know, focusing on Early Learn and that people may
7 want to attend to push on these things and that you
8 know, the subcommittee will continue to be
9 supportive of Chair Palma and the General Welfare
10 Committee's efforts to keep getting good answers
11 here, but the track record of getting those answers
12 over the last of the four years that I have been
13 here is unfortunately discouraging and has made it
14 difficult for us to work together to really have
15 confidence when... just I was as nice as I could be
16 so. Anyway, so welcome to Council Member Arroyo,
17 who is a member of the committee and with that...
18 unless any other members have comments, with that
19 and that lack of enthusiasm for the information
20 provided, we will nonetheless move forward and
21 you're satisfied, Council Member Reyna that you
22 know, not broadly but specifically that we should
23 move forward to approve the extension of these
24 leases. Alright, so yes, so we're coupling Land

2 uses number 938 and 939 onto our agenda, and I
3 guess the counsel can call the role.

4 LEGAL COUNSEL: Chair Lander.

5 COUNCIL MEMBER LANDER: Aye.

6 LEGAL COUNSEL: Council Member Palma.

7 COUNCIL MEMBER PALMA: Aye.

8 LEGAL COUNSEL: Council Member Arroyo.

9 COUNCIL MEMBER ARROYO: Aye.

10 LEGAL COUNSEL: Council Member Mendez.

11 COUNCIL MEMBER MENDEZ: Aye.

12 LEGAL COUNSEL: I have votes four in
13 the affirmative, zero abstentions and zero
14 negatives. Land use items 938 and 939 are approved
15 and referred to the full Land Use Committee.

16 CHAIRPERSON LANDER: Alright, so we'll
17 leave this... can we... if... until there's a
18 quorum for Land Use [background] can we leave the
19 vote open for Council Member Williams?

20 LEGAL COUNSEL: We can leave the
21 vote... you can adjourn and leave the vote open
22 until Land Use starts.

23 CHAIRPERSON LANDER: Great. Alright,
24 so we'll adjourn the committee and we'll leave the
25 vote open until we get started with the Land Use

2 Committee. Alright. [gavel] Thank you. Yes,
3 hopefully we'll have that soon.

4 [Pause]

5 LEGAL COUNSEL: Council Member
6 Williams.

7 COUNCIL MEMBER WILLIAMS: Aye.

8 LEGAL COUNSEL: The vote now stands on
9 Land Use 938 and 939 five in the affirmative, zero
10 abstentions, zero negatives.

11 [gavel] Landmarks committee of October
12 24th is hereby adjourned.

13

14

15

16

17

18

19

20

21

22

23

24

25

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 11/05/2013