

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

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October 3, 2011
Start: 12:01pm
Recess: 12:14pm

HELD AT: Council Chambers
City Hall

B E F O R E:
BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:
Council Member Maria del Carmen Arroyo
Council Member Daniel J. Halloran III
Council Member Rosie Mendez
Council Member Jumaane D. Williams

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

Joey Koch
Deputy Chief Asset Management Officer
Department of Citywide Administrative Services

2 [background noise]

3 COUNCIL MEMBER WILLIAMS: Just give
4 me some time.

5 CHAIRPERSON LANDER: This is it,
6 this is the only item. All right, great.
7 [background comments] All right [gavel] good
8 afternoon, it's 12:01. This meeting of the City
9 Council Land Use Subcommittee on Landmarks, Public
10 Sitings and Maritime Uses is on today. No, I
11 don't--hang on. Landmarks is not even coming, so
12 don't hold ACS responsible. [background comments]
13 I'm City Council Member Brad Lander, pleased to be
14 joined today by Council Members Rosie Mendez,
15 Maria del Carmen Arroyo, Jumaane Williams, and Dan
16 Halloran. Thanks everyone for being here.

17 [background comment] We, only have we, there were
18 two items on the agenda for today, but one of them
19 is laid over, which is sad, 'cause I love the one
20 that's laid over, but we'll come back to it. Land
21 Use No. 66, the application of Greenwood Cemetery
22 to take over the Weir Greenhouse, I look forward
23 to doing another time. But it is laid over for
24 now. And the only item that's on our calendar is
25 Land Use No. 493, the Philip Michaels Childcare

1 Center, CU 110 260 PDX, in The Bronx, in Council
2 Member Arroyo's district. And I'm pleased to
3 invite Ms. Joey Koch [phonetic], the Deputy Chief
4 Asset Manager for DCAS, representing
5 Administration for Children's Services, as well,
6 to come up and present this to us. This is a
7 public siting, not quite a maritime use, but not
8 our typical landmark, either. So. Thanks very
9 much for being here, and please go ahead and state
10 your name for the record, and give us your
11 testimony.
12

13 JOEY KOCH: Hi, good morning, can
14 everyone hear me? Good morning, Chair Lander, and
15 Members of the Landmarks, Public Siting and
16 Maritime Uses Subcommittee. I am Joey Koch,
17 Deputy Chief Asset Management Officer for the
18 Department of Citywide Administrative Services,
19 DCAS. On behalf of Commissioner Edna Wells
20 Handy,. I would like to thank you for the
21 opportunity to discuss the application submitted
22 by the Administration for Children's Services,
23 ACS, and DCAS, pursuant to Section 197(c) of the
24 New York City Charter for acquisition of property
25 located at 629 Cortland Avenue, Block 2411, Lot

1 41, in The Bronx for continued use as a childcare
2 center. The childcare center at 629 Cortland
3 Avenue has been operational since 1973. The lease
4 at this location is for approximately 24,248
5 square feet of floor area, and approximately 5,083
6 square feet of play area on the roof. The current
7 lease on the property ends September 16, 2012.

8 The existing Uniform Land Use Review Procedure,
9 ULURP, approval is time limited and will expire at
10 the same time as the lease. A new ULURP approval
11 is required before DCAS can enter into a lease
12 renewal. DCAS will negotiate a lease renewal once
13 the new ULURP approval is obtained. Thank you
14 again for the opportunity to testify about this
15 ULURP application, to facilitate the continued
16 operation of a childcare center at 629 Cortland
17 Avenue, in The Bronx. We strongly urge the
18 Council to support this application. I am pleased
19 to answer any questions you may have.

20
21 CHAIRPERSON LANDER: Thank you very
22 much for being here and presenting the testimony
23 to us. As this siting is in Council Member
24 Arroyo's district, I will turn the mic over to her
25 for any questions or comments.

1
2 COUNCIL MEMBER ARROYO: It seems
3 like I've been on the spot for Land Use matters
4 this morning.

5 CHAIRPERSON LANDER: [laughs]

6 COUNCIL MEMBER ARROYO: [laughs]
7 The previous subcommittee took up an issue in my
8 district, as well. I just want to thank the
9 Administration for their support and work in the
10 local community, and I, we had meetings with your
11 colleagues on, I want to say on Thursday of last
12 week, regarding the operator of what this lease
13 space is, Phillip Michael Day Care Center, who is
14 going to take over another day care center in the
15 community. And there were some concerns raised
16 around their intent to change the day care
17 center's name, their new acquisition. And we've
18 gotten a commitment from that vendor, or
19 contractor, I'm not sure how you guys refer to
20 them, that that would not happen. And I want to
21 thank you for your efforts and, and support in
22 that, and urge my colleagues to vote yes on the
23 lease extension, or acquisition, or whatever it is
24 that we call it.

25 CHAIRPERSON LANDER: So, let me

1 just, let me--thank you very much Council Member--
2 let me just kind of clarify for the record, sort
3 of what we're, what we're doing, 'cause this is
4 atypical for us. And make sure I understand a
5 couple of pieces of it. So, this is a City leased
6 daycare center site in The Bronx, where the City
7 holds the lease on a piece of private property.
8 It separately has a contract with a not-for-profit
9 organization to provide the childcare there. That
10 lease is up and ULURP authority is needed, we need
11 to, you know, re-up the ULURP before the lease can
12 be re-signed. That doesn't necessari--there is a
13 center there operating under contract, and at
14 least for the time being, one assumes that would
15 continue. But the ULURP doesn't necessarily speak
16 to the contract. And I guess because we also have
17 the Early Learn RFP out there being discussed, and
18 there's some knowledge that it's possible that
19 people wouldn't retain their contract to operate
20 in a City lease site like this, can we just get a
21 little clarity on the connection between the lease
22 extension that would take place after we renew the
23 ULURP, and whatever dialogue there might be that
24 the agency would have either as part of Early
25

2 Learn or otherwise, about who's operating those
3 centers?

4 JOEY KOCH: So, there are two
5 separate issues. ACS contracting issue and who's
6 operating the center, is completely different than
7 DCAS negotiating on behalf of ACS, for the lease
8 to operate a day care center, regardless of who
9 operates it, at that particular space. In order
10 to have the day care center remain in that
11 location, a ULURP is possible, so that we can sign
12 the lease--again, on behalf of ACS, DCAS has
13 nothing to do with the selection of the operator,
14 and the contract that ACS may have with them.

15 CHAIRPERSON LANDER: So this ULURP
16 is solely for a day care center, though, so we
17 know by extending this that the lease would get
18 renewed and there would be a day care center--

19 JOEY KOCH: It enables that, it
20 enab--yeah, it enables DCAS to negotiate on behalf
21 of ACS for, to continue using that space as a
22 childcare center.

23 CHAIRPERSON LANDER: Okay. And it
24 is possible that ACS would change what
25 organization was operating it at some future

1 point, either as part of the Early Learn RFP or in
2 some other situation, but the ULURP would just
3 provide that you guys could auth--sign a lease
4 renewal to operate a day care center in that
5 location. It couldn't be turned into something
6 that wasn't a day care center, though the operator
7 could be changed.
8

9 JOEY KOCH: That is my
10 understanding, yes.

11 CHAIRPERSON LANDER: Okay. Thank
12 you. Super, I just, you know, useful to make sure
13 we understand what we're doing here. So, I
14 appreciate--that said, I do appreciate that there,
15 because the current operator of that site does
16 some other things in the district, and obviously
17 what's important to Council Members is that the
18 nonprofit organizations that are operating in
19 their district, in this case in a City leased
20 space, are good contributors to the community.
21 So, I'm pleased to hear that they've agreed to
22 preserve the name at the other center, though not
23 strictly germane to today's ULURP action, it's a
24 good, the good opportunity. So, thank you. I do
25 want to ask one thing. As you know, this

2 Committee, because we cover public sitings, had a
3 hearing on, and is doing some additional oversight
4 work, on the issues of fair share, the City's
5 responsibility to pay attention to issues of fair
6 share, when siting things that for the most part
7 people would like to have in their community, like
8 subsidized childcare, and also the things people
9 would prefer not to have in their community, like
10 waste transfer stations. So these have come up in
11 relationship to childcare, which generally as a
12 topic is covered in the, in the fair share rules
13 that were promulgated by Department of City
14 Planning. And I, I wonder, this is not a new
15 siting or a closing, so I--

16 JOEY KOCH: Correct.

17 CHAIRPERSON LANDER: Did you
18 therefore conclude that a--

19 JOEY KOCH: Fair share was not
20 needed.

21 CHAIRPERSON LANDER: Fair share was
22 not needed. Now, if this had been a closing or an
23 opening, would it have been needed?

24 JOEY KOCH: I can't speak to the
25 hypothetical, I really, I don't know, I think it

1 depends on the situation.

2
3 CHAIRPERSON LANDER: Okay. I won't
4 ask it, beca--but I'll just make a, make a
5 statement here. We're doing some research into
6 where, into which sitings have had opening--have
7 had fair share statements and haven't. And ACS is
8 cooperating with us to take a look at where they
9 were and weren't. I think there's some concern
10 that, for example, I don't know that they were
11 done in the situation where a number of City lease
12 facilities were closed as part of a PEG action.
13 And which by my reading the fair share rules, a
14 fair share statement would've been required. So,
15 we're, it's an issue for another time, but we, I
16 just want to let you know the Committee is going
17 to be making sure that we have them when we take a
18 look at both the openings and closings in the
19 future. So. Anyone else have any questions or
20 comments on this application? Thank you very much
21 for, for your testimony, and for your work to
22 renew the, renew the center, so we can keep
23 providing childcare in Council Member Arroyo's
24 district. No one else has signed up to testify on
25 this item, so unless anyone speaks now, we'll go

2 ahead and close the hearing. And seeing no
3 discussion, I think we will proceed to go ahead
4 and vote on the item. So I ask Chair, or
5 Committee Counsel Christian Hylton to call the
6 roll.

7 COUNSEL: Chair Lander.

8 CHAIRPERSON LANDER: I vote aye.

9 COUNSEL: Council Member Arroyo.

10 COUNCIL MEMBER ARROYO: Aye.

11 COUNSEL: Council Member Mendez.

12 COUNCIL MEMBER MENDEZ: Aye.

13 COUNSEL: Council Member Williams.

14 COUNCIL MEMBER WILLIAMS: Aye.

15 COUNSEL: Council Member Halloran.

16 COUNCIL MEMBER HALLORAN: Pleasure
17 to be able to vote aye.

18 CHAIRPERSON LANDER: [laughs]

19 COUNSEL: By a vote of five in the
20 affirmative, none in the negative, no abstentions,
21 LU 493 is approved and referred to the full Land
22 Use Committee.

23 CHAIRPERSON LANDER: Thank you very
24 much. This meeting is adjourned.

25 [gavel]

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COUNCIL MEMBER WILLIAMS: Good job.

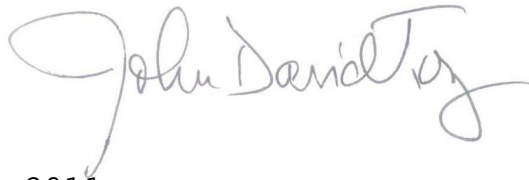
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CHAIRPERSON LANDER: It was rough.

C E R T I F I C A T E

I, JOHN DAVID TONG 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 "John David Tong". The signature is written in black ink and is positioned to the right of the printed word "Signature".

Date October 19, 2011