

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUB COMMITTEE ON PLANNING, DISPOSITIONS, &  
CONCESSIONS

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March 18, 2009  
Start: 9:53 am  
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HELD AT: Council Chambers  
City Hall

B E F O R E: DANIEL R. GARODNICK  
Chairperson

COUNCIL MEMBERS:  
Maria Baez  
Sara M. Gonzalez  
Inez E. Dickens  
Vincent Ignizio

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

Carol Clark  
Assistant Commissioner  
NYC HPD

Terry Arroyo  
Director of Land Use  
NYC HPD

Lev Kushner  
NYC Parks Department Planning Division

Katherine Kelman  
Project Manager  
NYC Economic Development Corporation

2 CHAIRPERSON GARODNICK: Good  
3 morning everyone. Welcome to the Subcommittee on  
4 Planning, Dispositions,, and Concessions, this is  
5 a Subcommittee of Land Use of the New York City  
6 Council. Today's date is Wednesday, March 18th,  
7 my name is Dan Garodnick, I have the privilege of  
8 chairing this Subcommittee. I'm joined today by  
9 Council Member Sara Gonzalez, Inez Dickens, and  
10 Maria Baez. We have a quorum and so we're going  
11 to get right into it.

12 We have two items on the agenda  
13 today. The first is Land Use number 930, which is  
14 567 West 180--I'm sorry, 183rd Street. C090071HAM  
15 in Manhattan, Community Board 12, in the district  
16 of Council Member Martinez. I'll invite HPD to  
17 come to the table and introduce this item.

18 Ms. Clark, Ms. Arroyo, welcome.

19 MS. CAROL CLARK: Thank you,  
20 Chairman Garodnick and members of the  
21 Subcommittee. I'm Carol Clark, Assistant  
22 Commissioner, HPD, and I'm joined by Terry Arroyo,  
23 HPD's Director of Land Use.

24 LU 930 consists of the proposed  
25 disposition of one occupied city-owned building,

1  
2 as you cited, located at 567 West 183rd Street  
3 under HPD's Special Projects program.

4           Since 1989, a not-for-profit  
5 organization FACES New York HDFC has leased the  
6 property on a month-to-month basis from HPD  
7 providing transitional housing to its clients.  
8 Formerly known as the Minority Task Force on AIDS,  
9 FACES New York now plans to purchase the property  
10 from HPD. It will continue to operate  
11 transitional housing and provide social services  
12 at the site.

13           The organization serves individuals  
14 with disabilities newly released from prison who  
15 seek to return to their community. FACES New York  
16 offers counseling and case management, while  
17 identifying permanent housing for its clients.

18           Upon approval of this ULURP  
19 application, HPD will convey the building to FACES  
20 New York HDFC.

21           Council Member Miguel Martinez has  
22 been briefed and indicated his support.

23           CHAIRPERSON GARODNICK: Thank you.  
24 Just so I understand, it's a sale to FACES New  
25 York, are there any restrictions on future

2 transactions by FACES New York and relative to  
3 this property?

4 MS. CLARK: Yes indeed, there's a  
5 resale restriction associated with the regulatory  
6 agreement that runs with this transaction that HPD  
7 anticipates making once the ULURP is approved and  
8 it'll go for a period of 30 years. And during  
9 that time, the resale by FACES New York could only  
10 go with HPD approval to another group that had a  
11 similar mission.

12 CHAIRPERSON GARODNICK: Great.  
13 Thank you.

14 Seeing no members of the public  
15 wishing to testify on this item, we'll close the  
16 hearing on Land Use number 930, 567 West 183rd  
17 Street, C090071HAM.

18 And we will open the hearing on  
19 Land Use number 1017, Yankee Stadium parking,  
20 C090153PPX, Bronx Community Board 4, in the  
21 district of Council Member Maria del Carmen  
22 Arroyo.

23 Welcome, if you could go ahead and  
24 introduce this item.

25 [Pause]

2 MR. LEV KUSHNER: Better. Hi, I'm  
3 Lev Kushner from the New York City Parks  
4 Department Planning Division and I'm just here to  
5 represent this project and just to state--to  
6 introduce the project I should say, and just to  
7 state that this ULURP action is strictly a result  
8 of a clerical error. Where we went through with  
9 the project the first time, we missed a very, very  
10 small bit of the parking lot and that the result  
11 of this ULURP action will not make any changes  
12 whatsoever to the project as was passed  
13 originally.

14 And with that, I'm going to pass it  
15 off to EDC.

16 MS. KATHERINE KELMAN: Thank you,  
17 my name is Katherine Kelman, I'm a project manager  
18 at the Economic Development Corporation and I'll  
19 just briefly go through the substance of this  
20 action.

21 So this ULURP action is sought for  
22 portions of two public parking lots near Yankee  
23 Stadium which are a part of the existing Yankee  
24 Stadium parking facilities.

25 Five tax lots and a portion of a

1  
2 sixth tax lot were accidentally omitted from the  
3 ULURP application, though they were clearly  
4 included in the diagrams for the final  
5 Environmental Impact Statement.

6 The history of this is that in  
7 connection with the construction of the new Yankee  
8 Stadium, the New York City Economic Development  
9 Corporation and the Empire State Development  
10 Corporation agreed to provide certain assistance  
11 with respect to the development of city park  
12 facilities and public parking facilities in the  
13 vicinity of the stadium. Included among these was  
14 disposition through a lease and operation of  
15 surface parking lots 13B and 13C. They're located  
16 in Community District 4 and are bounded by the  
17 Major Deacon Expressway, the Harlem River, and  
18 Metro North Rail right-of-way. And we have a map  
19 here if you'd like to see it.

20 Originally, the Department of  
21 Citywide Administrative Services and the  
22 Department of Parks and Recreation submitted a  
23 ULURP application for the disposition through a  
24 lease of the city park facilities and public  
25 parking facilities, including these parking lots,

2 13B and 13C, in September 2005 and the project  
3 received final City Council approval in April  
4 2006. However, five tax lots and a portion of a  
5 sixth tax lot were omitted from the ULURP  
6 application, though they were clearly included in  
7 the diagrams in the final Environmental Impact  
8 Statement.

9 So this application is a follow-up  
10 corrective action to that 2005, 2006 ULURP. The  
11 action requested is approval for disposition  
12 through a lease of these tax lots with the  
13 restriction to parking and accessory uses. Once  
14 dispositioned through a lease of these tax lots is  
15 approved, the Department of Parks and Recreation  
16 intends to amend its lease with EDC in order to  
17 incorporate these tax lots into the lease.

18 The lease is assigned to the Bronx  
19 Parking Development Company which manages the  
20 parking facility project.

21 Parking lots 13B and 13C are  
22 currently used for surface parking under a license  
23 agreement, they will continue to be used as  
24 surface parking once approved for disposition and  
25 incorporated into the overall lease for the



1  
2 parking facilities managed by the Bronx Parking  
3 Development Company. So no additional parking  
4 spaces will be created as a result of this ULURP  
5 action and, as Lev said, nothing is changing in  
6 the real world.

7 So the status of the approvals is  
8 that this application was--we certified into ULURP  
9 in October 2008, a modification technical  
10 memorandum signed by the Department of Parks was  
11 issued in October 2008 that found that the  
12 proposed modifications would not alter any of the  
13 studies or finding contained in the final  
14 Environmental Impact Statement for the project.

15 This ULURP received an approval  
16 vote from Community Board 4 in November 2008  
17 following a public hearing, it received a positive  
18 recommendation from the borough president December  
19 2008, and was approved by the City Planning  
20 Commission in February 2009.

21 After the ULURP is complete, the  
22 amendment of the lease for these tax lots will  
23 also require a 384-B4 [phonetic] review.

24 So I'm happy to answer any  
25 questions and thank you.

2 CHAIRPERSON GARODNICK: Tell us the  
3 contours of that 384-B4 review.

4 MS. KELMAN: Well the project will  
5 go to the Borough Board and to the Community Board  
6 if the Community Board requests a presentation, so  
7 we'll present the details of this again to the  
8 Community Board and the Borough Board.

9 CHAIRPERSON GARODNICK: Once  
10 there's an amendment to the lease.

11 MS. KELMAN: Exactly.

12 CHAIRPERSON GARODNICK: Now the  
13 disposition of the parking lots, it was already  
14 done except for this very small number of blocks  
15 and lots that were left off for clerical reasons.

16 MS. KELMAN: Exactly.

17 CHAIRPERSON GARODNICK: To whom  
18 were they disposed? Just help us understand the  
19 mechanics of this so that we have this on the  
20 record.

21 MS. KELMAN: Sure, the lease for  
22 the public parking facilities is between the  
23 Department of Parks and Recreation and the New  
24 York City Economic Development Corporation and  
25 it's assigned to the Bronx Parking Development

2 Company, which is a non-profit and created to  
3 construct and operate the parking facilities.

4 CHAIRPERSON GARODNICK: Okay. And  
5 how much space are we talking about here? It  
6 seems like it's just a small little corner of two  
7 different existing parking lots--

8 MS. KELMAN: Exactly.

9 CHAIRPERSON GARODNICK: --how much  
10 space are we talking about?

11 MS. KELMAN: To be honest, I don't  
12 know the exact square footage off-hand, but as I  
13 can show you on this map, it is two corners of two  
14 parking lots and I can certainly follow-up and  
15 provide the exact square footage.

16 CHAIRPERSON GARODNICK: How many  
17 parking spaces approximately, you know, fall into  
18 that? I just really want to make it clear, 'cause  
19 from what I see and from what I understand, it  
20 seems to me to be a relatively small area.

21 MS. KELMAN: It's a very small  
22 number.

23 MR. KUSHNER: I don't know the  
24 number [off mic].

25 MS. KELMAN: In the overall, in the

1  
2 two parking lots? So 200 in the two parking lots  
3 together, but as far as the spaces that are going  
4 through ULURP right now, the five tax lots and a  
5 portion of the sixth one, I mean--

6 [Off mic]

7 [Pause]

8 MS. KELMAN: Okay. Two hundred.

9 CHAIRPERSON GARODNICK: So 200  
10 spaces were inadvertently left off, but they were  
11 included in the diagrams in the final  
12 Environmental--

13 MS. KELMAN: Exactly.

14 CHAIRPERSON GARODNICK: --Impact  
15 Statement? Okay. And you said that this doesn't  
16 create any new parking spaces?

17 MS. KELMAN: Exactly, so the  
18 Environmental Impact Statement contained the maps,  
19 the correct maps of the entire parking lot, 13B  
20 and 13C. What happened is the ULURP application  
21 just didn't contain the specific numbers of those  
22 tax lots so the, you know, taking those tax lots  
23 through ULURP to prove them for disposition now  
24 doesn't affect the use of parking there at all.  
25 The parking lots will remain the same size,

1  
2 there's no new parking being created, they'll  
3 continue to be used the same way.

4 CHAIRPERSON GARODNICK: What would  
5 be the impact of just leaving this mistake as is  
6 in the lease and the fact that it's off the  
7 initial disposition?

8 MS. KELMAN: Well those tax lots  
9 are not currently approved for disposition in the  
10 long term, so what will happen after, you know, if  
11 this ULURP is approved is that those tax lots will  
12 be incorporated into overall lease for all of the  
13 public parking facilities near Yankee Stadium, the  
14 lease that the Bronx Parking Development Company  
15 administers, so it will just, you know--it's  
16 better for legal reasons to include all of the  
17 parking lots in the lease because the BPDC will  
18 have the authority to administer them in the long  
19 term.

20 CHAIRPERSON GARODNICK: Okay. So  
21 just to understand, if we did not do it, I  
22 understand what happens if we do, but let's say we  
23 didn't and Bronx Parking Development Company did  
24 not have the precise authority to I guess oversee  
25 or--I don't know exactly what--I guess it would be

1  
2 within the jurisdiction of the Parks Department  
3 still, is that correct?

4 MS. KELMAN: Then what would happen  
5 if this ULURP is not approved is that those  
6 parking lots, you know, in the short term are  
7 being used as parking through a short term license  
8 agreement, which is just not sort of--not a long  
9 term arrangement. So in other words, including  
10 those parking lots in the overall lease for all of  
11 the parking facilities sort of brings it into the  
12 same administration as the rest of the public  
13 parking facilities near the stadium.

14 CHAIRPERSON GARODNICK: Okay.

15 MS. KELMAN: So in other words, the  
16 license agreements are short term and this will  
17 allow them to be incorporated into a long term  
18 lease.

19 CHAIRPERSON GARODNICK: Okay. I  
20 failed to note that we've been joined by Council  
21 Member Vincent Ignizio of Staten Island and he  
22 also happens to have a question, so...

23 COUNCIL MEMBER IGNIZIO: Yes, thank  
24 you very much. Does the proceeds that are brought  
25 in from the parking facility, where do they go?

1  
2 How are they--you know, somebody comes in, they  
3 pay their \$10 or I don't know what number it's  
4 going to be for the new Yankee Stadium, but they  
5 pay their money, where does that money go to?

6 MS. KELMAN: [Off mic] Well I can  
7 answer that question as well. The revenues  
8 received for the parking go to the Bronx Parking  
9 Development Company, which, you know, administers  
10 the parking facilities. They have a variety of  
11 costs that they are responsible for, such as  
12 operating costs, debt service on the bonds that  
13 were issued to construct the public parking  
14 facilities. So it's essentially water full  
15 [phonetic] of costs, they also are responsible for  
16 paying pilot payments to the city, and sort of the  
17 leftover revenues go to the city as well. So it's  
18 a water full of costs with, you know, the debt  
19 service being one of the primary ones.

20 COUNCIL MEMBER IGNIZIO: I  
21 understand, okay, and I just want to be clear on  
22 that and my understanding has been made and I want  
23 to hear it for myself since I came in slightly  
24 late and I do--

25 MS. KELMAN: Sure.

COUNCIL MEMBER IGNIZIO: --

apologize, is that this was a matter of a clerical error and not of a desire to have a two-stage process in order to increase the amount of square footage for parking--

[Crosstalk]

MS. KELMAN: Not at all, the amount of square footage for parking is not being increased--

COUNCIL MEMBER IGNIZIO: Okay.

MS. KELMAN: --the parking lots are staying the same size. What happened is that the tax lots in that area are, you know, some of that land has not been in private ownership in a while so the surveys were difficult to do, so when the surveys were being done during the first ULURP, some of the tax lots numbers just weren't known, so they didn't make it into the list of tax lots being approved for disposition.

COUNCIL MEMBER IGNIZIO: Okay.

MS. KELMAN: So a more accurate survey revealed that five tax lots and a portion of the sixth tax lot were not listed in the ULURP, even though they were included in the diagrams in



2 the Environmental Impact Statement for the  
3 project. So to authorize those tax lots for  
4 disposition, we're requesting this current ULURP  
5 action.

6 COUNCIL MEMBER IGNIZIO: Okay.  
7 Thank you very much. Mr. Chairman, my  
8 understanding is that the Council Member who  
9 represents this district is supporting this as  
10 well?

11 CHAIRPERSON GARODNICK: That is  
12 correct and EDC can certainly confirm that.

13 MS. KELMAN: Yes.

14 COUNCIL MEMBER IGNIZIO: Thank you.

15 CHAIRPERSON GARODNICK: Thank you.  
16 And, with that, and seeing no members of the  
17 public wishing to testify on this item, we will  
18 close the hearing on Land Use number 1017, the  
19 Yankee Stadium parking issue, C090153PPX, and that  
20 is the last item we're going to hear today. So  
21 we're going to--

22 MS. KELMAN: Thank you.

23 CHAIRPERSON GARODNICK: --lay over  
24 all the other items on the calendar at the request  
25 of the individual members in whose districts these

1  
2 properties sit. And on the Land Use number 930  
3 and 1017, we'll be voting, Chair recommending an  
4 aye vote on both items. I'll ask the Counsel to  
5 call the roll.

6 MS. CAROL SHINE: Carol Shine,  
7 Counsel to the Subcommittee.

8 Chair Garodnick?

9 CHAIRPERSON GARODNICK: I vote aye.

10 MS. SHINE: Council Member Baez.

11 COUNCIL MEMBER BAEZ: Aye.

12 MS. SHINE: Council Member  
13 Gonzalez.

14 COUNCIL MEMBER GONZALEZ: Aye.

15 MS. SHINE: Council Member Dickens.

16 COUNCIL MEMBER DICKENS: Aye.

17 MS. SHINE: Council Member Ignizio.

18 COUNCIL MEMBER IGNIZIO: Aye.

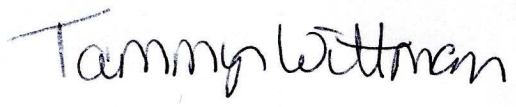
19 MS. SHINE: By a vote of five in  
20 the affirmative, none in the negative, and no  
21 abstentions, the aforementioned items are approved  
22 and referred to the full committee.

23 CHAIRPERSON GARODNICK: Thank you  
24 very much and we are adjourned.

25

C E R T I F I C A T E

I, Tammy Wittman, 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 April 6, 2009\_\_\_\_\_