



The City of New York

# Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

November 4, 2013

Cas Holloway  
Deputy Mayor  
City Hall  
New York, NY 10007

Edna Wells Handy  
Commissioner  
NYC Department of Citywide Administrative Services  
1 Centre Street, 17<sup>th</sup> Floor  
New York, NY 10007

Dear Deputy Mayor Holloway and Commissioner Wells Handy:

We would like to thank Deputy Mayor Holloway and other members of the administration for meeting with Community Board 1 and elected officials on Friday, November 1. We are writing in regards to the planned relocation of multiple functions from 346 Broadway to 71 Thomas Street and 66 John Street. We understand that these relocations are part of a complex effort to consolidate city agencies in order to increase efficiency with our limited government resources.

At the meeting, we discussed that communication from your offices around the relocations has lacked transparency. Representatives from the NYC Department of Citywide Administrative Services (“DCAS”), the NYC Criminal Court, and Deputy Mayor Holloway attended a Community Board 1 meeting on October 22, 2013 to share information about the relocation to 71 Thomas Street. While this was a positive step, the meeting occurred only after the community had already learned of the possible relocation by word-of-mouth, which created concern and misinformation. Similarly, we were caught unaware by the planned relocation of the NYC Criminal Court’s Department of Probation to 66 John Street which was disclosed for the first time at that meeting.

CB1 was not aware of the public hearing DCAS held regarding these leases, pursuant to NYC Charter § 824. Attached are City Charter sections 195 and 824. The question is: why did the City avoid a Section 195 hearing for the acquisition of 42,854 square feet of space at 66 John Street? That is a very large amount of space. Calling the matter a lease amendment in the City Record (the City already has other space at that address) doesn’t change the fact that additional space being acquired by the City should trigger a Section 195 hearing -- rather than simply a Section 824 hearing that does not require notice to the Community Board and a City Planning Hearing. The City Record provides minimal notice and is read by very few people, and notices of hearings are not easily retrievable by the general public.

There are several preschools within the immediate vicinity of both 71 Thomas Street and 66 John Street and there is a Pace University dormitory at 55 John Street, just steps from 66 John Street. Additionally, this area has experienced a significant increase in its residential population in recent years. The community has understandably raised concerns about relocating these operations in a growing residential community within a building that is in close proximity to programs for children and young adults. This potential use conflict necessitates a greater degree of public process than the relocation of other city facilities, such as office space. We look forward to your presentation at the November 6, 2013 meeting of Community Board 1's Financial District Committee at 250 Broadway, 19<sup>th</sup> floor, in order to allow for impacted parties to ask questions, express concerns, and engage in a dialogue about impacts.

We remind you that all these locations are within CB1 and affect the entire Lower Manhattan community. CB1 looks forward to working with your offices and the community to ensure that the neighborhood's concerns about these relocations are properly addressed.

Sincerely,



Catherine McVay Hughes  
Chair

cc: U.S. Rep. Jerrold Nadler  
NYS Assembly Speaker Sheldon Silver  
Manhattan Borough President Scott Stringer  
NYS Senator Daniel Squadron  
NYS Assembly Member Deborah Glick  
NYC Council Member Margaret Chin

CMH:np

## NEW YORK CITY CHARTER

§ 195. Acquisitions of office space. Acquisitions by the city of office space or existing buildings for office use, whether by purchase, condemnation, exchange or lease, shall be subject to the following review and approval procedure:

a. The agency proposing any such acquisition shall file with the department of city planning a notice of intent to acquire. The department of city planning shall send such notice to the community board in which the proposed acquisition is located and to all borough presidents.

b. Within thirty days of the filing of such notice, the city planning commission shall hold a public hearing on such acquisition and shall approve or disapprove such acquisition. Notice of such hearing shall be published in the City Record not less than ten days in advance of such hearing.

c. In reviewing any such acquisition, the commission shall apply the criteria for the location of city facilities provided for in section two hundred and three.

d. Within the thirty days provided for commission action pursuant to subdivision b of this section, the commission shall file any approval of such an acquisition with the council. Within twenty days of such filing, the council may by two-thirds vote disapprove such acquisition.

# NEW YORK CITY CHARTER

§ 824. Real property. With respect to real property, the commissioner shall have the following powers and duties:

(a) to purchase, lease, condemn or otherwise acquire real property for the city, subject to the approval of the mayor, and to sell, lease, exchange or otherwise dispose of real property of the city, subject to the requirements of section three hundred eighty-four and subject to review and approval either pursuant to section one hundred ninety-five, if applicable, or pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d. No such purchase, lease, condemnation or other acquisition shall be authorized until a public hearing has been held with respect to such acquisition after the publishing of notice in the City Record at least ten days but not more than thirty days in advance of such hearing; provided, however, that in the case of an acquisition by purchase or condemnation, no such hearing shall be required if a public hearing is held with respect to such purchase or condemnation pursuant to any other requirement of law. In the case of a lease in which the city is to be the tenant, the notice for the hearing required in this subdivision shall include a statement of the location and proposed use of the premises, and the term and annual rent of the proposed lease. Before submitting an application pursuant to section one hundred ninety-seven-c for an acquisition or a disposition pursuant to this section, the commissioner shall take into consideration the criteria for location of city facilities established pursuant to section two hundred three. If two years, not including time spent in litigation, have elapsed between (1) the final approval of a disposition or acquisition pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d and (2) execution of an agreement in connection with such disposition or acquisition, a public hearing shall be held on the proposed acquisition or disposition after the publishing of notice in the City Record at least forty-five days in advance of such hearing;

(b) to assign and reallocate to city agencies space and real property owned or leased by the city, to establish comprehensive and continuing programs and standards for utilization of space owned or leased by the city and to conduct surveys of space utilization;

(c) to manage all real property of the city not used for public purposes, including real property acquired for a public purpose and not being currently utilized for such purpose, except wharf property or other real property under the jurisdiction of the department of small business services, the department of housing preservation and development, the New York city transit authority, and the New York city housing authority by virtue of an authorization granted by the mayor pursuant to the provisions of subdivision three of section one hundred twenty-five of the public housing law, or except as otherwise provided by law, real property under the jurisdiction of the triborough bridge and tunnel authority; provided, that the commissioner shall be responsible for the management, leasing or permitting of any parcels of wharf property and water front property as provided in any designation made by the commissioner of small business services pursuant to paragraph b of subdivision two of section thirteen hundred one of this charter; 194

(d) to exercise and perform such other powers and duties as may be prescribed by law or delegated to the commissioner in relation to the acquisition, disposition, management, site selection, assignment, demolition or other treatment of real property of the city;

(e) to employ, where desirable, managing agents to manage city properties and collect rents therefrom and pay bills;

(f) to keep, maintain and annually update a master list of leases wherein the city or its agencies is a tenant. Such master list shall contain at least the following information: name and address of lessor, location wherein lease property is situated, base rent, square footage, escalation provisions, and any other information which the department deems necessary and appropriate.