

**DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS
TESTIMONY BEFORE THE CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES
PUBLIC PAY TELEPHONE AUTHORIZING RESOLUTION
TUESDAY, DECEMBER 15, 2009**

Good morning Chairperson Katz, Chairperson Avella and subcommittee members. My name is Stanley Shor, Assistant Commissioner of Franchise Administration for the Department of Information Technology and Telecommunications, or DoITT. With me today is Bruce Regal, Senior Counsel at the New York City Law Department, who represents the City on many telecommunications matters, including matters related to sidewalk pay telephones. I am testifying today in connection with a proposed authorizing resolution regarding franchising of sidewalk public pay telephone providers as contemplated in Local Law 68 of 1995.

Before detailing the resolution at hand, I would like to provide some brief, contextual background. The first City law managing payphone installations on City sidewalks was adopted as Local Law 78 of 1959. That Local Law required any entity that wished to install a payphone on City sidewalks to obtain a license from the City. However, after the breakup of the old monopoly Bell System in 1986, and prior to the adoption of Local Law 68 of 1995, the City saw a proliferation of illegally-installed, unlicensed payphones springing up on City sidewalks. That development led to the adoption of the above-mentioned Local Law 68, which replaced the old licensing system with a new approach. This new approach combines a franchise process for companies seeking to install and operate payphones on City sidewalks with a permitting process, administered by DoITT, for the review of individual permit applications for specific sidewalk payphone installations by those holding the required franchises. Local Law 68 also included an amnesty and "grandfathering" process for those who had installed unlicensed payphones on the sidewalks before the new Local Law was adopted.

As part of the implementation of Local Law 68, the Council over the years has adopted a series of sidewalk payphone franchise authorizing resolutions. Acting under the authority granted by such resolutions, the City issued a number of public pay telephone franchises, although it has not issued any new franchises of this type since 1999. As you may know, the most recent such authorizing resolutions – Resolution 1043 adopted on October 15, 2003 and subsequently amended by Resolution 502 on July 21, 2004 – recently expired.

Although usage of public pay telephones located on sidewalks has declined with the growth of mobile telecommunications, not everyone has access to mobile telephone service, and those who have access to mobile telephone service do not have such access all the time. There thus remains a role for public pay telephones on City sidewalks. Adoption of the proposed resolution by the City Council will authorize DoITT to award, subject to approval of the Franchise and Concession Review Committee, franchises for pay telephone service from phones located on City sidewalks in accordance with the provisions of the City Charter.

Thank you for your time this morning. Mr. Regal and I would now be happy to take any questions you may have.



**DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK**

MANHATTAN OFFICE

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**Testimony of
New York City Department of City Planning
Subcommittee on Zoning & Franchises**

December 15, 2009

Re: DeLury Square Park Text Amendment
ULURP No. N 090509 ZRM

The Department of City Planning submitted an application for a text amendment to the Special Lower Manhattan District on June 24, 2009. Following a change to the City Map and subsequent acquisition of property from Southbridge Towers Co-op to create the DeLury Square Park, the proposed text amendment would stipulate that for lot lines bounding DeLury Square Park, these would be defined as a street line for the purposes of applying bulk and use regulations.

This application is a result of discussions between the Department of City Planning, the Mayor's Office of Capital Project Development, Community Board 1, Manhattan, and the Southbridge Towers Co-op board. The change to the City Map to create DeLury Square Park (C 080336 MMM) was approved by the City Planning Commission on August 11, 2008, and the new park is currently under construction at the corner of Gold and Fulton Streets in Lower Manhattan.

Attached is the testimony of the Department of City Planning for your consideration.

Sincerely,

Grace Han, Project Manager
Department of City Planning, Manhattan Office

Keith O'Connor, Senior Planner
Department of City Planning, Manhattan Office

DELURY SQUARE PARK TEXT AMENDMENT
ULURP # N 090509 ZRM

Good morning Council members. My name is Grace Han, and I am here with Keith O'Connor, and we are planners at the Department of City Planning. The Department of City Planning submitted an application for the DeLury Square Park zoning text amendment to the Special Lower Manhattan District, and we are here to present and testify in support of the proposed change.

The DeLury Square Park text amendment clarifies that for lot lines bounding DeLury Square Park, these lot lines would be considered a street line for the purposes of applying bulk and use regulations.

Background

For background, in 2008, the City Planning Commission approved the mapping of a new park and acquisition of property from Southbridge Towers for the creation of DeLury Square Park. DeLury Square Park is to be located at the northeast corner of Fulton and Gold Streets in Lower Manhattan on the same block as the Southbridge Towers housing development. Prior to the CPC mapping action, a portion of the project site was occupied by a small traffic island plaza in a mapped street and was improved with benches and trees. The rest of the project site was privately owned by Southbridge Towers that included grass and trees, but no benches, pathways or other public amenities. The new DeLury Square Park is currently under construction and was designed by the Department of Parks and Recreation with extensive input from Community Board 1 and the adjacent Southbridge Towers. The newly established DeLury Square Park contains approximately 8,900 square feet of land and is designed for public use and passive recreation.

The creation of DeLury Square Park is part of a broader initiative under the Fulton Street Corridor Revitalization Project to revitalize Lower Manhattan following the events of September 11th. It is funded by the Federal Housing and Urban Development Agency through the Lower Manhattan Development Corporation. The program includes the creation of two new parks (DeLury Square Park and Burling Slip Imagination Playground), enhancement of two existing parks (Pearl Street Playground and Titanic Memorial Park) as well as streetscape enhancements and storefront upgrades and façade restorations along both Fulton and Nassau Streets. DeLury Square Park will help to provide better pedestrian continuity, enhance view corridors to the water's edge, and provide much needed public open space.

Project Proposal

The proposed text amendment facilitates the development of this Park.

The Zoning Resolution, under 23-861, requires that the minimum distance between a legally required window and a lot line be 30 feet. When DeLury Square Park was mapped and subsequently acquired as a park, the lot line for Southbridge Towers was modified in accordance with the boundaries of the new park. Specifically, the lot line was reconfigured such that the

park's lot line is only 15 feet from the façade of Southbridge Towers and the legally required windows. This creates a lawful non-compliance with Zoning Resolution 23-861.

This text amendment rectifies this unintended consequence and reinforces the legality of the location of the legally required windows of Southbridge Towers by establishing that the new lot line bounding DeLury Square Park is equivalent to a street line for the purposes of applying bulk and use regulations; thus the 30 feet requirement is inapplicable.

The proposed text amendment is applicable only in the Special Lower Manhattan District of the Zoning Resolution and would apply only to zoning lot lines bounding DeLury Square Park. (Figure 1 below illustrates the lot lines which would be affected by such text amendment.)

Conclusion

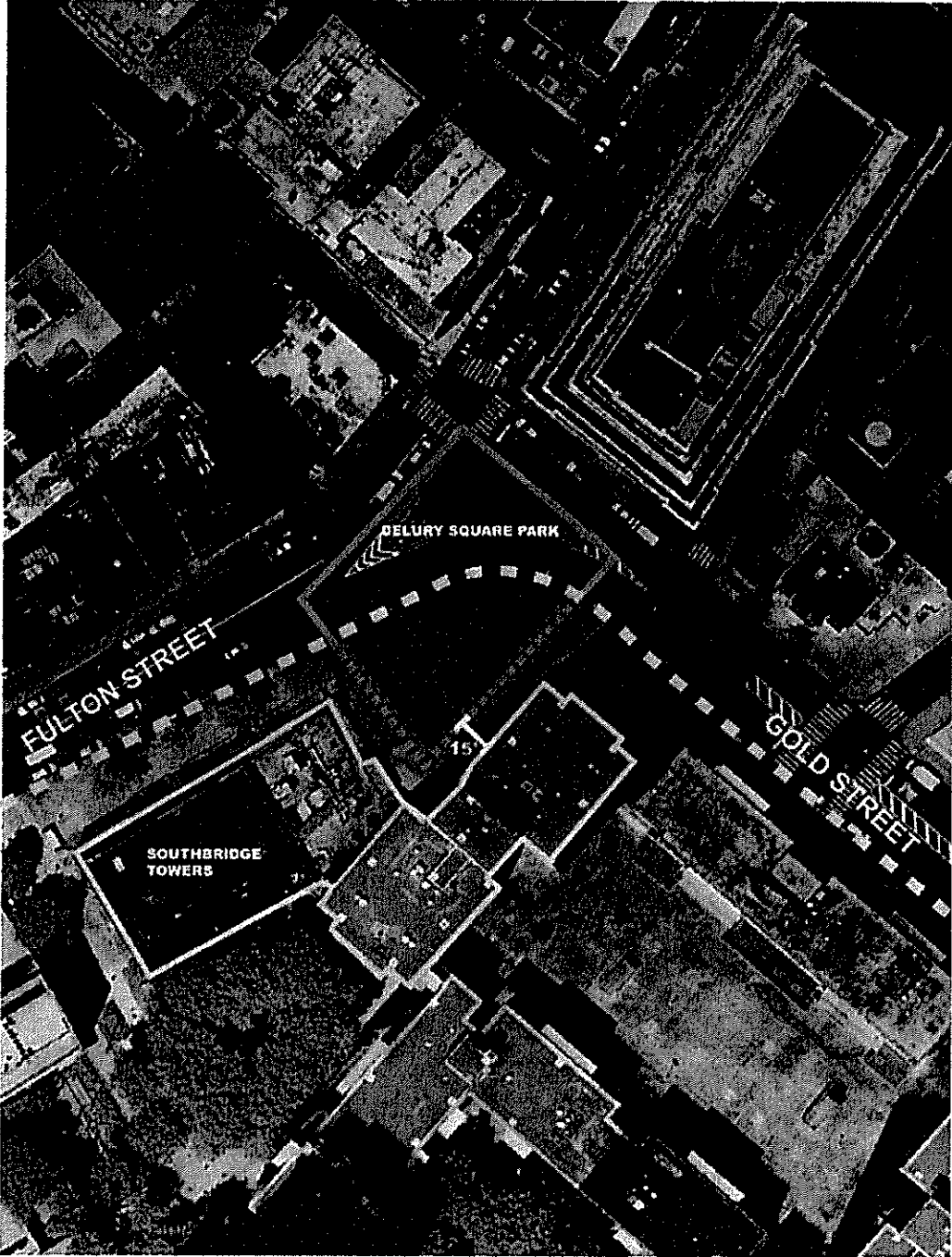
In conclusion, the proposed text amendment helps to facilitate the proposed DeLury Square Park, a desired enhancement of public open spaces in Lower Manhattan under the Fulton Street Corridor Revitalization Project.

The Department of City Planning worked closely with and has the support of the Southbridge Towers association. Community Board 1, Manhattan, voted unanimously to approve the text amendment on September 22, 2009. Finally, at the City Planning Commission public hearing on October 21, 2009, there were no speakers in opposition and Southbridge Towers issued a letter of support.

Thank you very much for your time and consideration. Keith O'Connor and I are available to take any questions.

Figure 1.

DELURY SQUARE PARK TEXT AMENDMENT: AERIAL VIEW



SBT LOT LINE BEFORE MAPPING OF PARK

RECONFIGURED LOT LINE AFTER MAPPING OF PARK

December 14, 2009

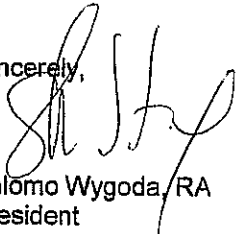
Peter Janosik
New York City Council
Senior Project Manager, Land Use
250 Broadway, 16th Floor
New York, NY 10007

Re: Trel dba Rosie O'Grady's

Dear Mr. Janosik,

In regards to Trel, dba Rosie O'Grady's, for the Sidewalk Cafe, we are hereby authorized by the owner to modify the design to reduce the seats from 21 tables and 82 chairs to 13 tables and 26 chairs in accordance with the attached Community Board Resolution. Revised drawings will be filed with the Department of Consumer Affairs as required.

Sincerely,



Shlomo Wygoda, RA
President

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 12-84 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KEMM O'CONNOR

Address: 22 RADE ST

I represent: CITY PLANNING

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: December 15, 2009

(PLEASE PRINT)

Name: Stanley Shar

Address: 75 Park Place, 9th Floor

I represent: New York City Department of Information Technology & Telecommunications

Address: Same -

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1286

in favor in opposition

Date: _____

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Name: STEVE WYGODA

Address: 190 E. Main St Huntington NY.

I represent: ROSIE OGRADY

Address: 800 7th Ave NY.

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I intend to appear and speak on Int. No. 1284 Res. No. _____

in favor in opposition

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(PLEASE PRINT)

Name: GRACE HAN

Address: 22 Rende Street ny ny

I represent: Dept. of City Planning

Address: 22 Rende Street

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/15/09

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Name: Michael Kelly

Address: 136 Waverly Rd Scarsdale, NY

I represent: 5693 Restaurant Corp

Address: 5693 Riverdale Ave Bx, NY

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Appearance Card

I intend to appear and speak on Int. No. 1282 Res. No. _____

in favor in opposition

Date: 12/15/09

(PLEASE PRINT)

Name: Bruce Regal

Address: 100 Church Street

I represent: NYC Law Dept

Address: 100 Church Street

Please complete this card and return to the Sergeant-at-Arms