



**COUNCIL OF THE CITY OF NEW YORK**

**CALENDAR**

**OF**

**THE LAND USE COMMITTEE**

**FOR THE WEEK OF AUGUST 19, 2013 - AUGUST 23, 2013**

**LEROY G. COMRIE**, *Chair*, Land Use Committee

**MARK WEPRIN**, *Chair*, Subcommittee on Zoning and Franchises

**BRAD LANDER**, *Chair*, Subcommittee on Landmarks, Public Siting  
and Maritime Uses

**STEPHEN LEVIN**, *Chair*, Subcommittee on Planning, Dispositions  
and Concessions

<http://legistar.council.nyc.gov/Calendar.aspx>

## **SUBCOMMITTEE ON ZONING AND FRANCHISES**

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the **Council Committee Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **9:30 A.M. on Monday, August 19, 2013:**

### **L.U. No. 821**

#### **TELECOMMUNICATIONS AUTHORIZING RESOLUTION**

**CITYWIDE**

**20135563 GFY**

Resolution authorizing franchises for telecommunications services.

By City Council Members Comrie and Weprin (at the request of the Mayor)

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

WHEREAS, pursuant to Section 363 of the Charter (the “Charter”) of the City of New York (“the City”), the Commissioner of the Department of Information Technology and Telecommunications has made the initial determination of the need for franchises for telecommunications services; and

WHEREAS, the Mayor has submitted to the Council a proposed authorizing resolution for such franchises pursuant to Section 363 of the Charter; and

WHEREAS, the Council has determined that the granting of such franchises will promote the public interest, enhance the health, welfare and safety of the public and stimulate commerce by assuring the widespread availability of telecommunications services;

The Council hereby resolves that:

- A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the installation of cable, wire or optical fiber and associated equipment on over and under the inalienable property of the City (including through pipes, conduits, sewers and similar improvements thereto) to be used in providing one or more telecommunications services (as that term is defined in Section C. of this resolution) in the City.
- B. For purposes of this resolution, “inalienable property of the City” shall mean the property designated as inalienable in Section 383 of the Charter.
- C. The public services to be provided under such franchises shall be one or more “telecommunications services”, defined for purposes of this resolution as the transmission of voice, data, information service and/or video signals, or any other form of wire communications or radio communications (as such terms are defined in subsections (40) and (59) of Section 3 of the federal Communications Act of 1934, as amended, or successor provisions thereto) but for purposes of this resolution “telecommunications services” shall not include any of the following: (i) “cable television services” as defined in the authorizing resolution adopted by the Council on May 15, 2012 as Resolution No. 1334, or any successor resolution thereto; (ii) “mobile telecommunications services” as defined in the authorizing resolution adopted by the Council on August 25, 2010 as Resolution No. 191 or any successor resolution thereto; and (iii) “public pay telephones” as defined in the authorizing resolution adopted by the Council on December 21, 2009 as Resolution No. 2309 or any successor resolution thereto.
- D. All franchises granted pursuant to this resolution shall require the approval of the Franchise and Concession Review Committee and the separate and additional approval of the Mayor.
- E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution was adopted by the Council (the “Expiration Date”). No franchises shall be approved pursuant to this resolution by the Department of Information Technology and Telecommunications, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.
- F. Prior to the grant of any such<sub>2</sub> franchise, a Request for Proposals

("RFP") or other solicitation shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review ("CEQR") and Section 197-c of the Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate response to such RFPs or other solicitations shall include, but not be limited to, the following to the extent permitted by law:

- (1) The adequacy of the proposed compensation to be paid to the City, and
- (2) The ability of the applicant(s) to maintain the property of the City in good condition throughout the term of the franchise and in a manner consistent with the City's management of the public rights-of-way.

In no event, however, shall the Department of Information Technology and Telecommunications include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including: and in no event shall the Department of Information Technology and Telecommunications apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided however, that no term or condition, whether or not listed hereinafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereinafter, shall be included in a written agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

- (1) the term of the franchise, including options to renew if any, shall not exceed fifteen (15) years;
- (2) the compensation to be paid to the City shall be adequate and may include the provision of facilities or services to the City or both;

- (3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;
- (4) a security fund shall be established to ensure the performance of the franchisee's obligations under the agreement;
- (5) the City shall have the right to inspect the facilities of the franchisee located on the inalienable property of the City and to order the relocation of such facilities at the direction of the Department of Information Technology and Telecommunications;
- (6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;
- (7) all franchisees shall be required to maintain complete and accurate books of account and records for purposes of reviewing and/or enforcing compliance with the franchise agreement;
- (8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property;
- (9) there shall be provisions that include the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;
- (10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment purchasing and investigations;
- (11) there shall be provisions to ensure adequate oversight of the franchisee's performance of its franchise obligations;
- (12) there shall be provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the city and provisions to restrict changes in control of the franchisee without the prior written consent of the City;
- (13) there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the agreement;

- (14) all franchisees shall have been subject, prior to the commencement of the franchise term, to review under the City's Vendor Information Exchange System ("VENDEX") or any successor system;
- (15) all franchisees shall include provisions incorporating the MacBride Principles;
- (16) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;
- (17) there shall be provisions requiring the franchisee to protect the property of the city, and the delivery of public services through, along or across such property, from damage or interruption of operation, as a result of the construction, operation, maintenance, repair and/or removal of franchisee's facilities in the inalienable property of the City; and
- (18) there shall be provisions designed to minimize the extent to which the public use of the street of the City are disrupted in connection with the construction, installation, use operation, maintenance and/or removal of franchisee's facilities in the inalienable property.

H. The Department of Information Technology and Telecommunications shall file with the Council the following documents:

- (1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;
- (2) within (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and
- (3) on or before July 1 of each year, a report detailing the revenues received by the City from each franchise granted pursuant to this resolution during the preceding calendar year.

- I. If any clause, sentence, paragraph, section or part of this resolution shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution or the application thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**PRECONSIDERED L.U. NO.**

**ST. FRANCIS PREPARATORY SCHOOL REZONING**

**QUEENS CB - 8**

**C 130170 ZMQ**

Application submitted by St. Francis Preparatory School pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10d and 11b, by changing from an R3-2 District to an R4 District property bounded by the southeasterly service road of the Horace Harding Expressway, Francis Lewis Boulevard, the northeasterly centerline prolongation of 67th Avenue and Peck Avenue, as shown on a diagram (for illustrative purposes only), dated March 18, 2013, and subject to the conditions of CEQR Declaration E-301.







of 3 Albany Avenue, westerly across Albany Avenue, southerly along the western curblineline of Albany Avenue, westerly to the northern building line of 8 Albany Avenue, westerly along the northern building line of 8 Albany Avenue, southerly along part of the eastern property line of 116 Decatur Street, westerly along the southern property lines of 116 through 110 Decatur Street and part of the southern property line of 108 Decatur Street, westerly along the southern property lines of 104 through 88 Decatur Street and 631 Throop Avenue, westerly to the eastern curblineline of Throop Avenue, northerly along the eastern curblineline of Throop Avenue, westerly across Throop Avenue to the easternmost point of the southern property line of 70-72 Decatur Street (aka 644 Throop Avenue), westerly, northerly, and northwesterly along the southern property line of 70-72 Decatur Street (aka 644 Throop Avenue), northwesterly along the southern property lines of 68 through 52 Decatur Street, southwestwesterly along part of the eastern property line of 50 Decatur Street (aka 1497 Fulton Street), northwesterly along a line to the southern property line of 44 Decatur Street, northwesterly along the southern property line of 44 Decatur Street, southwestwesterly along part of the eastern property line of 42 Decatur Street, northwesterly along the southern property lines of 42 and 40 Decatur Street, southwestwesterly along part of the eastern property line of 38 Decatur Street, northwesterly along the southern property lines of 38 and 36 Decatur Street, northeasterly along the western property line of 36 Decatur Street, northerly across Decatur Street, westerly along the northern curblineline of Decatur Street, northerly along the eastern curblineline of Tompkins Avenue, westerly to the southern property line of 58-72 MacDonough Street (aka 468-480 Tompkins Avenue), westerly along the southern property line of 58-72 MacDonough Street (aka 469-480 Tompkins Avenue), northerly along the western property line of 58-72 MacDonough Street (aka 469-480 Tompkins Avenue), northerly to the southern curblineline of MacDonough Street, easterly along the southern curblineline of MacDonough Street, northerly across MacDonough Street to the western property line of 61-73 MacDonough Street (aka 458-466 Tompkins Avenue), northerly along the western property line of 61-73 MacDonough Street (aka 458-466 Tompkins Avenue), easterly along the northern property line of 61-73 MacDonough Street (aka 458-466 Tompkins Avenue), easterly across Tompkins Avenue, northerly along the eastern curblineline of Tompkins Avenue, easterly to the northern property line of 467 Tompkins Avenue, easterly along the northern property line of 467 Tompkins Avenue, easterly to the northern property line of 91-97 MacDonough Street, easterly along the northern property lines of 91-97 through 129 MacDonough Street, southerly along part of the eastern property line of 129 MacDonough Street, easterly along the northern property line of 133 MacDonough Street, northerly along part of the western property line of 137 MacDonough Street, easterly along the northern property line of 137 MacDonough Street, southerly along part of the eastern property line of 137 MacDonough Street, easterly along the northern

property line of 141 MacDonough Street (aka 622 Throop Avenue), easterly to a point in the middle of the roadbed of Throop Avenue, northerly along a line extending up the middle of the roadbed of the Throop Avenue to a point in the middle of its intersection with Macon Street, easterly along a line extending down the middle of the roadbed of Macon Street to its intersection with a point on a line which continues the eastern curbline of Throop Avenue, northerly along that line and the eastern curbline of Throop Avenue, easterly to the northern property line of 267 Macon Street (aka 579 Throop Avenue), easterly along the northern property lines of 267 Macon Street (aka 579 Throop Avenue) through 331 Macon Street and part of the northern property line of 333 Macon Street, northerly along the western property lines of 410 through 404 Marcus Garvey Boulevard (aka 394-400 Halsey Street) to the southern curbline of Halsey Street, easterly along the southern curbline of Halsey Street, southerly along the western curbline of Marcus Garvey Boulevard, easterly across Marcus Garvey Boulevard to the northern property line of 417 Marcus Garvey Boulevard, easterly along the northern property line of 417 Marcus Garvey Boulevard, southerly along part of the eastern property line 417 Marcus Garvey Boulevard, easterly along the northern property lines of 351 through 403 Macon Street, northerly along part of the western property line of 364 Lewis Avenue and the western property lines of 362 through 354-356 Lewis Avenue (aka 468-476 Halsey Street) to the southern curbline of Halsey Street, easterly along the southern curbline of Halsey Street, easterly across Lewis Avenue to its intersection with the eastern curbline of Lewis Avenue, northerly across Halsey Street, northerly along the eastern curbline of Lewis Avenue, easterly to the northern property line of 437 Halsey Street (aka 343-351 Lewis Avenue), easterly along the northern property lines of 437 Halsey Street (aka 343-351 Lewis Avenue) through 503 Halsey Street, northerly along the western property lines of 308 through 302 Stuyvesant Avenue (aka 568 Hancock Street), northerly across Hancock Street, northerly along the western property lines of 300 Stuyvesant Avenue (aka 561 Hancock Street) through 284 Stuyvesant Avenue (aka 624-632 Jefferson Avenue) to the southern curbline of Jefferson Avenue, easterly along the southern curbline of Jefferson Avenue, easterly across Stuyvesant Avenue, easterly along the southern curbline of Jefferson Avenue, southerly to the eastern property line of 273-279 Stuyvesant Avenue (aka 634 Jefferson Avenue), southerly along the eastern property line of 273-279 Stuyvesant Avenue (aka 634 Jefferson Avenue), easterly along part of the northern property line of 281 Stuyvesant Avenue, southerly along the eastern property lines of 281 Stuyvesant Avenue and 575 Hancock Street (aka 285 Stuyvesant Avenue), southerly across Hancock Street, southerly along the eastern property lines of 291 Stuyvesant Avenue (aka 576 Hancock Street) through 297 Stuyvesant Avenue and part of the eastern property line of 299 Stuyvesant Avenue, easterly along the northern property lines of 525 through 533 Halsey Street, southerly along part of the eastern property line of 553

Halsey Street, easterly along the northern property lines of 553A and 555 Halsey Street, northerly along part of the western property line of 557 Halsey Street, easterly along the northern property lines of 557 through 559 Halsey Street, southerly along part of the eastern property lines of 559 Halsey Street, easterly along the northern property lines of 561 through 573 Halsey Street and part of the northern property line of 254 Malcolm X Boulevard, northerly along the western property lines of 248 through 240 Malcolm X Boulevard (aka 654 Hancock Street) to the southern curbline of Hancock Street, easterly along the southern curbline of Hancock Street, and southerly along the western curbline of Malcolm X Boulevard to the point of the beginning.

**L.U. No. 873**

**PIER 15 MARITIME LEASE**

**MANHATTAN CB - 1**

**20145031 PNM**

Application pursuant to §1301 (2)(f) of the New York City Charter concerning the proposed maritime lease agreement between the City of New York, acting through the Department of Small Business Services, as landlord, and Hornblower New York, LLC, as tenant, for certain City-owned berth areas and other improvements located on Pier 15 (Block 73, part of Lot 2), Borough of Manhattan, Community Board 1, Council District 1.

**PRECONSIDERED L.U. No.**

**BIALYSTOKER CENTER AND HOME FOR THE AGED**

**MANHATTAN CB - 3**

**20135751 HKM (N 130348 HKM)**

Designation (List No. 464/LP-2529) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Bialystoker Center and Home for the Aged located at 228 East Broadway aka 228-230 East Broadway (Tax Map Block 315, Lot 45), as an historic landmark.

**PRECONSIDERED L.U. NO.**  
**GOLDWATER HOSPITAL SURRENDER**  
**MANHATTAN CB - 08** **20145045 HHM**

Application submitted by the New York Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting the approval of the surrender to the City of New York of an approximately 9.9 acre parcel of land and buildings, on Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, Borough of Manhattan.



## **SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS**

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Council Committee Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **1:00 P.M. on Monday, August 19, 2013:**

### **L.U. No. 867**

**211 WEST 147<sup>TH</sup> STREET**

**MANHATTAN CB - 10**

**20135776 HAM**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 211 West 147<sup>th</sup> Street (Block 2033, Lot 21), Borough of Manhattan, Council District 7, pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

### **L.U. No. 868**

**640 BROADWAY**

**BROOKLYN CB - 1**

**20135773 HAK**

Application submitted by the New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 640 Broadway (Block 2270, Lot 10), Borough of Brooklyn, Council District 33, pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**PRECONSIDERED L.U. No.  
CYPRESS HILLS SENIOR HOUSING**

**BROOKLYN CB - 5**

**20145044 HAK**

Application submitted pursuant to Article 16 of the New York General Municipal Law and Section 422 of the New York Real Property Tax Law by the New York City Department of Housing Preservation and Development for approval of an Urban Development Action Area Project and related tax exemption for a Section 202 Supportive Housing Program for the Elderly project located at 137 Jamaica Avenue (Block 3487, part of Lot 20), Borough of Brooklyn, Council District 37.

**L.U. No. 816**

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and

4. Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law:

<b>L.U. No.</b>	<b>Non-ULURP No.</b>	<b>Address</b>	<b>Block/Lot</b>	<b>Program</b>	<b>CB</b>	<b>Tax Exemption</b>
<b>816</b>	20135531 HAQ	142-05 Rockaway Boulevard Queens	12036/99	Asset Sales	12	
<p><i>Laid over from the meetings of the Subcommittee on Planning, Dispositions and Concessions on May 13, 2013, June 4, 2013, June 18, 2013, June 20, 2013 and July 24, 2013.</i></p>						



## **LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the **Council Committee Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **10:00 A.M. on Tuesday, August 20, 2013**, and will consider all items reported out of the Subcommittees at the meetings held on Monday, August 19, 2013, and conduct such other business as may be necessary.