



COUNCIL OF THE CITY OF NEW YORK

AGENDA

OF

THE LAND USE COMMITTEE

FOR THE MEETING OF AUGUST 20, 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>

**AGENDA
OF THE
LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **10:00 A.M. on Tuesday, August 20, 2013**, and will consider the following items and conduct such other business as may be necessary:

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.

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.

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. 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 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

L.U. No. 867
211 WEST 147TH 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 147th 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.

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.

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:

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
816	20135531 HAQ	142-05 Rockaway Boulevard Queens	12036/99	Asset Sales	12	

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.