



Legislation Text

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Int. No. 1493

By Council Members Reynoso, Lander, Richards, Rose, Levin, Miller and Johnson

A Local Law to amend the New York city charter, in relation to improving community access to information about the siting of city facilities

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

b. With respect to the city facilities referred to in clause [one]1 of subdivision a of this section, the statement of needs shall describe for each proposed new city facility or significant expansion: (1) the public purpose to be served thereby, (2) the size and nature of the facility, (3) the proposed location by borough and, if [practicable]known, by community district or group of community districts, and (4) the specific criteria to be used in locating the new facility or expansion. Except as otherwise provided by law, if any city agency or its agent has begun any negotiation, feasibility examination or other study of a particular property or location for a city facility, the statement shall describe such location in detail, and the statement always shall specify which community district or community districts contain the location under consideration.

§ 2. Subdivision g of section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

g. Community feedback. 1. Definitions. As used in this subdivision, “period of review” means a fixed period of time to propose an alternative location or facility within the relevant (i) community district in the case of a community board or (ii) borough in the case of a borough president.

2. (a) Whenever an application involving a new city facility is submitted to the department of city

planning pursuant to paragraph [five, ten or eleven]5, 10 or 11 of subdivision a of section [one hundred ninety-seven-c]197-c, the applicant shall include as part of the application a statement of (1) how the proposed action satisfies the criteria for the location of city facilities established pursuant to section [two hundred three]203, (2) whether the proposed action is consistent with the most recent statement of needs, and (3) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. If the proposed action is not consistent with the criteria for location of city facilities, the statement of needs, or any such written statements or comments submitted in response to the statement of needs, the agency shall include as part of its application a statement of the reasons for any such inconsistencies. [If]

(b) For any application involving a new city facility submitted to the department of city planning pursuant to any paragraph in subdivision a of section 197-c, if the proposed new facility is not referred to in the statement of needs, the applicant shall submit to the affected borough president a description of the public purpose to be served by the city facility, its proposed location, the appropriation (if any) that the agency intends to use in connection with the facility, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have [the right, within thirty days of the submission of such description, to propose an alternative location in his or her borough for the proposed city facility, provided that the borough president shall certify that the alternative location satisfies the criteria for location of city facilities under section two hundred three and the specific criteria for locating the facility in the statement of needs]a 30-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203 and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for locating the facility. The application [for the proposed site selection, disposition or acquisition]shall not be certified and shall not be reviewed pursuant to section [one hundred ninety-seven-c]197-c until at least [thirty]30 days after the submission of such information to the affected borough president. [A borough president may elect to waive the right to such thirty-day review period.]

3. Unless otherwise required by law, whenever a notice of intent to acquire involving a new city facility or a city facility to be significantly expanded is submitted to the department of city planning pursuant to section 195, if the proposed acquisition is not referred to in a statement of needs covering the relevant year, the agency proposing such acquisition shall submit to the affected borough president, no later than the date that such agency files the notice, a description of the public purpose to be served by the city facility, its proposed location, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have a 15-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203 and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for locating the facility or identifying the facility to be affected. The city planning commission shall not hold the public hearing required by subdivision b of section 195 during that period of review.

4. (a) Unless otherwise required by law, whenever a proposed action involving a new city facility or a city facility to be significantly expanded is not covered by paragraphs 2 or 3 of this subdivision and is not referred to in the statement of needs, the relevant agency shall submit to the affected borough president and community board not fewer than 15 days before any required public hearing in relation to the proposed action or within five days of the agency finally identifying the site for the proposed action, whichever is earlier:

(1) A description of the proposed action;

(2) How the proposed action satisfies the criteria for the location of city facilities established pursuant to section 203;

(3) The specific criteria for the location of the facility or selecting the facility to be affected; and

(4) Whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs.

(b) The affected borough president shall have a 15-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203

and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for locating the facility or identifying the facility to be affected.

5. Unless otherwise required by law, whenever a proposed action involving a city facility to be closed or significantly reduced in size is not referred to in the statement of needs, the sponsoring agency shall submit to the affected borough president and community board, not fewer than 15 days before any required public hearing in relation to the proposed action or within 5 days of the agency finally identifying the site for the proposed action, whichever is earlier:

(1) A description of the proposed action, including the location;

(2) The reasons for such proposed closing or reduction;

(3) The specific criteria for selecting the city facility for closure or for reduction in size or capacity for service delivery;

(4) How the proposed action satisfies the criteria established pursuant to section 203; and

(5) Whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs.

(b) The affected borough president and community board shall have a 15-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203 and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for identifying the facility to be affected.

6. Any borough president or community board granted a period of review under this subdivision may waive such review period.

7. No proposed action or proposal shall be deemed to have been referred to in a statement of needs unless that statement includes sufficient information to identify both the particular project or facility at issue and the community board in which it is, or is to be, located.

§ 3. This local law takes effect 90 days after it becomes law.

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