



COUNCIL OF THE CITY OF NEW YORK

CALENDAR

OF

THE LAND USE COMMITTEE

FOR THE WEEK OF APRIL 2, 2012 - APRIL 6, 2012

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 matter in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **9:30 a.m. on Tuesday, April 3, 2012**:

L.U. No. 590 AUTHORIZING RESOLUTION

CITYWIDE

20125458 GFY

Resolution authorizing franchises for cable television services

By 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, the Commissioner of the Department of Information Technology and Telecommunications has made an initial determination, pursuant to Section 363 of the Charter (the "Charter") of the City of New York (the "City"), of the need for franchises for cable television services (as that term is defined hereinafter); 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, use of the inalienable property of the City (as defined hereinafter) helps to facilitate the availability of cable television service;

The Council hereby resolves that:

A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the construction, installation, use, operation and/or maintenance of cable, wire and/or optical fiber and associated equipment on, over and under the inalienable property of the City (including

through pipes, conduits and similar improvements thereto) for provision of cable television services in the City.

B. The public services to be provided under such franchises shall be cable television services, as defined hereinafter.

C. For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter. References herein to facilities "in the inalienable property" shall mean facilities located in, on, over or under the surface of such inalienable property of the City.

D. For purposes of this resolution, "cable television services" shall mean "cable service" as defined in the Cable Communications Policy Act of 1984, as amended (47 U.S.C. Sections 521 et seq.).

E. All franchises granted pursuant to this resolution shall require, as provided in Charter Sections 363 and 372, the approval of the Franchise and Concession Review Committee and the separate and additional approval of the Mayor.

F. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council.

G. Prior to the grant of any such franchise, and to the extent consistent with New York State and federal law, a request for proposals or other solicitation ("solicitation") shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such solicitation, all legally required 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 responses to such solicitation shall include, but not be limited to, the following, if and to the extent permitted by law:

- (1) the adequacy of the proposed compensation to be paid to the City;
- (2) the financial, legal, technical and managerial experience and capabilities of the applicant(s), including (without limitation, except as limited by law) the ability of the applicant(s) to maintain the property of the City in good condition throughout the term of the franchise; and

(3) the degree to which the public interest will be served by the service proposed to be provided.

H. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, terms and conditions consistent with the following to the extent permitted by law (and shall not include any provision which is prohibited by law from inclusion in such franchise agreement):

(1) no franchise granted pursuant hereto shall have a term that exceeds fifteen (15) years, including options to renew if any;

(2) the compensation for the franchise to be paid to the City shall be adequate and may include monetary compensation, the provision of facilities and/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) the franchisee shall be required to provide security to ensure the performance of the franchisee's obligations under the agreement;

(5) 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 franchise agreement;

(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 sufficient to assure franchisee's compliance with the franchise agreement, which books of account and records shall be made available on demand to the City for inspection;

(8) there shall be provisions to ensure quality workmanship and construction methods with respect to those facilities constructed, installed, used, operated and/or maintained pursuant to the franchise and located in the inalienable property;

- (9) there shall be provisions containing 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 applicable City laws and regulations related to, but not limited to, employment and investigations;
- (11) there shall be provisions to ensure adequate oversight by the City of franchisee's performance of its franchise obligations;
- (12) there shall be provisions requiring the consent of the City prior to an assignment or other transfer of, or change in control of, the franchise;
- (13) there shall be provisions regarding City rights to inspect facilities constructed, installed, used, operated and/or maintained pursuant to the franchise and located in the inalienable property, and regarding City rights to direct relocation of such facilities;
- (14) all franchisees shall have been subject, prior to commencement of the franchise term, to review under the City's Vendor Information Exchange System ("VENDEX") or any successor system;
- (15) all franchises 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 from damage, and the delivery of public services from interruption, resulting from the construction, installation, use, operation, maintenance and/or removal of franchisee's facilities in the inalienable property;
- (18) there shall be provisions designed to minimize the extent to which the public use of the streets 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;

(19) no franchise granted hereunder shall contain economic or regulatory burdens on the franchisee which when taken as a whole are greater or lesser than those burdens placed upon another cable television franchisee operating in the same area;

(20) all franchises shall be subject to comparable obligations and requirements provided that where the imposition of such obligations and requirements would be duplicative, then alternative but comparable obligations or requirements shall be imposed; and

(21) there shall be provisions requiring capacity and support for public, educational and governmental access.

I. 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 solicitation issued pursuant to this resolution;

(2) within fifteen (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.

J. 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.



SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **11:00 a.m. on Tuesday, April 3, 2012:**

L.U. No. 586

WILLIAMSBURG BRANCH PUBLIC NATIONAL BANK

BROOKLYN CB - 1

20125334 HKK (N 120185 HKK)

Designation (List No. 451/LP-2471) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Williamsburg Branch, Public National Bank of New York, located at 47-49 Graham Avenue (Block 3105, Lot 26), as an historic landmarks.

L.U. No. 588

COIGNET STONE COMPANY

BROOKLYN CB - 6

20125363 HKK (N 070006(A) HKK)

Designation (List No. 452-A/LP-2202-A) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the modification of the landmark designation of the New York and Long Island Coignet Stone Company, located at 360 Third Avenue (Block 978, Lot 7, now Lot 7 in part), as an historic landmark.

L.U. No. 589

EAST 10TH STREET HISTORIC DISTRICT

MANHATTAN CB - 3

20125456 HKM (N 120184 HKM)

Designation (List No. 451/LP No.-2492) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the East 10th Street Historic District.

The district boundaries are:

bounded by a line beginning at the intersection of the northern curblineline of East 10th Street and the eastern curblineline of Avenue A, continuing northerly along the eastern curblineline of Avenue A to its intersection with a line extending westerly from

northern property line of 293 East 10th Street, easterly along the northern property line of 293 East 10th Street, northerly along a portion of the western property line of 295 East 10th Street, easterly along the northern property lines of 295 to 299 East 10th Street, southerly along a portion of the eastern property line of 299 East 10th Street, easterly along the northern property lines of 301 to 303 East 10th Street and a portion of the northern property line of 305 East 10th Street, northerly along a portion of the western property line of 305 East 10th Street, easterly along a portion of the northern property line of 305 East 10th Street and the northern property line of 307 East 10th Street, southerly along a portion of the eastern property line of 307 East 10th Street, easterly along the northern property line of 309 East 10th Street, southerly along a portion of the eastern property line of 309 East 10th Street, easterly along the northern property lines of 311 to 319 East 10th Street, southerly along a portion of the eastern property line of 319 East 10th Street, easterly along the northern property line of 321 East 10th Street, northerly along a portion of the western property line of 323 East 10th Street, easterly along the northern property lines of 323 to 339 East 10th Street, southerly along a portion of the eastern property line of 339 East 10th Street, easterly along the northern property lines of 341 to 345 East 10th Street to the western curbline of Avenue B, southerly along the western curbline of Avenue B to its intersection with the northern curbline of East 10th Street, westerly along the northern curbline of East 10th Street to the point of the beginning.



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, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **1:00 p.m. on Tuesday, April 3, 2012:**

L.U. NOS. 564 AND 565

Proposals 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 areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are 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;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property pursuant to Section 696 of the General Municipal Law.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
564	20125330 HAX	1664 Davidson Avenue 1694 Davidson Avenue 1702 Davidson Avenue Bronx	2861/10 2861/21 2861/50	Negotiated Sale	05	Section 696

Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on February 8, 2012, March 6, 2012 and March 20, 2012.

Cont'd

565	20125331 HAK	Bushwick East 62 Troutman Street 11 Dodworth Street 1132 DeKalb Avenue 84 Stanhope Street 1175 Greene Avenue 103 Bleecker Street 207 Palmetto Street 205 Palmetto Street 203 Palmetto Street Brooklyn	3183/31 3229/41 3241/01 3265/32 3285/71 3296/58 3342/41 3342/42 3342/43	New Foundations	04	Section 696
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Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on February 8, 2012, March 6, 2012 and March 20, 2012.



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 Wednesday, April 4, 2012**, and will consider all items reported out of the Subcommittees at the meetings held on Tuesday, April 3, 2012, and conduct such other business as may be necessary.