



COUNCIL OF THE CITY OF NEW YORK

CALENDAR

OF

THE LAND USE COMMITTEE

FOR THE WEEK OF APRIL 23, 2012 - APRIL 27, 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 matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **9:30 a.m. on Tuesday, April 24, 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.

L.U. No. 599

119-03 SPRINGFIELD BOULEVARD

QUEENS CB - 13

C 090466 ZMQ

Application submitted by ADC Builders & Developers pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R2A District a C1-3 District bounded by 119th Avenue, Francis Lewis Boulevard, 217th Street, a line perpendicular to the southeasterly street line of Springfield Boulevard distant 140 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly line of Springfield Boulevard and the southwesterly street line of 119th Avenue, and Springfield Boulevard.

L.U. No. 600

QUEENS PLAZA SIGN REGULATIONS

QUEENS CB - 1 and 2

N 110223 ZRQ

Application submitted by the JetBlue Airways Corporation pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 7 to modify sign regulations within the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District.

Matter Underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

Article XI – Special Purpose Districts

Chapter 7

Special Long Island Mixed Use District

117-51

Queens Plaza Subdistrict Special Use Regulations

The special #use# provisions of Sections 123-20 through 123-50, inclusive, of the #Special Mixed Use District# shall apply in the Queens Plaza Subdistrict except where

modified by the provisions of this Section and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

* * *

117-514

Special Sign Regulations

Within the Queens Plaza Subdistrict, the #sign# regulations of Section 123-40 shall apply, except that such #sign# regulations may be modified to permit a non-#flashing sign# on the rooftop of a #non-residential building#, provided that such #sign# directs attention to a business conducted within such #building#, where such business occupies at least 20 percent of the #floor area# within such #building#, or a minimum of 50,000 square feet of #floor area# within such #building#, whichever is less. In addition, the following rules shall apply:

- (a) such #sign# shall be located on the rooftop of a #building# with frontage on Queens Plaza South, Queens Boulevard, Queens Plaza East or Queens Plaza North, and the height of the rooftop on which the #sign# is affixed shall be at least 70 feet but not more than 150 feet above #curb level#:
- (b) there shall be no more than one such #sign# on a #zoning lot#, and no more than one such #sign# per establishment on any #sign# structure:
- (c) such #signs# shall be affixed to an open frame structure with maximum dimensions that shall not exceed 45 feet in height, as measured from the surface of the roof to its uppermost point, and 150 feet in width, as measured along its widest dimension;
- (d) all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign# shall be separate elements, individually cut and separately affixed to the open frame structure. No perimeter or background surfaces shall be applied or affixed to the open frame structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for an open frame structure. The area of such separate elements of a rooftop #sign# shall not count towards the maximum #surface area# of a #sign# permitted in Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts); and

- (e) any illumination from a rooftop #sign# located within 100 feet of any #building# containing #residences#, where such #residences# legally existed at the time of the application for a permit for such #sign#, shall not project into or reflect onto any #residential# portion of such #building#.

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L.U. No. 601

ZONE GREEN TEXT AMENDMENT

CITYWIDE

N 120132 ZRY

Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York that would remove zoning impediments to green building features that will help promote energy efficient building envelopes; renewable energy, stormwater detention, reduction of carbon emissions and provide for a healthier New York City. To incorporate these goals, various sections of the Zoning Resolution will be amended.

<http://legistar.council.nyc.gov/View.ashx?M=AO&ID=4888&GUID=3a7bf11a-0830-4406-9469-61460261084a&N=Wm9uZSBHcmVlbiBUZXh0IEFtZW5kbWVudCBmb3IgWm9uaW5nIFN1YmNvbW1pdHRIZSBQdWJsaWMgSGVhcmluZyBvbiAwNC0yNC0yMDEy>

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES

The Subcommittee on Landmarks, Public Siting and Maritime Uses public hearing scheduled for **Tuesday, April 24, 2012 at 11:00 a.m.** in the Council Committee Room, 16th Floor, 250 Broadway, New York City, New York 10007, **has been DEFERRED.**

SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS

The Subcommittee on Planning, Dispositions and Concessions public hearing scheduled for **Tuesday, April 24, 2012 at 1:00 p.m.** in the Council Committee Room, 16th Floor, 250 Broadway, New York City, New York 10007, **has been DEFERRED.**

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, March 20, 2012, April 3, 2012 and April 24, 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, March 20, 2012, April 3, 2012 and April 24, 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 Thursday, April 26, 2012**, and will consider all items reported out of the Subcommittee at the meeting held on Tuesday, April 24, 2012, and conduct such other business as may be necessary.