
CHARTER SECTIONS ON COMMUNITY BOARDS

A



CITY CHARTER: CHAPTER 69 COMMUNITY DISTRICTS AND COTERMINALITY OF SERVICES

SECTION 2700. DECLARATION OF INTENT.

It is the intent of this chapter to encourage and facilitate coterminous community districts and service districts to be used for the planning of community life within the city, the participation of citizens in City government within their communities, and the efficient and effective organization of agencies that deliver municipal services in local communities and boroughs.

SECTION 2701. COMMUNITY DISTRICTS.

a. Each community district shall:

- (1) Lie within the boundaries of a single borough and coincide with historic, geographic and identifiable communities from which the city has developed;
- (2) Be suitable for the efficient and effective delivery of services of municipal agencies required to be made coterminous with the community districts, pursuant to section two thousand seven hundred four, including particularly the service and districting requirements of the police and sanitation departments; and
- (3) Be compact and contiguous and have a population of not more than two hundred fifty thousand persons.

b. Community districts shall be as nearly equal in population with each other as is possible under the criteria in paragraphs one, two and three of subsection a of this section.

c. With respect to the city's central business district in the Borough of Manhattan from fifty-ninth street south, the council may adopt, as part of the Manhattan community district map, districts which shall reflect its unique character as the city's financial, business and entertainment center. In doing so, the council shall take into consideration the residential, working and other daytime populations as well as the hotel and transient or other nighttime populations and adhere as nearly as possible to the provisions of paragraph (3) of subdivision a of this section.

d. The community district map for the borough of Manhattan shall include Roosevelt Island, located in the east river as part of a community district in the borough of Manhattan, immediately opposite to and west of Roosevelt Island. However, for the purposes of meeting section twenty-seven hundred four relating to the coterminality of local services, section twenty-seven hundred five relating to district service cabinets and section twenty-seven hundred seven relating to the agency budget and service statements, Roosevelt Island shall be deemed included within a community district of the borough of Queens immediately opposite and to the east of Roosevelt Island. The chairperson of the community board of the Manhattan community district which includes Roosevelt Island, or his or her designee, shall be a member of the district service cabinet of each of the community districts in which Roosevelt Island is included in the respective boroughs.

e. The community district map for the borough of the Bronx shall include that portion of the borough of Manhattan which lies north of the Harlem River.

a. The map of community districts in effect as of the seventh day of November, nineteen hundred eighty-nine shall be continued until modified pursuant to this section. Not later than the first day of May nineteen hundred ninety-four and every tenth year thereafter, the mayor shall, and at such other times as the mayor deems appropriate, the mayor may, prepare and present to the council a report reviewing the community district map then in force and presenting such recommendations for changes in the map as the mayor deems appropriate. Such review shall consider shifts in population shown in the most recent decennial census that may require adjustments in the community district map to conform to the criteria in section twenty-seven hundred one. Such review shall also consider whether reducing the size of any community district would provide more efficient and effective service delivery within the district or districts involved. If the mayor's recommendations for changes in the map would produce a community district with a population below seventy-five thousand persons, the mayor may consider whether partial suspension of coterminality within the district is likely to provide more efficient or effective service delivery of one or more of the services for which coterminality is required, and may recommend that coterminality for one or more designated services within the community district and any adjacent district be suspended. The mayor's recommendations for changes shall be referred to as the preliminary revision of the community district map. *(Amended by Local Law 1993, No. 71)*

b. The borough presidents, city planning commission, community boards and other civic, community and neighborhood groups and associations shall be consulted and their recommendations considered in the preparation for the preliminary revision of the community district map.

c. The mayor shall publish the preliminary revision of the community district map in the City Record and in each borough of the city and shall, jointly with the borough president, conduct one or more public hearings on it in each borough of the city. Within sixty days after the last such hearing, the mayor shall submit to the council such preliminary revisions of the community district map as he or she deems appropriate.

d. The council shall conduct public hearings on the preliminary revision of the community district map submitted by the mayor and it shall, by resolution, within one hundred twenty days of such submission, adopt, adopt with modifications, or disapprove the map as submitted. If the council adopts the proposed map without modifications, or if the mayor concurs in any modifications adopted by the council, the new map shall be effective as of the date specified in the mayor's proposal or in the modifications adopted by the council and concurred in by the mayor. If the council disapproves the map as submitted by the mayor, or if the council fails to act within the one hundred twenty day period, or if the mayor does not concur in any modifications adopted by the council, the community district map then in force shall remain in effect.

Editor's Note: In the current Charter, Section 2702 is followed by Section 2704. No text has been omitted.

SECTION 2704. COTERMINALITY OF LOCAL SERVICES.

a. The head of each agency responsible for one or more of the services listed below shall organize the local service delivery districts of such agency as follows:

- (1) To be coterminous with each of the community districts: local parks services; local recreation services; street cleaning and refuse collection services; the patrol services of the police department; and social services, including community services, community development, youth services, child development, and special services for children; and,
- (2) To be coterminous with one or more community districts or aggregates of them: housing code enforcement, highway and street maintenance and repair, sewer maintenance and repair, and health services, other than municipal hospitals.

b. Notwithstanding the provisions of subdivision a, the requirement that patrol services of the police department be coterminous with each of the community districts in any borough shall not apply to any community district where the mayor, after consultation with the police commissioner, shall determine that establishment of such coterminality would be inconsistent with the most effective delivery of such service. The mayor shall promptly notify the council of any such determination, and the council may, by majority vote, disapprove such determination with respect to any community district within sixty days after the first stated meeting of the council following the receipt of such notice. If the council shall disapprove such determination with respect to any community district, the police commissioner shall organize patrol services to be coterminous with such district within ninety days of such disapproval.

c. The council by resolution subject to the approval of the mayor, or the mayor by executive order may direct that city services in addition to those specified in subdivision a of this section be made coterminous with one or more community districts or aggregates of them.

d. The head of each agency whose local service delivery districts are not required to be coterminous with community districts pursuant to subdivision a or c of this section shall organize the local service delivery districts of the agency to coincide as closely as possible to the boundaries of the community districts.

e. For purposes of this section, coterminality of services shall mean that the boundaries of the local service districts of each agency service listed in subdivision a or required to be coterminous pursuant to subdivision c shall coincide with the boundaries of community districts.

f. The head of each agency responsible for one or more of the services listed in subdivision a or required to be made coterminous pursuant to subdivision c shall: (1) assign to each such local service district at least one official with managerial responsibility involving the exercise of independent judgment in the scheduling, allocation and assignment of personnel and equipment and the evaluation of performance or the management and planning of programs; each such official shall have operating or line authority over agency programs, personnel and facilities within the local service district; (2) assign to each borough at least one borough commissioner, or official with an equivalent title, who shall have line authority over agency programs, personnel and facilities within the borough related to programs, personnel and facilities within the borough related to such services; such official shall consult regularly with the borough president and shall be a member of the borough service cabinet established pursuant to section twenty-seven hundred six of the charter; and (3) publish semi-annually in the City Record and make available to interested parties a list, by community district and borough, of the name, title, office mailing address, and office telephone number of the officials appointed pursuant to paragraphs one and two of this subdivision and to subdivision a of section twenty-seven hundred six.

g. The head of any agency may assign or reallocate personnel, equipment or other resources outside a community district to meet emergency needs, special situations, or temporary conditions.

h. Nothing in this chapter shall prohibit any agency from maintaining sub-districts within a community district for purposes of efficient and effective service delivery so long as the combined sub-districts shall coincide with the boundaries of the community district. Nothing contained in this section shall prevent the establishment of any special district authorized pursuant to federal, state or local law, the boundaries of which do not coincide with the boundaries of a community district.

i. Each borough president may publish an annual report evaluating the delivery, within the borough, of the services which are listed in subdivision a, or are required to be made coterminous pursuant to subdivision c, of this section.

j. On or before the first day of December, nineteen hundred ninety, the mayor shall appoint a task force on service delivery, consisting of no more than ten members, to review the requirements of subdivisions a, c and f of this section. Such task force shall include members appointed upon the recommendation of the council, comptroller, president of the council and borough presidents. The membership of the task force shall include, but not be limited to, community board members, district

managers, and representatives of the agencies subject to the requirements of this section. On or before the first day of December, nineteen hundred ninety-two, the task force shall submit a report to the mayor and council summarizing its conclusions and presenting such recommendations for changes in the list of services made coterminous pursuant to subdivisions a or c, and in the requirements for such services contained in subdivision f, as the task force deems appropriate.

k. The mayor shall report biennially to the council on the implementation of the requirements of this section. Such report shall include: (1) an evaluation of the quality of the services delivered to community districts pursuant to subdivisions a and c of this section during the preceding two fiscal years, (2) a review of the agencies' implementation of subdivisions d and f of this section, and of subdivision a of section twenty-seven hundred six, and (3) any recommendations for changes in the services listed or in the requirements for those services which the mayor deems appropriate.

SECTION 2705. DISTRICT SERVICE CABINET.

a. There shall be a district service cabinet within each community district established pursuant to this chapter. The members of the district service cabinet shall include:

- (1) The agency officials designated pursuant to paragraph one of subdivision f of section twenty-seven hundred four;
- (2) Representatives of other agencies that provide local services on a regular basis in the community district, who shall be the ranking line official to the district;
- (3) Each council member whose district comprises all or part of the community district, and the council members from the borough in which the community district is located;
- (4) A representative of the department of city planning designated by the director of city planning;
- (5) The district manager appointed pursuant to sub-section f of division twenty-eight hundred; and,
- (6) The chairperson of the community board for the community district or his or her representative.

b. Each district service cabinet shall:

- (1) Coordinate service functions and programs of the agencies that deliver services in the community district;
- (2) Consider interagency problems and impediments to the effective and economic delivery of services in the district;
- (3) Plan and recommend joint programs to meet the needs and priorities of community districts and their residents; and
- (4) Consult with residents of the community district and their representatives about local service problems and activities; and
- (5) Keep a public record of its activities and transactions, including minutes of its meetings.

SECTION 2706. BOROUGH AGENCY MANAGERS & BOROUGH SERVICE CABINETS

a. The head of each agency delivering services in the borough shall designate one or more senior officials of the agency with line authority as borough representatives of the agency with such coordinative or other duties and responsibilities as the head of the agency may specify in a written statement filed in the agency and with the director of operations and the appropriate borough president.

b. There shall be a borough service cabinet within each borough whose members shall include the borough representatives designated pursuant to subdivision a of this section, and the borough president, who shall be the chairperson. Each borough service cabinet shall:

- (1) Coordinate at the borough level service delivery functions and programs of agencies that provide services in the borough;
- (2) Consider interagency problems and impediments to the effective and economic delivery of services in the borough;
- (3) Plan and develop programs addressed to the needs and priorities of the borough and its residents; and
- (4) Consult with residents of the borough and representatives of the community boards about service problems and activities.
- (5) Keep a public record of its activities, transactions, including minutes of its meetings.

SECTION 2707. AGENCY BUDGETS AND SERVICE STATEMENTS.

a. Each agency with service districts within the community districts and boroughs shall prepare annually a statement of its service objectives, priorities, programs and projected activities within each community district and each borough for the new fiscal year, if requested by the respective community board or borough board.

b. In preparing such statements for community districts the agencies shall consult with the respective district service cabinets and community boards. In preparing such statements for the borough, the agencies shall consult with the borough service cabinet and borough board. The statements shall be filed no later than the fifteenth day of August with the mayor, council, borough presidents, community board and borough board.

c. By no later than four months after the end of the fiscal year, each agency with service districts within the community districts and boroughs shall report to the respective community boards the amount of expenditures within each service district for each unit of appropriation for the preceding year.

SECTION 2708. AGENCY INFORMATION.

Each agency with service districts within the community districts and boroughs shall make available to each community board and borough board and to the respective borough presidents current information on its operations and programs within each community district and borough.



CITY CHARTER: CHAPTER 70

CITY GOVERNMENT IN THE COMMUNITY

SECTION 2800. COMMUNITY BOARDS.

a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president. Not more than twenty-five percent of the appointed members shall be city employees. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. The borough president shall assure adequate representation from the different geographic sections and neighborhoods within the community district. In making such appointments, the borough president shall consider whether the aggregate of appointments fairly represents all segments of the community. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members.

b. An appointed member may be removed from a community board for cause, which shall include substantial non-attendance at board or committee meetings over a period of six months, by the borough president or by a majority vote of the community board. Vacancies among the appointed members shall be filled promptly upon the occurrence of the vacancy by the borough president for the remainder of the unexpired term in the same manner as regular appointments.

c. Members of community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board.

d. Each community board shall:

- (1) Consider the needs of the district which it serves;
- (2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body or the borough president with respect to any matter relating to the welfare of the district and its residents;

- (3) At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the district and its residents, but the board shall take action only at a meeting open to the public;
- (4) Assist city departments and agencies in communicating with and transmitting information to the people of the district;
- (5) Cooperate with the boards of other districts with respect to matters of common concern;
- (6) Render an annual report to the mayor, the council and the borough board within three months of the end of each year and such other reports to the mayor or the borough board as they shall require (such reports or summaries thereof to be published in the City Record);
- (7) Elect its own officers; adopt, and make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its district manager and other professional staff appointed pursuant to subdivision f of this section; and keep a public record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be made available, in accordance with law, to elected officials upon request and for reasonable public inspection;
- (8) Request the attendance of agency representatives at meetings of the community board;
- (9) Prepare comprehensive and special purpose plans for the growth, improvement and development of the community district;
- (10) Prepare and submit to the mayor, on or before a date established by the mayor, an annual statement of community district needs, including a brief description of the district, the board's assessment of its current and probable future needs, and its recommendations for programs, projects, or activities to meet those needs;
- (11) Consult with agencies on the capital needs of the district, review departmental estimates, hold public hearings on such needs and estimates and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;
- (12) Conduct public hearings and submit recommendations and priorities to the mayor, the council and city planning commission on the allocation and use within the district of funds earmarked for community development activities under city, state or federal programs;
- (13) Consult with agencies on the program needs of the community district to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;

- (14) Assist in the planning of individual capital projects funded in the capital budget to be located in the community district and review scopes of projects and designs for each capital project, provided, however, that such review shall be completed within thirty days after receipt of such scopes or designs; *(Amended by Local Law 1996, No. 63)*
- (15) Evaluate the progress of capital projects within the community district based on status reports to be furnished to the board;
- (16) Be authorized to assign a representative to attend any meeting held by a city agency to determine, in advance of drafting, the form and content of any environmental impact statement required by law for a proposal or application for a project in such board's district;
- (17) Exercise the initial review of applications and proposals of public agencies and private entities for the use, development or improvement of land located in the community district, including the conduct of a public hearing and the preparation and submission to the city planning commission of a written recommendation.
- (18) Assist agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the community district and review such statements;
- (19) Evaluate the quality and quantity of services provided by agencies within the community district;
- (20) Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests and inquiries of residents of the community district; and
- (21) Conduct substantial public outreach, including identifying the organizations active in the community district, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request.

e. Each agency shall furnish promptly to each community board on request any information or assistance necessary for the board's work. Each agency shall also report periodically to each board on its service activities, programs and operations within the community district.

f. Each community board, within budgetary appropriations therefore, shall appoint a district manager and shall be authorized to utilize the services of such other professional staff and consultants, including planners and other experts, as it may deem appropriate, all of whom shall serve at the pleasure of the community board and shall provide the board with the staff support and technical assistance it requires to fulfill the duties assigned to it by this charter or other law. The district manager shall (1) have responsibility for processing service complaints, (2) preside at meetings of the district service cabinet and (3) perform such other duties as are assigned by the community board in accordance with the statement of duties required by paragraph seven of subdivision d of this section. One of the board members shall be elected by the other members to serve as chairperson. The chairperson shall use no title other than chair or chairperson of the community board and the other members shall use no title other than member of the community board or community board member, except that any member who is elected or appointed to an official position on the board, including but not limited to, vice-chairperson, secretary, treasurer,

or chair of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity. The department of investigation shall investigate any allegations concerning the misuse of a community board title and shall report its findings to the mayor, the council and the borough president in whose borough the community board is located. The knowing and intentional use of an improper title by any member of a community board shall be punishable by a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for every infraction thereof. The chairperson of the community board or his or her representative shall be a member of the district service cabinet. A member of a community board shall be eligible for appointment to the position of district manager provided such member does not participate in any manner in the selection of the district manager by the board and resigns as a member of any board prior to or upon assuming the duties of district manager.

g. Each community board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose. Any funds appropriated by the city to enable the community boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each board subject to the terms and conditions of such appropriations. The basic budget appropriation for the personal service and other than personal service needs of each community board shall not include rent. Within reasonable limits appropriate to each board's location, rent shall be separately appropriated for the board.

h. Except during the months of July and August, each community board shall meet at least once each month within the community district and conduct at least one public hearing each month. Notwithstanding the foregoing, a community board shall be required to meet for purposes of reviewing the scope or design of a capital project located within such community board's district when such scope or design is presented to the community board. Such review shall be completed within thirty days after receipt of such scope or design. Each board shall give adequate public notice of its meetings and hearings and shall make such meetings and hearings available for broadcasting and cablecasting. At each public meeting, the board shall set aside time to hear from the public. The borough president shall provide each board with a meeting place if requested by the board. *(Amended by Local Law 1996, No. 63)*

i. Each community board may create committees on matters relating to its duties and responsibilities. It may include on such committees persons with a residence or significant interest in the community who are not members of the board, but each such committee shall have a member of the board as its chairperson. Except as otherwise provided by law, meetings of such committees shall be open to the public.

SECTION 2801. ACTIONS OF COMMUNITY BOARDS.

a. A majority of the appointed members of any community board shall constitute a quorum of such board.

b. Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of such board.

**CHARTER SECTIONS ON CITY
PLANNING**

B



CITY CHARTER: CHAPTER 8 CITY PLANNING

SECTION 196. AFFECTED BOARDS AND BOROUGH PRESIDENTS

For purposes of this chapter: the term "affected community board" shall mean the community board for a community district in which land included in a plan or an application pursuant to this chapter is located; the term "affected borough president" shall mean the president of a borough in which land included in such a plan or an application is located; and a borough board shall be deemed "affected" if such a plan or application includes land within two or more community districts within the borough represented by such borough board.

SECTION 197-a. PLANS

a. Plans for the development, growth, and improvement of the city and of its boroughs and community districts may be proposed by (1) the mayor, (2) the city planning commission, (3) the department of city planning, (4) a borough president with respect to land located within his or her borough, (5) a borough board with respect to land located within its borough, or (6) a community board with respect to land located within its community district. A community board, borough board or borough president that proposes any such plan shall submit the plan together with a written recommendation to the city planning commission for determinations pursuant to subdivision b of this section. Any such submission may be made by a community board, borough board or borough president only after the board or borough president proposing such a plan has held a public hearing on the plan.

b. The city planning commission shall adopt rules establishing minimum standards for the form and content of plans pursuant to this section within a reasonable time period after the first day of July, nineteen hundred ninety. Upon receipt of a plan proposed pursuant to this section by a community board, borough board or borough president, the city planning commission shall, within a reasonable time period, determine whether such plan satisfies the standards established in such rules and is consistent with sound planning policy. If the commission makes such determinations with respect to a plan submitted by a community board, the office of environmental coordination established pursuant to subdivision e of section one hundred ninety-two, together with such other city agency or entity as may be required pursuant to law or rule, shall prepare or cause to be prepared any environmental analysis of such plan required by law to enable the city planning commission and the council to act on the plan pursuant to subdivision d of this section. If the city planning commission makes the determinations provided for in this subdivision with respect to a plan, such plan shall be referred to the department of city planning for circulation and review pursuant to subdivisions c and d of this section.

c. All plans proposed pursuant to this section shall be referred to the department of city planning for circulation by the department to all affected community boards, all affected borough boards and all affected borough presidents for review and written recommendation, except that any such plan need not be circulated to the agency or official that proposed such plan. All affected community boards and borough boards to which such a plan is referred shall hold a public hearing on any such plan, except that in the case of a plan that includes an entire borough or land in more than one borough, only one public hearing need be held in each affected borough. The city planning commission shall establish by rule the procedures and schedule for

review of such plans, consistent with the provisions of this section. A community board or borough board may review a plan which does not involve land so located as to require its review if in its judgment the plan significantly affects the welfare of the district or borough served by such board. In such a case, the plan and any written recommendations relative thereto shall be made available to such board on request. Such board may hold its own public hearing on such plan if it desires and may submit its own written recommendations in regard thereto to the city planning commission.

d. Within a reasonable time period following review and recommendation of a plan pursuant to subdivision c of this section, the city planning commission shall (1) review such plan, (2) hold a public hearing on such plan, and (3) by resolution approve, approve with modifications or disapprove such plan. If the commission has approved a plan or approved a plan with modifications, such plan shall be subject to review and action by the council pursuant to section one hundred ninety-seven-d. The council may by a two-thirds vote approve a plan which the city planning commission disapproved or on which the commission has failed to act if the mayor so requests. Upon the filing by the mayor of such a request with the commission and the council, the commission shall within five days file with the council a copy of its decision together with a copy of the plan. Copies of approved plans shall be filed with the city clerk, the department of city planning, the affected borough presidents, the affected borough boards and the affected community boards.

SECTION 197-b. NOTIFICATION OF PLANS AND PROPOSALS

a. Advance notice of all preliminary and final plans of public agencies and public benefit corporations or of private agencies, entities or developers filed with the city that relate to the use, development or improvement of land subject to city regulation shall be given to the affected community board or boards and the office of the affected borough president, provided that exceptions may be made in matters of no appreciable public concern by agency rule.

b. Copies of (1) all requests for proposals and other solicitations of proposals issued by or on behalf of the city, whether or not issued by an agency, a local development corporation or other entity, and (2) all letters of intent executed by or on behalf of the city, whether or not executed by an agency, a local development corporation or other entity, that relate to the private use or the disposition of city-owned land, shall be conveyed to the community boards where such land is located and the office of the borough president where such land is located promptly after issuance or execution.

SECTION 197-c. UNIFORM LAND USE REVIEW PROCEDURE

a. Except as otherwise provided in this charter, applications by any person or agency for changes, approvals, contracts, consents, permits or authorization thereof, respecting the use, development or improvement of real property subject to city regulation shall be reviewed pursuant to a uniform review procedure in the following categories:

- (1) Changes in the city map pursuant to section one hundred ninety-eight and section one hundred ninety-nine;
- (2) Maps of subdivisions or platting of land into streets, avenues or public places pursuant to section two hundred two;
- (3) Designations of zoning districts under the zoning resolution, including conversion

from one land use to another land use, pursuant to sections two hundred and two hundred one;

- (4) Special permits within the jurisdiction of the city planning commission under the zoning resolution, pursuant to sections two hundred and two hundred one;
- (5) Site selection for capital projects pursuant to section two hundred eighteen;
- (6) Revocable consents pursuant to section three hundred sixty-four, requests for proposals and other solicitations for franchises pursuant to section three hundred sixty-three, and major concessions as defined pursuant to section three hundred seventy-four;
- (7) Improvements in real property the costs of which are payable other than by the city pursuant to section two hundred twenty;
- (8) Housing and urban renewal plans and projects pursuant to city, state and federal housing laws;
- (9) Sanitary or waterfront land-fills pursuant to applicable charter provisions or other provisions of law;
- (10) Sale, lease (other than the lease of office space), exchange, or other disposition of the real property of the city, including the sale or lease of land under water pursuant to section sixteen hundred two, chapter fifteen, and other applicable provisions of law;
- (11) Acquisition by the city of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease and including the acquisition of land under water pursuant to section sixteen hundred two, chapter fifteen, and other applicable provisions of law; and
- (12) Such other matters involving the use, development or improvement of property as are proposed by the city planning commission and enacted by the council pursuant to local law.

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law, and (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law. The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any

time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the application.

If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

d. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each affected community board and each affected borough president shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

e. Each affected community board shall, not later than sixty days after receipt of an application that has been certified pursuant to subdivision c of this section,

- (1) notify the public of the application in a manner specified by the city planning commission pursuant to subdivision i of this section, and
- (2) either (a) conduct a public hearing thereon and prepare and submit a written recommendation directly to the city planning commission and to the affected borough president or (b) where authorized by this charter, submit a written waiver of the right to conduct a public hearing and to submit such written recommendations to the commission and the affected borough president.

f. A copy of a recommendation or waiver by a community board pursuant to subdivision e of this section that involves land located within two or more community districts in a borough shall also be filed with the affected borough board within the same time period as specified in subdivision e. Not later than thirty days after the filing of a recommendation or waiver with the borough board by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough board may hold a public hearing on the application and any such recommendations and submit a written recommendation or waiver thereof to the city planning commission.

g. Not later than thirty days after the filing of a recommendation or waiver with the borough president by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough president shall submit a written recommendation or waiver thereof to the city planning commission.

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the city planning commission by a borough president, the commission shall approve, approve with modifications, or disapprove the application. Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. The commission shall conduct a public hearing on all applications that are subject to review and approval by the commission pursuant to this section. Prior to taking any action pursuant to this subdivision on a matter involving the siting of a capital project, the sale, lease, exchange or other disposition or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission may obtain a report from the office of management and budget or the

department of general services, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action.

i. The city planning commission shall establish rules providing (1) guidelines, minimum standards, and procedural requirements for community boards, borough presidents, borough boards and the commission in the exercise of their duties and responsibilities pursuant to this section, (2) minimum standards for certification of applications pursuant to subdivision c of this section, and (3) specific time periods for review of applications pursuant to this section prior to certification.

j. If a community board, borough president or borough board fails or waives its right to act within the time limits for review pursuant to subdivisions e, f and g of this section, the application shall be referred to the next level of review. If the city planning commission fails to act on an application within the time limit specified in subdivision h of this section, the application shall be deemed to have been denied unless the application (i) is pursuant to paragraph three or four of subdivision a of this section, in which case the application may be forwarded to the council for review pursuant to the provisions of subdivision b of section two hundred, if applicable, or (ii) is pursuant to paragraph eight of subdivision a of this section, in which case the application shall be referred to the council for review and action as provided by state law.

k. Notice of any hearing on an application by the city planning commission shall be published in the City Record at least ten days immediately prior to the date of the hearing, and a copy of the notice shall be mailed to all community boards or borough boards affected by the application.

l. The commission shall establish by rule procedures for advance posting of notices of commission hearings on applications. Such notices shall be posted at the location of the land involved in such manner and with respect to such types of applications as the commission deems appropriate. Failure to post any such notice shall not affect or impair the validity of any decision of the city planning commission, the council or other agency or official pursuant to this chapter.

m. A community or borough board may review an application which is subject to the uniform land use review procedure pursuant to this section but does not involve land so located as to require reference to such board for review, if in the board's judgment the application might significantly affect the welfare of the community district or borough served by such board. In such a case the application and the related materials submitted to the affected board or boards by the city planning department shall be submitted also to such board upon the request of such board, and such board may hold its own public hearing thereon if it so desires and may submit its own written recommendations in regard thereto to the city planning commission for consideration at any time before the city planning commission takes action thereon.

SECTION 197-d. COUNCIL REVIEW

a. The city planning commission shall file with the council and with the affected borough president a copy of its decisions to approve or approve with modifications (1) all matters described in subdivision a of section one hundred ninety-seven-c, (2) plans pursuant to section one hundred ninety-seven-a, and (3) changes in the text of the zoning resolution pursuant to sections two hundred and two hundred one. Any such filing of a decision pursuant to section one hundred ninety-seven-c shall be completed prior to the expiration of the sixty-day period for action by the

commission. Any such filing with the council shall include copies of all written recommendations of community boards, borough boards and borough presidents with respect to the decision being filed.

2. b. The following decisions filed with the council pursuant to subdivision a of this section, shall be subject to review and action by the council:

(1) any decision of the city planning commission to approve or approve with modifications a matter described in paragraph three or eight of subdivision a of section one hundred ninety-seven-c, a disposition of residential real property (as defined in this paragraph) pursuant to paragraph ten of subdivision a of section one hundred ninety-seven-c (except for dispositions to companies that have been organized exclusively to develop housing projects for persons of low income), a plan pursuant to section one hundred ninety-seven-a, or a change in the text of the zoning resolution pursuant to sections two hundred or two hundred one. For purposes of this section, residential real property shall mean real property improved by structures, whether or not occupied, built for or converted to a use which is primarily residential, but shall not include property subsequently converted to non-residential use;

(2) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section one hundred ninety-seven-c, if (i) both an affected community board (after holding a public hearing) and the affected borough president, within the time periods allotted for their reviews pursuant to section one hundred ninety-seven-c, have recommended in writing against approval and (ii) the affected borough president, within five days of receiving a copy of the decision of the commission, files with the commission and the council a written objection to the decision; and

(3) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section one hundred ninety-seven-c, if within twenty days of the filing of such decision pursuant to subdivision a of this section, the council resolves by the majority vote of all the council members to review the decision of the commission.

c. Within fifty days of the filing with the council pursuant to subdivision a of this section of any decision of the city planning commission which pursuant to subdivision b of this section is subject to review by the council, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing, and the council, within such fifty days, shall take final action on the decision. The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove such a decision. If, within the time period provided for in this subdivision and, if applicable, in subdivision d of this section, the council fails to act or fails to act by the required vote on a decision of the city planning commission subject to council review pursuant to subdivision b of this section, the council shall be deemed to have approved the decision of the commission.

d. The council shall not approve with modifications a commission decision if the commission has determined pursuant to this subdivision that additional review of the modifications is required. Prior to approving a decision of the commission with modifications, the council shall file the text of any such proposed modifications with the commission. Within fifteen days of such filing, the commission shall file with the council a written statement indicating whether such proposed modifications are of such significance that additional review of environmental issues or additional review pursuant to section one hundred ninety-seven-c is required. If no additional review is required, the commission may include in such statement its advisory recommendation concerning the proposed modifications, together with any proposed amendments to the proposed modifications. The council may thereafter approve such proposed modifications, with or without the amendments proposed by the commission. The time period

for council action shall be tolled during such fifteen-day period; provided, however, that proposed modifications may be referred to the commission pursuant to this subdivision only once with respect to each application or group of related applications under review by the council.

e. All actions of the council pursuant to this section shall be filed by the council with the mayor prior to the expiration of the time period for council action under subdivisions c and, if applicable, d of this section. Actions of the council pursuant to this section shall be final unless the mayor within five days of receiving a filing with respect to such an action of the council files with the council a written disapproval of the action. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of all the council members within ten days of such filing by the mayor.

f. The mayor shall have the right to file a written disapproval of any approval deemed to have occurred pursuant to subdivision c of this section as a result of a failure of the council to act or to act by the required vote. Any such written disapproval must be filed within five days of the expiration of the time period for action by the council under subdivisions c and, if applicable, d of this section. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of all the council members within ten days of such filing by the mayor.

g. If a decision of the commission approving an application is not subject to council review pursuant to paragraph one of subdivision b of this section or is not made subject to council review pursuant to paragraphs two or three of subdivision b of this section, the mayor may nonetheless file with the council a written objection to such decision of the commission within five days of the expiration of time for the council to act under paragraph three of subdivision b of this section. Any mayoral objection under this subdivision shall be subject to override by a two-thirds vote of all the council members within ten days of such filing by the mayor.

SECTION 200. ZONING RESOLUTION

a. Except as provided in subdivision b, any existing resolution or regulation of the council, the board of estimate or of the city planning commission to regulate and limit the height and bulk of buildings, to regulate and determine the area of yards, courts and other open spaces, to regulate density of population or to regulate and restrict the locations of trades and industries and location of buildings designed for specific uses or creating districts for any such purpose, including any such regulation which provides that the board of standards and appeals may determine and vary the application of such resolutions or regulations in harmony with their general purpose and intent and in accordance with general or specific rules contained in such regulations, may be amended, repealed or added to only in the following manner:

1. The city planning commission may upon its own initiative at any time or upon application as provided in section two hundred one, adopt a resolution to amend the text of the zoning resolution subject to the limitations provided by law. Before adopting any such resolution, the commission shall notify any community board or borough board affected by the resolution and shall afford persons interested an opportunity to be heard at a time and place to be specified in a notice of hearing to be published in the City Record for the ten days of publication of the City Record immediately prior thereto setting forth in general terms the nature of the proposed resolution and a statement of the place at which the entire resolution may be examined.

2. Any resolution by the commission approving a change in the text of the zoning resolution shall be subject to review and approval by the council pursuant to section one hundred ninety-seven-d. Any resolution for a zoning text change which the mayor shall have certified to the council as necessary, and which has been disapproved by the commission, may be adopted by the

council by a two-thirds vote and, after notice to the parties affected, a public hearing. The council shall act upon such resolution within fifty days of the filing of the certification of the mayor with the council, and such resolution shall become effective upon approval by the council.

3. In case a protest against such a resolution approved by the city planning commission shall have been presented to the city clerk within thirty days from the date of the filing of such resolution with the council, duly signed and acknowledged by the owners of twenty per cent or more of the area of:

- (1) the land included in changes proposed in such proposed resolution, or
- (2) the land immediately adjacent extending one hundred feet therefrom, or
- (3) the land, if any, directly opposite thereto extending one hundred feet from the street frontage of such opposite land,

such resolution shall not be effective after the filing of such protest unless approved by the council by a three-fourths vote within one hundred eighty days after the filing of said resolution with the city clerk. The effective date of such resolution, if so approved, shall be the date of such approval. A protest duly filed as herein provided may be withdrawn at any time within sixty days from the date of the filing of such resolution.

b. Designations of zoning districts under the zoning resolution and the issuance of special permits which under the terms of the zoning resolution are within the jurisdiction of the city planning commission shall be subject to review and approval pursuant to the procedures provided in section one hundred ninety-seven-c and section one hundred ninety-seven-d, except that whenever the city planning commission has not recommended approval of a proposed change in the designation of a zoning district or the issuance of a special permit under the zoning resolution or has failed to act on such a matter within the time specified in section one hundred ninety-seven-c, the council by a two-thirds vote may approve such change or the issuance of such permit only if the mayor shall have certified to the council that such change or issuance is necessary. The council shall act upon such designation or permit within fifty days of the filing of the certification of the mayor with the council.

SECTION 201. APPLICATIONS FOR ZONING CHANGES AND SPECIAL PERMITS

a. Applications for changes in the zoning resolution may be filed by any taxpayer, community board, borough board, borough president, by the mayor or by the land use committee of the council if two-thirds of the members of the committee shall have voted to approve such filing with the city planning commission. All such applications involving changes in the designation of zoning districts under the zoning resolution shall be subject to review and approval pursuant to section one hundred ninety-seven-c and one hundred ninety-seven-d. For applications involving other changes in zoning resolutions and regulations, the commission prior to taking action upon any such application shall refer it to the affected community boards or borough boards for a public hearing and recommendation.

b. Applications for special permits within the jurisdiction of the city planning commission under the zoning resolution may be filed by any person or agency. All such applications for the issuance of special permits shall be subject to review and approval pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d.

SECTION 203. CRITERIA FOR LOCATION OF CITY FACILITIES

a. Not later than the first day of July, nineteen hundred ninety, the mayor, after consulting with each of the borough presidents, shall file with the city planning commission proposed rules establishing criteria for (1) the location of new city facilities and (2) the significant expansion, closing or significant reduction in size or capacity for service delivery of existing facilities. The criteria shall be designed to further the fair distribution among communities of the burdens and benefits associated with city facilities, consistent with community needs for services and efficient and cost effective delivery of services and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites. Not later than thirty days after the filing of such proposed rules, the city planning commission shall publish a notice of proposed rule making under section one thousand forty-three with regard to such rules, as proposed by the mayor or as proposed to be modified by the commission. Promptly thereafter, the commission shall approve or approve with modifications the rules and shall file the rules as approved with the council.

b. At any time after the adoption of such criteria, the mayor, after consulting with the borough presidents, may submit to the city planning commission proposed amendments to the rules. Not later than thirty days after the filing of such proposed amendments, the city planning commission shall publish a notice of proposed rule making under section one thousand forty-three with regard to such amendments, as proposed by the mayor or as proposed to be modified by the commission. Promptly thereafter, the commission shall approve, approve with modifications or determine not to approve the amendments and shall file any approved amended rules with the council.

c. For purposes of this chapter, "city facility" shall mean a facility used or occupied or to be used or occupied to meet city needs that is located on real property owned or leased by the city or is operated by the city or pursuant to a written agreement on behalf of the city.

SECTION 204. CITYWIDE STATEMENT OF NEEDS

a. Each year not later than the fifteenth day of November, the mayor shall submit to the council, borough presidents, borough boards and community boards a citywide statement of needs concerning city facilities prepared in accordance with the criteria established pursuant to section two hundred three. Copies of the statement shall also be made available to the public in the main branch of the public library in each borough. The statement shall identify by agency and program: (1) all new city facilities and all significant expansions of city facilities for which the mayor or an agency intends to make or propose an expenditure or to select or propose a site during the ensuing two fiscal years and (2) all city facilities which the city plans to close or to reduce significantly in size or in capacity for service delivery during the ensuing two fiscal years.

b. With respect to the city facilities referred to in clause one 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, by community district or group of community districts, and (4) the specific criteria to be used in locating the new facility or expansion.

c. With respect to the city facilities referred to in clause two of subdivision a of this section, the statement of needs shall describe with respect to each such city facility: (1) the reasons for such proposed closing or reduction, (2) the location, and (3) the specific criteria for selecting the city facility for closure or for reduction in size or capacity for service delivery.

d. The statement of needs shall be accompanied by a map together with explanatory text, indicating (1) the location and current use of all city-owned real property, (2) all final commitments relating to the disposition or future use of city-owned real property, including assignments by the department of general services pursuant to clause b of subdivision three of section sixteen hundred two, and (3) to the extent such information is available to the city, the location of health and social service facilities operated by the state of New York or the federal government or pursuant to written agreement on behalf of the state or the federal government. Information which can be presented most effectively in text may be presented in this manner. In addition to being transmitted with the statement of needs for the ensuing two fiscal years pursuant to subdivision a of this section, such map shall be kept on file with the department of city planning and shall be available for public inspection and copying. The map shall be updated on at least an annual basis.

e. Preparation of the statement of needs. (1) Annually on such date as the mayor shall direct, each agency shall submit to the mayor a statement containing all the information required to be included in the statement of needs for the ensuing two fiscal years pursuant to subdivisions a, b and c of this section that relates to the plans, jurisdiction and responsibility of such agency. Such statements shall be known as the departmental statements of need for city facilities. In preparing such departmental statements of needs, each agency shall review and consider the district needs statements submitted by community boards pursuant to paragraph ten of subdivision d of section twenty eight hundred and the statements of budget priorities submitted by the community boards pursuant to section two hundred thirty.

(2) The mayor, assisted by the department of city planning and the department of general services, shall review such departmental statements of need and use them to prepare the statement of needs. In preparing the statement of needs, the mayor shall apply the criteria established pursuant to section two hundred three.

f. Upon receipt of the statement of needs pursuant to subdivision a of this section, each community board and borough president shall review the statement of needs. Each community board shall make the statement of needs available to the public and conduct a public hearing on the statement of needs. Each community board and borough president shall have the right to submit comments on the statement of needs to the department of city planning within ninety days of receipt of the statement. Each borough president shall have the right, within ninety days of receipt of the statement of needs, to submit a written statement to the mayor proposing locations for any new city facilities to be located in his or her borough pursuant to the statement of needs. All such locations proposed by a borough president shall be located in his or her borough and shall be certified by the borough president as being consistent with the specific criteria for the location of city facilities contained in the statement of needs and with the criteria established pursuant to section two hundred three. Each city agency shall consider such written statements in taking actions with respect to matters included in the statement of needs.

g. Whenever an application involving a new city facility is submitted to the department of city planning pursuant to paragraph five, ten or eleven of subdivision a of section one hundred ninety-seven-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, (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 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. 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 until at least thirty 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.

h. The mayor's management report, prepared pursuant to section twelve, shall include a review of the implementation of the statement of needs. Such review shall consist of (1) a list of the proposed actions in the statement of needs that have been implemented and of those proposed actions that have not been implemented and (2) a description of the proposed actions in the statement of needs which have been implemented in a manner significantly different from what was proposed in the statement of needs and the reasons therefore.

**RULES FOR THE UNIFORM
LAND USE REVIEW PROCEDURE**

C



UNIFORM LAND USE REVIEW PROCEDURE

[As Adopted by the City Planning Commission on June 27, 1990]

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ARTICLE 1. PURPOSE AND AUTHORITY

These rules (1) consist of guidelines, minimum standards and procedural requirements for the community boards, Borough Presidents, borough boards and the City Planning Commission (hereafter: "the Commission") in the exercise of their duties; (2) standards for certification of applications and (3) time periods for review of applications. They are established by the Commission, pursuant to Subsection 197-c subsection i of the New York City Charter, and have been adopted in accordance with the City Administrative Procedure Act (Chapter 45 of the Charter).

ARTICLE 2. ACTIONS SUBJECT TO PROCEDURE

The land use review procedure which is set out herein shall govern the following actions:

- (a) changes in the City Map pursuant to Charter Sections 198 and 199;
- (b) approval of a map of subdivisions or platting of land into streets, avenues or public places pursuant to Charter Section 202;
- (c) designations of zoning districts under the Zoning Resolution, including conversion from one land use to another land use pursuant to Charter Sections 200 and 201;
- (d) adoption of special permits within the jurisdiction of the City Planning Commission under the Zoning Resolution pursuant to Charter Sections 200 and 201;
- (e) selection of sites for capital projects pursuant to Charter Section 218;
- (f) granting of revocable consents pursuant to Charter Section 364, requests for proposals and other solicitations for franchises pursuant to Charter Section 363, and major concessions as defined pursuant to Charter Section 374;
- (g) authorization of improvements in real property, the costs of which are payable other than by the City pursuant to Charter Section 220;
- (h) approval of housing or urban renewal plans and projects pursuant to City, State or Federal laws;

- (i) approval of sanitary or waterfront landfills pursuant to applicable Charter provisions or other provisions of law;
- (j) approval of sale, lease (other than lease of space for office uses), exchange or other disposition of real property of the City, and sale or lease of land under water pursuant to Charter Section 1602, Chapter 15 or other applicable provisions of law;
- (k) acquisition by the city of real property (other than acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease and including the acquisition of land under water pursuant to Charter Section 1602, Chapter 15, or other applicable provisions of law;
- (l) for purposes of review by a community board or, where appropriate, by community boards and a borough board, the granting by the Board of Standards and Appeals of a variance of the Zoning Resolution pursuant to Charter Section 668(2);
- (m) for purposes of review by a community board or, where appropriate, by community boards and a borough board, the granting by the Board of Standards and Appeals of a special permit assigned to its jurisdiction under the Zoning Resolution pursuant to Charter Section 668 (2);
- (n) such other matters involving the use, development or improvement of property as proposed by the Commission and enacted by the City Council pursuant to local law.

ARTICLE 3. APPLICATIONS

SECTION 3.010 APPLICATIONS: GENERAL PROVISIONS

3.011 Presentation of Application. A request for any action shall be submitted to the Department of City Planning, Central Intake Room. The application must be submitted upon the proper forms for the action, as provided by the Department, and must be accompanied by all of the information and documents required by such form in the appropriate number of copies specified thereon. For purposes of the acquisition of property by the City, pursuant to Section 2(e) and 2(k) of these rules the applicant shall be considered the requesting agency and the Department of General Services. When presented at Central Intake, the application shall be accompanied by payment of the required fee, if any.

3.012 Initial Review. The Department of City Planning shall, within five (5) days, review each application to insure that all required forms, documents and other exhibits supplied have been submitted and prepared in the manner required by the instructions. If any of the documentation is missing or has been improperly prepared, the application will be returned with a listing of its deficiencies. If the documentation is in order, the Department shall assign a docket number and shall send a Notice of Receipt of the application to all the appropriate Department divisions and other agencies which review such application, and to the community board(s), Borough Presidents, borough board (when appropriate), the City Council and the applicant in accordance with Section 3.020. Such Notice of Receipt, when sent to the community board(s), Borough President(s), borough boards and City Council shall include a copy of the application form and all documents and exhibits attached thereto.

3.013 Substantive Review. The application form, documents and other exhibits shall be subject to review by the appropriate divisions of the Department in order to insure that the requirements for completeness in Section 3.015 have been met prior to certification of the application into ULURP. The Department may request any additional documents, maps, plans, drawings or information necessary to complete or organize the submission, or to clarify its substance and the land use issues attendant to it. The Department of City Planning shall refer such additional application documents or amendments within five (5) days to each affected Borough President, community board or borough board, and to the City Council.

Not later than sixty (60) days after the Notice of Receipt has been sent, the Department of City Planning shall notify the applicant of any deficiencies or errors in the application, documents and other exhibits, and shall make any requests for revised or supplementary documents and exhibits. The applicant is expected to respond within a reasonable time. Upon receipt of the corrected, revised or supplementary material, the Department of City Planning shall review it within a period of not more than sixty (60) days and make any additional request for further corrections or supplements if needed.

If the applicant fails to respond within sixty (60) days after the receipt of a request for revisions, corrections or supplement, the Department of City Planning shall give notice to the applicant that the application will be deemed withdrawn.

3.014 Appeal for Certification. At any time after one hundred eighty (180) days have elapsed from the date of the Notice of Receipt of any application, the applicant may appeal in writing to the Commission to certify the application as complete. The affected Borough President may also appeal in writing if the Borough President finds that the application is consistent with the land use policy or strategic policy statement of the borough formulated pursuant to Section 82, subsection 14 of the Charter. Upon receipt of such an appeal, the Commission shall refer it to the Department of City Planning and the Office of Environmental Coordination or lead agency for an evaluation of the completeness of the application, which shall include an identification of all material requested by the Department of City Planning and the environmental review staff or lead agency not yet provided by the applicant. If the Commission determines that all pertinent information has been supplied in accordance with the criteria of Section 3.015 below, it shall certify the application as complete. If the Commission determines that pertinent information has not been supplied, such information shall be listed by the Department of City Planning and the environmental review staff and sent by the Commission to the applicant within thirty (30) days of receipt of the appeal. When the applicant has responded, either by supplying all the information so requested, or by explaining why such information should not be required in order to certify the application, the Commission shall consider the evaluation and the applicant's response and either certify the application as complete in accordance with Section 3.015, or deny the appeal. A denial by the Commission shall state the information that must still be supplied or clearly state the reason for denial. Such determination shall be made not later than sixty (60) days from the date the appeal is received. If the appeal is one which has been made by the affected Borough President, and the land use proposed in the application is consistent with the land use policy or strategic policy statement of the affected Borough President, then a vote of five members shall be sufficient to certify the application as complete in accordance with Section 3.015 below. In all other instances, a majority vote of the Commission is necessary to certify an application.

A denial of the appeal shall mean that the application remains incomplete, and the Department of City Planning and the environmental review staff shall continue with timely review of the application until all the information required for completeness has been provided at which time certification shall take place. If such review continues for an additional one hundred and

eighty (180) days or more beyond the denial, the applicant may again appeal to the Commission under the procedure outlined above to certify the application.

3.015 Certification of Completeness. The Department or the Commission shall certify the application as complete when compliance has been achieved with all of the following:

- (a) The standard application form has been filled out in its entirety with all requested information presented in clear language.
- (b) All accompanying documents, maps, plans, drawings and other information are properly organized and presented in clear language and understandable graphic form.
- (c) The information supplied on the application form and accompanying documents is fully sufficient to address all issues of jurisdiction and substance which are required to be addressed for the category of action as defined in the Charter, statutes, Zoning Resolution, Administrative Code or other law or regulation.
- (d) All reviews by necessary and related agencies of the State and City have been completed and any required reports, certifications, sign-offs or other such agency actions required by law or regulation prior to ULURP have been secured or written waiver of the agency presented. If any such agency does not respond within sixty (60) days, it will be deemed to have waived its review and action as applicable law permits.
- (e) A determination has been made whether the action is subject to City or State Environmental Quality Review, and if so subject, the lead agency has issued either: (i) a Negative or Conditional Negative Declaration; or (ii) a Notice of Acceptance of a Draft Environmental Impact Statement.

SECTION 3.020 REFERRALS: GENERAL PROVISIONS.

Except as provided in Section 3.030 hereof, within nine (9) calendar days after the certification by the Department of City Planning (or the Commission, if certification occurs pursuant to Section 3.014 above) that a submission is a complete application, the Department of City Planning shall make the following referrals:

- (a) any application relating to a proposal which occupies or would occupy land located in only one community district shall be referred to the community board for such district;
- (b) any application relating to a proposal which occupies or would occupy land located in two or more community districts shall be referred to the community board for each such district and to the borough board for the appropriate borough;
- (c) any application relating to a proposal which occupies or would occupy land located in a joint interest area not included within a community district shall be referred to the community board for each community district bounding such area and to the borough board for the appropriate borough.
- (d) all applications shall be referred to the Borough President of the borough in question.

(e) all applications shall be referred to the City Council.

SECTION 3.030 CHARTER SECTION 201 APPLICATIONS.

A request for an amendment to the Zoning Map or the text of the Zoning Resolution by a taxpayer, community board, borough board, Borough President, the Mayor or the Land Use Committee of the Council pursuant to Charter Section 201, shall be filed with the Department. Applications for special permits pursuant to Section 201 may be filed by any person or agency. Such requests shall be subject to the application and certification procedure of Section 3.010 hereof and shall be referred pursuant to Section 3.020 hereof.

SECTION 3.040 WITHDRAWALS.

An applicant may at any time file with the Commission a statement that its application is withdrawn. If withdrawal occurs after filings have occurred pursuant to Section 7.084 of these rules the applicant shall also file a statement of withdrawal with the City Council. Upon the filing of such a statement, the application in question shall be void and no further processing of such application under this uniform land use review procedure shall be undertaken by a community board, Borough President, borough board or the Commission. The Commission shall promptly give notice of such withdrawal to the board or boards, to the Borough President to which the application was referred pursuant to Section 3.020 and to the Council, if filings pursuant to Section 7.084 have not occurred. The request to which the application relates may thereafter be advanced only in connection with a new application certified as complete pursuant to Section 3.010 herein and processed according to this uniform land use review procedure.

ARTICLE 4. COMMUNITY BOARD ACTIONS

SECTION 4.010 GENERAL PROVISIONS

(a) Except as provided below, within sixty (60) calendar days after a community board's receipt of a complete application referred by the Department of City Planning, the Board of Standards and Appeals or the Commission as the case may be, the community board shall hold a public hearing and adopt and submit as provided herein a written recommendation concerning such application. For purposes of this provision, a community board shall be deemed to have received an application nine calendar days after the date of certification. The Department of City Planning shall insure delivery of a certified application by either mailing to the community board within five (5) days of the date of certification or by hand delivery within eight (8) days from the date of certification.

(b) Where the negative vote of the community board was adopted without a public hearing, without a quorum or at a meeting conducted after its 60-day period for review, such non-complying negative vote shall not be considered a negative vote for the purpose of Charter Section 197-d(b)(2). The Commission may note the non-compliance and any other deficiency in compliance with these rules in its report.

SECTION 4.020 WAIVERS OF HEARINGS AND RECOMMENDATIONS

4.021 Leases. In the case of a proposed lease of property of the City which in the judgment of the community board does not involve a substantial land use interest, such board may waive the holding of a public hearing and preparation of a written recommendation. In such case the community board shall submit to the Department a written waiver of its right to hold a public

hearing and to submit recommendations to the City Planning Commission and affected Borough President. When a written waiver of the community board's right to hold a hearing and submit a recommendation is received by the Department of City Planning the community board's period of review shall be deemed ended and the Borough President's time period begun.

4.022 Franchises. In the case of a request for proposal or other solicitation for a franchise which in the judgment of the community board does not involve a substantial land use interest, such community board may submit a written waiver to the Commission of the right to hold a public hearing and the preparation of a written recommendation.

SECTION 4.030 NOTICE OF HEARING

Notice of the time, place and subject of a public hearing to be held by a community board on an application shall be given as follows:

- (a) by publication in The City Record for the five (5) days of publication immediately preceding and including the date of the public hearing;
- (b) by publication in the Comprehensive City Planning Calendar distributed not less than five (5) calendar days prior to the date of public hearing;
- (c) To the applicant ten (10) days prior to the date of hearing (with a copy of such notice also forwarded to the Department of City Planning).
- (d) for all actions that request acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the Commission's public hearing.
- (e) Community boards are also encouraged to publicize hearings by publication in local newspapers, posting notices in prominent locations, and other appropriate means.

SECTION 4.040 CONDUCT OF PUBLIC HEARING

4.041 Location. A community board public hearing shall be held at a convenient place of public assembly chosen by the board and located within its community district. If in the community board's judgment there is no suitable and convenient place within the community district, the hearing shall be held at a centrally located place of public assembly within the borough.

4.042 General Character. Hearings shall be legislative type hearings, without sworn testimony or strict rules of evidence. Only members of a community board and persons expressly authorized by the chairperson may question a speaker. All persons appearing and wishing to speak shall be given the opportunity to speak. A community board hearing shall be conducted in accordance with by-laws adopted the community board.

4.043 Quorum. A public hearing shall require a quorum of 20 percent of the appointed members of the community board, but in no event fewer than seven such members. The minutes

of a meeting at which a public hearing was held shall include a record of the individual members present.

4.044 Record. The record of a public hearing shall consist of but not be limited to a list of speakers' names and affiliations (if any), a notation of each speaker's own indication, on a form provided for that purpose, of support or opposition to the application, and any exhibits or written statements offered by speakers.

SECTION 4.050 PUBLIC ATTENDANCE AT MEETINGS OF A COMMUNITY BOARD OR ITS COMMITTEES

The public may attend all meetings of a community board or its committees at which an application which has been scheduled in the Comprehensive City Planning Calendar for a community board public hearing is to be considered or acted upon in a preliminary or final manner. A community board may close a meeting or committee meeting to the public only as provided in the New York State Open Meetings Law (Public Officers Law, Sections 100-111).

SECTION 4.060 RECOMMENDATIONS AND WAIVERS

4.061 Quorum. The adoption of a community board recommendation, or the waiver of a public hearing and recommendation by a community board, shall require a quorum of a majority of the appointed members of the board.

4.062 Vote. The adoption of a community board recommendation or the waiver of a public hearing and recommendation shall be by a public vote which results in approval by a majority of the appointed members present during the presence of a quorum at a duly called meeting. The vote shall be taken in accordance with the by-laws of the community board.

4.063 Content. A community board recommendation shall be in writing on a form provided by the Department of City Planning and shall include a description of the application, the time and place of the public hearing on the application, the time and place of the meeting at which the recommendation was adopted and the vote by which the recommendation was adopted. The community board may include in its submission the reasons for the vote and any conditions attached to its vote. The community board may state that its conditional approval shall be considered a negative recommendation for purposes of Charter Section 197- d(b)(2) if conditions that it considers essential to minimize land use or environmental impacts are not adopted by the Commission. The City Planning Commission shall give consideration only to those conditions which are related to land use and environmental aspects of the application.

4.064 Submission. A community board shall submit its recommendation or waiver promptly after adoption, to the Commission, to the Borough President, to the applicant and, in the case of an application referred to two or more community boards and a borough board, to such borough board. If a community board fails to act within the time limits for review the application shall be deemed referred to the next level of review at the completion of the community board's time period.

SECTION 4.070 REQUESTS FOR REVIEW OF ACTION NOT IN A COMMUNITY DISTRICT

A community board or borough board may request a copy of the application and supporting documents for any action subject to ULURP which is not located within the district boundaries of the community board, or the borough board, making the request. The request must be made in writing to the Calendar Office of the Commission and it shall state the basis for the board's judgment that the application may significantly affect the welfare of the district or borough served by such board. If such request is made, the Department of City Planning shall forward the information described above to said board. Thereafter, the community board or borough board may schedule a public hearing on the application in conformance with Sections 4.030, 4.040, 6.030 and 6.040 of these rules and may submit a written recommendation to the Commission. The Commission may receive such recommendation at any time prior to its final action on the application, however, it shall have no authority to extend the review period defined in Charter Section 197-c, nor shall a review by a second community board require that the application be reviewed by the borough board. A Borough President may similarly request a copy of an application and supporting documents for any action subject to ULURP which is not located within the boundaries of the borough.

ARTICLE 5. BOROUGH PRESIDENT ACTIONS

SECTION 5.010 GENERAL PROVISIONS

A Borough President may submit a written recommendation on an application, or waive the right to submit a recommendation to the City Planning Commission. Such recommendation or waiver shall be submitted on the form provided not later than 30 days after the receipt of a recommendation or waiver by the City Planning Commission and the Borough President from an affected community board, by the latest to respond of all affected community boards or if any affected community board shall fail to act within the time period, thirty days after the expiration of the time allowed for such community board(s) to act. A Borough President may state that his/her conditional approval shall be considered a negative recommendation for purposes of Charter Section 197-d(b)(2) if conditions that he/she considers essential to minimize land use or environmental impacts are not adopted by the Commission.

ARTICLE 6. BOROUGH BOARD ACTIONS

SECTION 6.010 GENERAL PROVISIONS

Except as provided below in Section 6.020, an affected borough board may conduct a public hearing on an application and submit a written recommendation on such application or any community board recommendations or waive the right to submit a recommendation to the Commission. Such recommendation or waiver shall be submitted on the form provided not later than thirty (30) days after the filing of a recommendation or waiver with the Borough President by the last to respond of all affected community boards, or if any affected community board shall fail to act within the time period, thirty (30) days after the expiration of the time allowed for such community boards to act.

SECTION 6.020 NOTICE OF HEARING

Notice of the time, place and subject of a public hearing to be held by a borough board for all applications subject to this land use review procedure shall be given as follows:

- (a) by publication in The City Record for the five (5) days of publication immediately preceding and including the date of the public hearing;
- (b) by publication in the Comprehensive City Planning Calendar distributed not less than five (5) calendar days prior to the date of hearing;
- (c) to the applicant ten (10) days prior to the date of hearing;
- (d) for all actions that result in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the Commission public hearing.

SECTION 6.030 CONDUCT OF HEARING

6.031 Location. A borough board public hearing shall be held at a convenient place of public assembly chosen by the board and located within the borough.

6.032 General Character. Hearings shall be legislative type hearings, without sworn testimony or strict rules of evidence. Only members of a borough board or persons expressly authorized by the chairperson may question a speaker. All persons appearing and wishing to speak shall be given the opportunity to speak. A borough board's hearing shall be conducted in accordance with by-laws adopted by such borough board.

6.033 Quorum. A public hearing shall require a quorum of a majority of the borough board's members who are entitled to vote on the application in question. Pursuant to Charter Section 85, community board members of the borough board may only vote on issues that directly affect the community district represented by such member. The minutes of the meeting at which a public hearing was held shall record the individual members present.

6.034 Record. The record of a public hearing shall consist of a list of speakers' names and affiliations, if any, a notation of each speaker's own indication, on a form provided for that purpose, of support or opposition to the application and any exhibits or written statements offered by speakers.

SECTION 6.040 PUBLIC ATTENDANCE AT MEETINGS

The public may attend all meetings of a borough board at which an application which has been scheduled in the Comprehensive City Planning Calendar for a borough board public hearing is to be considered or acted upon in a preliminary or final manner. A borough board may close a meeting to the public only as provided in the New York State Open Meetings Law (Public Officers Law, Sections 100-111).

SECTION 6.050 RECOMMENDATIONS AND WAIVERS

6.051 Quorum. The adoption of a borough board recommendation or the waiver of a public hearing and recommendation by a borough board shall require a quorum of a majority of the borough board's members entitled to vote on the application in question. Pursuant to Charter Section 85, community board members of the borough board may only vote on issues that directly affect the community district represented by such member. The minutes of a meeting at which a recommendation or waiver was adopted shall record the individual members present.

6.052 Vote. Adoption of a recommendation shall be by a public roll call vote which results in approval by a majority of the members entitled to vote on the application in question present during the presence of a quorum, at a duly called meeting. Pursuant to Charter Section 85, community board members of the borough board may only vote on issues that directly affect the community district represented by such member.

6.053 Content. A borough board recommendation shall be in writing on a form provided by the Department of City Planning and shall include a description of the application, the time and place of public hearing, the time and place of the meeting at which the recommendation was adopted and the votes of individual borough board members. The borough board may include in its submission the reasons for its vote and any conditions to the vote.

6.054 Submission. A borough board shall submit its recommendation or waiver on the form provided promptly after adoption to the Commission and to the applicant.

ARTICLE 7. CITY PLANNING COMMISSION ACTIONS

SECTION 7.010 GENERAL PROVISIONS

The Commission shall schedule and hold a public hearing on all applications made pursuant to Section 197-c of the Charter not later than sixty (60) calendar days after the expiration of the time allowed for the filing of a recommendation or waiver with it by an affected Borough President. Following its hearing and within its applicable sixty (60) day period, the Commission shall approve, approve with modifications or disapprove such application and file its decision pursuant to Section 7.084 below.

SECTION 7.020 ZONING TEXT AMENDMENTS PURSUANT TO CHARTER SECTION 201

The Commission shall hold a public hearing on an application for a zoning text amendment pursuant to Charter Section 201.

SECTION 7.030 MODIFICATION OF APPLICATIONS

(a) The Commission may propose a modification of an application which meets the criteria of Section 7.085 below. Such proposed modification may be based upon a recommendation from an applicant, community board, borough board, Borough President or other source. Where a modification is proposed, the Commission shall hold a public hearing on the application as referred to a community board or boards and on the proposed modification. Promptly upon its decision to schedule a proposed modification for public hearing, the Commission shall refer the proposed modification to the community board or community boards, borough board and the affected

Borough President to which the application was earlier referred, for such action as such board or boards or Borough President deem appropriate.

(b) The above provision shall not limit the Commission's ability to make a minor modification of an application.

SECTION 7.040 NOTICE OF HEARING

Notice of the time, place and subject of a public hearing by the Commission for all applications subject to this uniform land use review procedure and modified applicants pursuant to Section 7.030(a) of these procedures, shall be given as follows:

- (a) by publication in The City Record beginning not less than ten (10) calendar days immediately prior to the date of hearing and continuing until the day prior to the hearing;
- (b) by publication in the Comprehensive City Planning Calendar distributed not less than ten (10) calendar days prior to the date of hearing;
- (c) by mailing notice to the concerned community board or community boards, Borough President and borough board and to the applicant not less than ten (10) calendar days prior to the date of hearing;
- (d) for all actions that result in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the Commission's public hearing.

SECTION 7.050 POSTING OF NOTICES FOR HEARINGS ON THE DISPOSITION OF OCCUPIED CITY-OWNED RESIDENTIAL BUILDINGS

For any application involving disposition of a city-owned residential building, which at the time of application is occupied by tenants, the applicant shall post notice of the Commission public hearing in the manner discussed below:

- (a) at least eight (8) days prior to the Commission public hearing a notice, on a form provided by the Department of City Planning, shall be posted by the applicant in the building subject to the application, informing the tenants of the proposed action and the right of the public to appear at the Commission hearing and testify; and
- (b) such notice shall be posted in common public space on the ground floor of the building accessible to all building tenants; and
- (c) the applicant will file with the Department of City Planning an affidavit attesting to the posting of the notice and date and specific location where the notice was posted. The affidavit shall be signed by the person posting the notice.

SECTION 7.060 PUBLIC ATTENDANCE AT REVIEW SESSIONS

The public may attend review sessions or meetings of the Commission. The Commission may close such a review session or meeting to the public, only as provided in the New York State Open Meetings Law (Public Officers Law, Section 100-111). The Department of City Planning shall make available for public inspection a complete transcript of any review sessions or meetings of the Commission not later than sixty (60) days following a meeting. Such transcript shall be available for inspection in the Calendar Office, Department of City Planning, 22 Reade Street, New York, New York 10007.

SECTION 7.070 CONDUCT OF HEARING

7.071 Location. Commission public hearings shall be held in the Board of Estimate Chamber, City Hall, unless otherwise determined by the Commission.

7.072 General Character. Hearings shall be legislative type hearings, without sworn testimony, strict rules of evidence or opportunity for speakers to cross-examine one another. Only members of the Commission may question a speaker (except at a joint Commission/CEQR hearing at which officers of the lead agency and the Office of Environmental Coordination may also ask questions). All persons filling out an appearance form shall be given the opportunity to speak. The Chairperson may prescribe a uniform limited time for each speaker.

7.073 Quorum. A public hearing shall require a quorum of a majority of the members of the Commission.

7.074 Record. The record of a public hearing shall consist of a tape recording and verbatim stenographic record of the proceedings, a list of speaker's names and affiliations, if any, a notation of each speaker's own indication, on a form provided for that purpose, of support or opposition to the proposal, and any exhibits or written statements offered by speakers. The record shall be available at the Calendar Office, City Planning Commission, Room 2E, 22 Reade Street, New York, New York 10007- 1216. The Department of City Planning shall make available for public inspection, at the above location, a complete transcript of all public hearings of the Commission within sixty (60) days of such hearing.

SECTION 7.080 COMMISSION ACTIONS

7.081 Scope of Action. The Commission shall approve, approve with modifications or disapprove each application.

7.082 Vote. The Commission shall act by the affirmative roll call vote of at least seven (7) members at a public meeting, except that pursuant to Charter Section 197-c, subsection h, approval or approval with modifications of an application relating to a new city facility for site selection for capital projects, the sale, lease (other than the lease of office space), exchange or other disposition of the real property of the City, including sale or lease of land under water pursuant to Section 1602, Chapter 15 of the Charter or other applicable provisions of law; or (ii) acquisition by the City of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease and including the acquisition of land under water pursuant to Section 1602, Chapter 15 and other

applicable provisions of law, shall require the affirmative vote of nine members of the Commission if the affected Borough President:

(1) recommends against approval of such application pursuant to subsection g of Charter Section 197-c; and

(2) has proposed an alternative location in the same borough for such new facility pursuant to subdivision f or g of Charter Section 204.

7.083 Commission Report. A report of the Commission shall be written with respect to each application subject to this procedure on which a vote has been taken. The report shall include:

- (a) a description of the certified application;
- (b) a summary of testimony at all Commission public hearings held on the application;
- (c) a copy of all community board, Borough President or borough board written recommendations concerning the application;
- (d) the considerations leading to the Commission's action, including reasons for approval and any modification of the application and reasons for rejection by the Commission or community board, Borough President or borough board recommendations;
- (e) any findings and consideration with respect to environmental impacts as required by the State Environmental Quality Review Act and regulations;
- (f) the action of the Commission, including any modification of the application;
- (g) the votes of individual Commissioners;
- (h) any dissenting opinions.

7.084 Filing of Decisions of the Commission. The City Planning Commission shall file copies of its decision with the affected Borough President and with the City Council. All filings with the Council shall include all associated community board, Borough President or borough board recommendations. The Commission shall mail a copy of any decision to the applicant and to the community board or community boards, and borough board to which the application was referred. Filings with the City Council and Borough President shall be completed within the Commission's sixty (60) day time period.

7.085 Review of Council Modifications. The Commission shall receive from the City Council during its fifty (50) day period for review copies of the text of any proposed modification to the Commission's prior approval of an action. Upon receipt the Commission shall have fifteen (15) days to review and to determine;

- (a) in consultation with the Office of Environmental Coordination and lead agency, whether the modification may result in any significant adverse environmental effects which were not previously addressed; and
- (b) whether the modification requires the initiation of a new ULURP application. The Commission shall consider whether the proposed modification:
 - I. increases the height, bulk, envelope or floor area of any building or buildings, decreases open space, or alters conditions or major elements of a site plan in actions (such as a zoning special permit) which require the approval or limitation of these elements;
 - II. increases the lot size or geographic area to be covered by the action;
 - III. makes necessary additional waivers, permits, approvals, authorizations or certifications under sections of the Zoning Resolution, or other laws or regulations not previously acted upon in the application; or
 - IV. adds new regulations or deletes or reduces existing regulations or zoning restrictions that were not part of the subject matter of the earlier hearings at the community board or Commission.

If the Commission has determined that no additional review is necessary and that, either, no significant impacts will result, or that possible environmental impacts can be addressed in the time remaining for Council review, it shall so report to the Council. The Commission may also transmit any comment or recommendation with respect to the substance of the modification, and any proposed further amendment to the modification which it deems as necessary or appropriate.

If the Commission has determined that the proposed modification will require a supplementary environmental review or the initiation of new ULURP application it shall so advise the Council in a written statement which includes the reasons for its determination.

ARTICLE 8. BOROUGH PRESIDENT INITIATION OF CITY COUNCIL REVIEW

SECTION 8.010 GENERAL PROVISIONS

In the case of an application not subject to mandatory Council review pursuant to Charter Section 197d.b(1), which receives an unfavorable recommendation by both an affected community board and affected Borough President and either a favorable vote or favorable vote with modification by the Commission, such application shall be subject to Council review and action if the affected Borough President shall file, within five (5) days of receiving the report of the Commission, a written objection to the Commission's vote with the Council and the Commission.

ARTICLE 9. BOARD OF STANDARDS AND APPEALS

SECTION 9.010 VARIANCE AND SPECIAL PERMIT APPLICATIONS

9.011 Filing and Referral. An application for a variance of the Zoning Resolution or for a special permit which under the Zoning Resolution is within the jurisdiction of the Board of Standards and Appeals shall be filed with the Board of Standards and Appeals. In accordance with the Rules of Procedure, the Board of Standards and Appeals shall refer the application to the community board within which district the site is located or, in the case of an application involving a site located within two or more community districts, to the community boards for such districts and to the borough board for the appropriate borough.

The Commission, as a party to a proceeding to vary the Zoning Resolution, shall be served with all papers in such proceeding by the Board of Standards and Appeals. Upon the filing with a community board, or with two or more community boards and a borough board, of an application for a variance or a special permit under the jurisdiction of the Board of Standards and Appeals, such community board or community boards and borough board shall review such application pursuant to Article 4 and 6 herein.

9.012 Community Board Waiver or Recommendation. In the case of an application to vary the Zoning Resolution or for a special permit under the jurisdiction of the Board of Standards and Appeals, a community board may waive in writing the holding of a public hearing and the adoption of a written recommendation. The community board recommendation or waiver shall be referred to the Board of Standards and Appeals, the Commission and, in the case of an application which was referred to two or more community boards and a borough board, to such borough board. Upon action by or expiration of time to act on an application for each concerned community board and when appropriate, action by or expiration of time to act for an affected borough board, the Board of Standards and Appeals may proceed to review the application and to make a decision.

9.013 Borough Board Review. In the case of an application to vary the Zoning Resolution or for a special permit pursuant to the Zoning Resolution under the jurisdiction of the Board of Standards and Appeals, a borough board may waive in writing the holding of a public hearing and the adoption of a written recommendation. After action by or expiration of time to act for all affected community boards if subject to borough board review, and upon receipt of a waiver or recommendation from a borough board or expiration of the thirty (30) day time limit for borough board review, the Board of Standards and Appeals may proceed to review the application and to make a decision.

SECTION 9.020 CITY PLANNING COMMISSION REVIEW

9.021 Appearance in Variance Proceeding. In the case of an application to the Board of Standards and Appeals for a variance of the Zoning Resolution, the Commission may appear before the Board of Standards and Appeals and be heard as a party in the variance proceeding if, in the Commission's judgment, granting the relief requested in such application would violate the requirements of the Zoning Resolution which relate to the granting of variances.

ARTICLE 10. ADMINISTRATIVE PROVISIONS

SECTION 10.010 REFERRALS AND FILINGS

Unless otherwise provided herein, any referrals and filings required under these regulations shall be made by hand delivery or first class mail as follows:

- (a) if to the Commission, then to the Land Use Review Division, Department of City Planning, Room 2E, 22 Reade Street, New York, New York 10007-1216;
- (b) if to a community board, then to the chairperson of such community board at its office or, if there is no office or if no office address is provided to the Land Use Review Division, Department of City Planning, then to such board c/o the Borough President of the borough in question;
- (c) if to a borough board, then to such borough board c/o the Borough President of the borough in question;
- (d) if to the Board of Standards and Appeals, then to the Secretary of the Board of Standards and Appeals, 11th Floor, 161 Avenue of the Americas, New York, N.Y. 10013;
- (e) if to the City Council, then to the speaker, City Council, City Hall, New York, N.Y. 10007.

SECTION 10.020 TIME PROVISIONS

10.021 Expiration Dates. Where the expiration of a time period set forth herein falls on a Saturday, Sunday or legal holiday, the expiration date shall be deemed extended until the next working day.

10.022 Determination. All time periods specified in these regulations shall be calendar days. The commencement and end of time periods shall be recorded and officially calculated and determined by the Director of City Planning.

SECTION 10.030 TRANSITION

Any application which has been voted upon by the community board and borough board, if required, and the recommendation concerning which has been received by the Department of City Planning prior to May 2, 1990, shall not be subject to these provisions, but shall rather be subject to the procedures in effect prior to May 2, 1990, which procedures shall remain in effect for that category of actions until June 30, 1990. In accordance with Section 1152d(6)(b) of the Charter the time period for receiving any application referred to a Borough President in the month of May, 1990 shall be extended until June 30, 1990, at which time it shall be transmitted to the Commission.

ARTICLE 11. INTERPRETATION AND AMENDMENT OF REGULATIONS

SECTION 11.010 INTERPRETATION

These regulations shall be interpreted in accordance with the ordinary meaning of the language herein, and any ambiguities arising herefrom shall be referred to and definitively interpreted in written opinions by the Director of City Planning.

SECTION 11.020 AMENDMENTS

The Commission from time to time may amend these regulations, in accordance with the City Administrative Procedure Act, Chapter 45 of the Charter.

SECTION 11.030 COMMISSION RULES OF PROCEDURE

These regulations shall supplement and, where there is inconsistency, supersede the Rules of Procedure of the City Planning Commission.

**THE BOARD OF
STANDARDS AND APPEALS**

D



CITY CHARTER: EXCERPTS FROM CHAPTER 27 BOARD OF STANDARDS AND APPEALS

SECTION 668. VARIANCES AND SPECIAL PERMITS

a. Community boards and borough boards shall review applications to vary the zoning resolution and applications for special permits within the jurisdiction of the board of standards and appeals under the zoning resolution pursuant to the following procedure:

1. Each proposal or application shall be filed with the board of standards and appeals, which shall forward a copy within five days to the community board for each community district in which the land involved, or any part thereof, is located, and to the borough board if the proposal or application involves land located in two or more districts in a borough.
2. Each such community board shall, not later than sixty days after the receipt of the proposal or application, either notify the public of the proposal or application, in the manner specified by the city planning commission pursuant to subdivision i of section one hundred ninety-seven-c, conduct a public hearing thereon and prepare and submit a written recommendation thereon directly to the board of standards and appeals, or waive the conduct of such public hearing and the preparation of such written recommendation.
3. A copy of a recommendation or waiver by a community board pursuant to paragraph two of this subdivision that involves land located within two or more community districts in a borough shall also be filed with the borough board within the same time period specified in that paragraph. Not later than thirty days after the filing of such a recommendation or waiver with the borough board by every community board in which the land involved is located or after the expiration of the time allowed for such community boards to act, the borough board may hold a public hearing on the proposal or application and any such recommendation and may submit a written recommendation or a waiver thereof to the board of standards and appeals.
4. The receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, shall constitute an authorization to the board of standards and appeals to review the application and to make a decision.
5. If after the receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, the applicant for a special permit or variance submits to the board of standards and appeals any additional documents or plans, he or she shall at the same time forward copies of such documents or plans to the city planning commission, the council member involved and to the community or borough board involved.
6. Copies of any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law in

connection with an application under this section, and any documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any such draft environmental impact statement shall be delivered to all affected community boards and borough boards.

7. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each community board involved and each borough president involved shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

b. The recommendation of a community board or borough board pursuant to subdivision a of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement.

c. Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission. Copies of the decision shall also be filed with the affected community or borough boards.

d. Any decision of the board of standards and appeals pursuant to this section may be reviewed as provided by law.

e. The city planning commission shall be a party to any proceeding to determine and vary the application of the zoning resolution. The commission may appear and be heard on any application pursuant to this section before the board of standards and appeals if, in the judgment of the city planning commission, the granting of relief requested in such application would violate the requirements of the zoning resolution relating to the granting of variances. The commission shall have standing to challenge the granting or denial of a variance in a proceeding brought pursuant to article seventy-eight of the civil practice law and rules, or in any similar proceeding.

SECTION 669. PROCEDURE ON APPEALS

- a. An appeal may be taken by any person aggrieved or by the head of any agency.

b. Such appeal may be taken within such time as shall be prescribed by the board by general rule, by filing with the officer from whom the appeal is taken and with the board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

c. The board shall fix a reasonable time for the hearing of appeals, and give due notice thereof to the parties, and decide the same within a reasonable time. If the appeal is from an order revoking a permit or approval, the hearing shall be had no later than at the third scheduled hearing of the board following the date of filing of the appeal, or five weeks following such date,

whichever is sooner, and the decision of the board shall be rendered expeditiously. Upon the hearing any party may appear in person or by agent or attorney.

d. Any decision of the board under this section may be reviewed as provided by law.



EXCERPTS FROM THE RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF STANDARDS AND APPEALS

[Amended September 1994]

§1-04 CITY ENVIRONMENTAL QUALITY REVIEW (CEQR)

(a) *Subject matter.* Applications for variances and special permits filed at the Board, in accordance with Mayoral Executive Order No. 91 of 1977, as amended, the Rules for City Environmental Quality Review, Title 62, Chapter 5, §5-01 et seq. of the Rules of the City of New York (hereinafter, CEQR), and the State Environmental Quality Review Act regulations, 6 NYCRR Part 617, and any subsequent amendments thereto, shall be subject to CEQR unless it is determined by the Board that the application is Type II and thus not subject to environmental review, or is otherwise exempt from CEQR in accordance with such regulations.

(b) *The Environmental Assessment Statement (EAS).* Every application shall be accompanied by either a CEQR Type II checklist or an EAS and shall be accompanied by all the data required by the checklist or EAS. Applications shall receive a CEQR number that is different from the calendar number, and all CEQR submissions shall refer to both numbers, where applicable. Applicants may request a pre-application conference with the CEQR staff to seek their assistance in determining what data are required and the potential scope of the environmental review of the proposed action, including whether a Type II submission may be appropriate.

(c) *Notification.* Any written information submitted by an applicant including, but not limited to, the Type II checklist and the EAS and any subsequent modifications to the EAS, shall be forwarded by the applicant to:

- a. The affected Community Board(s) (or Borough Board);
- b. The affected City Council member; and
- c. The affected Borough President.

Proof of service shall be provided in accordance with §1-03(f) of these rules. In addition, the Executive Director shall send to the Office of Environmental Coordination (OEC) the notification of commencement of environmental review.

(d) *Examiners' review.* After the application is properly filed and the requisite fees are paid in accordance with §1-02(b) of these rules, the application shall be referred to the CEQR staff for review. In accordance with applicable laws, the CEQR staff shall notify the applicant, in writing, whether the application is complete or whether additional information is required. When the CEQR and zoning examiners have determined that the application is substantially complete, the case shall be calendared for a public hearing. Applicants may then be required by the Board to furnish additional information which it deems necessary to determine whether the action may or will not have a significant effect on the environment. Copies of subsequent modifications to the application or supporting documents filed in connection therewith shall be sent to the Zoning and CEQR examiners.

(e) Determinations of significance. Where applicable, concurrent with its issuance of a resolution, the Board shall issue a CEQR determination of significance if such determination is either a negative declaration or a conditional negative declaration. If the CEQR determination is a notice of determination (positive declaration) then the Board shall issue the positive declaration prior to its issuance of a resolution.

(f) Publication and filing. All determinations of significance shall be published by the Board in its Bulletin or the City Record. Negative declarations shall be filed at the Board and be generally made available to the public on the day following the date of issuance of a resolution. Notices of determination (positive declarations) shall be mailed to the applicant upon issuance by the Board in advance of its resolution regarding the proposed action and shall thereafter be filed at the Board's office. Proposed conditional negative declarations ("CNDs") shall be transmitted to the applicant in advance of the Board's resolution regarding the proposed action. Negative declarations, conditional negative declarations and positive declarations shall also be circulated to the individuals and agencies required by the Rules for City Environmental Quality Review, Title 62, chapter 6, §6-07(c) of the Rules of the City of New York. Upon receipt of the applicant's signature and agreement to the prescribed conditions, the CND shall be published by the Board in the City Record and any other required publications followed by a 30 day public comment period prior to the issuance of a final determination by the Board.

§1-06 THE ZONING (BZ) CALENDAR

(a) Subject matter. No application for a variance or special permit shall be entertained by the Board except from an order, requirement, decision, or determination made in a specific case by the Commissioner of Buildings, any Borough Superintendent of the Department of Buildings or their authorized representative, or the Commissioner of the Department of Business Services pursuant to the Board's jurisdiction as set forth in the New York City Charter.

(b) Time to file. Applications shall be filed within thirty (30) days from the date of the action of the Commissioner of Buildings, any Borough Superintendent of the Department of Buildings, or their authorized representative, or the Commissioner of the Department of Business Services which is the subject of the application.

(c) The BZ form. Every application shall be made on Form BZ and shall be accompanied by all the data required by such form and by its accompanying instruction sheets.

(d) Notification. The applicant, within three (3) business days after the application has been filed with the Board, shall forward a copy of all case material to:

- a. The affected Community Board(s) (or Borough Board);
- b. The affected City Council member;
- c. The affected Borough President;
- d. The administrative official from whose order or determination the appeal is being made (application form only); and
- e. The City Planning Commission.

(e) Proof of service. The applicant shall submit proof of service on the individuals or entities listed in this section to the Board within ten (10) days of the initial filing, in accordance with §1-03(f) of these rules.

(f) Community Board review. Within sixty (60) days after receipt of notification, the Community Board may hold a public hearing and submit a written recommendation concerning such application to the Board, or may waive in writing the holding of a public hearing. If a borough board is involved, within thirty (30) days after the filing of a recommendation or waiver with it by every community board in which the land involved is located or after expiration of the time allowed for such community boards to act, the borough board may hold a public hearing and submit a written recommendation to this Board or may waive a public hearing.

Upon receipt of a waiver or recommendation from the affected Community Board(s) or Borough Board, or upon the expiration of the time period for their review, the Board may review the application, hold a public hearing, and make a decision. The Board may, in its discretion, choose to receive and review Community Board and Borough Board recommendations as evidence in the record even if received after the applicable time period has expired.

(g) Notice of hearing. After the examiner(s) have determined the application to be substantially complete, the applicant shall be notified by the Executive Director, on the appropriate form, of the date set for the public hearing, which shall be at least thirty (30) days after the mailing of said notice. With this notice, the applicant shall be supplied with an official copy of the appropriate forms, which he or she is required to send not less than twenty (20) days prior to the date of such hearing to:

- a. The affected Community Board(s) (or Borough Board);
- b. The affected City Council member;
- c. The affected Borough President;
- d. The City Planning Commission; and
- e. Affected property owners;

"Affected property owners" shall be defined to include all owners and residential, commercial and industrial tenants of record in the building or premises which is the subject of the application as well as all owners of property within a radius of 400 feet from the center of the lot which is the subject matter of the application, except that for subject lots of 40,000 square feet or more in area or having a frontage of more than 300 feet on any one street, the affected area shall be within a line running parallel to and 200 feet from all site property lines. A radius of 200 feet shall be taken from corners of the site property having an interior angle of less than 180 degrees. Where property within the area of notification other than the affected building is owned cooperatively or as a high rise condominium, then notice of the public hearing shall be posted in the common areas of the building and given to the business office of the cooperative or the condominium which should then be requested to notify all residents in its customary manner. On all applications for lots containing separately owned one, two or three family dwellings, and on applications for special permits for lots of less than 40,000 square feet, the area of notification to the affected property owners shall be defined as a radius of 200 feet from the center of the lot.

Not less than five (5) business days prior to such hearing date, the applicant shall file proof of service that each of the individuals or entities listed in this section has been notified in accordance with §1-03(f) of these rules.

(h) Newspaper notice. The applicant shall, in addition to providing notice pursuant to subdivision (g) of this section, publish the contents of the notice of hearing form provided by the Board at his or her own expense in one newspaper of local circulation specified by the Board, or one newspaper of general circulation, except that publication shall not be required for applications involving bulk variances on separately owned one, two and three family dwellings and for

applications involving special permits. The publication of the hearing notice shall take place in such newspaper on one day of each week for two (2) of the three (3) weeks prior to the public hearing. The applicant shall be notified by the Board in which newspapers the applicant may place the requisite notice to be published. The applicant shall file with the Board, prior to the hearing date, a copy of the published notice with appropriate proof of publication.

(i) Board publication. Not less than twenty (20) days before the date of the hearing, the Board shall publish notice of the hearing in its bulletin or the City Record.

(j) Additional submissions. If, during the course of review by the Community Board, or Community Boards and Borough Board when applicable, the applicant provides to the Community Board(s) or Borough Board or any other individual or entity required to be notified under these rules any documents in addition to those provided as part of the application to this Board, the applicant shall within three (3) business days submit copies to this Board, to the City Council Member in whose district the site is located, to the affected Borough President and to the City Planning Commission.

If, at any time during or after the 60 day review period, the applicant submits additional documents to this Board or modifies or amends the application, the applicant shall within three (3) days submit a copy of the amended or modified application and supporting documents to the City Planning Commission, to the affected City Council Member, to the Community Board(s) (and Borough Board, if applicable), and to the affected Borough President.

All submissions to the Community Board(s), Borough Board, if applicable, City Council Member, and City Planning Commission, as specified above, shall be accompanied by a transmittal letter listing all the documents provided. A copy of this transmittal letter shall be submitted to the Board. Proof of service shall be provided to the Board in accordance with §1-03(f) within ten days of the initial filing.

If, subsequent to the 60 day review period the applicant makes a substantial modification of the application, the Board, in its discretion, may return the case to the Community Board, and Borough Board, if applicable, the City Council Member and the affected Borough President for their review.

§1-07 THE ADMINISTRATIVE APPEALS (A) CALENDAR

(a) Subject matter. The Administrative Appeals Calendar shall consist of appeals from any order, requirement, decision or determination of the Commissioner of Buildings, or any Borough Superintendent of the Department of Buildings, the Fire Commissioner or the Commissioner of the Department of Business Services or from any rule or regulation relating to the construction, alteration, demolition, structural changes, equipment, occupancy or use of any building or structure or premises under the New York City Charter, the General City Law, the Labor Law, the Multiple Dwelling Law or any other law under which the Board has jurisdiction and shall include appeals involving the interpretation of the Zoning Resolution. Interpretations of the Zoning Resolution shall have general application and be binding on all affected agencies unless specifically limited by the Board.

(b) Time to appeal. No application for an appeal shall be entertained unless it is filed within thirty (30) days from the date of a final determination of the Commissioner of Buildings, any Borough Commissioner of the Department of Buildings, the Fire Commissioner or the Commissioner of the Department of Business Services.

(c) *The A form.* Every application for an appeal shall be made on Form A and shall be accompanied by all the data required by such form. The Board shall determine what, if any, additional plans and exhibits are required to be filed for appeals.

(d) *Notification.* A copy of each administrative appeal application, including all supporting materials, shall be forwarded by the applicant, immediately upon filing with this Board, to the administrative official from whose determination the appeal is made. A copy of each administrative appeal application involving the interpretation of the Zoning Resolution, including all supporting documents, shall be forwarded by the applicant, within three days of filing, to the legal counsel of the Department of Buildings and the City Planning Commission. Proof of service shall be provided to this Board within ten (10) days of the initial filing in accordance with §1-03(f) of these rules.

Any person or agency authorized to make an administrative appeal by §666(6) of the New York City Charter or other applicable law, who is not the owner of the property subject to the determination from which the appeal is made, shall immediately upon filing such appeal with the Board, forward a copy of the appeal form and all supporting documents to the owner of the subject property. The applicant shall submit proof of service to the Board within ten (10) days of the initial filing, in accordance with §1-03(f) of these rules.

(e) *Notification for appeals filed pursuant to General City Law (GCL) §35.* Within three (3) business days after an application pursuant to GCL §35 has been filed with the Board, the applicant shall forward a copy of all case material to:

- (a) the applicable administrative official; and
- (b) the affected Borough President.

The applicant shall submit proof of service on the individuals or entities listed in this section within ten (10) days of the initial filing in accordance with §1-03(f) of these rules. Upon filing, the Executive Director shall also forward to the Department of Transportation, Department of Environmental Protection and the affected Community Board(s) or Borough Board a copy of each administrative appeal filed pursuant to GCL §35.

After completion of the review of the application by the examiner, the applicant shall be notified by the Executive Director on the appropriate form of the date set for the public hearing, which shall be at least thirty (30) days after the mailing of the Notice.

(f) *Notification for appeals filed pursuant to General City Law (GCL) §36.* At any time after an application has been filed pursuant to §36 of the General City Law, the Board may require notification of the filing of such application to such individuals or entities as it deems affected, if the Board believes notification will assist in its review of the application.

(g) *Notification for appeals regarding hazardous materials.* An applicant who files an application for an appeal involving new construction or the expansion of facilities for manufacturing, handling, or storage of hazardous materials affected by the following sections of the New York City Fire Prevention Code: §§27-4031, 27-4033, 27-4052, 27-4053, 27-4054, 27-4058, 27-4063, 27-4067, 27-4099, 27-4100 and 27-4104, shall, within three (3) days after the application has been filed with the Board, forward a copy of all case material to:

- a. The affected Community Board(s) (or Borough Board);
- b. The affected City Council member;
- c. The affected Borough President;
- d. The Fire Commissioner; and
- e. The Commissioner of Buildings.

The applicant shall submit proof of service on the individuals and entities listed in this section to the Board within ten (10) days of the initial filing in accordance with §1-03(f) of these rules.

After review by the examiner of an appeal regarding hazardous materials, the applicant shall be notified on the appropriate form, of the date set for the public hearing, which shall be at least thirty (30) days after the mailing of said notice. With this notice, the applicant shall be supplied with an official copy of the appropriate form which he or she is required to send not less than twenty (20) days prior to the date of such hearing to:

- a. The local Community Board(s) (or Borough Board);
- b. The affected City Council member;
- c. The affected Borough President;
- d. Affected property owners;
- e. The Fire Commissioner; and
- f. The Commissioner of Buildings.

Affected property owners shall be defined to include all owners and tenants specified in §1-06(g) of these rules within a radius of 400 feet from the center of the lot which is the subject matter of the appeal, except that for lots of 40,000 square feet or more in area or having a frontage of more than 300 feet on any one street, the affected area shall be within a line running parallel to and 200 feet from all site property lines. A radius of 200 feet shall be taken from corners of the site property having an interior angle of less than 180 degrees. If there are less than ten (10) affected property owners within said affected area, then the area of notification shall be a radius of 800 feet. Within five (5) business days prior to such hearing date, the applicant shall file proof of service that each of the individuals and entities listed in this section has been notified in accordance with §1-03(f) of these rules.

The applicant shall also publish the contents of the notice form provided by the Board at his or her own expense in one newspaper of local circulation specified by the Board or one newspaper of general circulation. The publication of this notice shall take place in such newspaper on one day of each week for two (2) of the three (3) weeks prior to the public hearing. The applicant shall be notified in which newspaper the applicant shall place the notice to be published. The applicant shall file with the Board within five (5) business days prior to the hearing, a copy of the published notice with the appropriate proof of publication.

(h) Notice of hearing. After review by the examiner of an appeal, the applicant shall be notified by a designated staff person of the date set for the public hearing, which shall be at least thirty (30) days after the mailing of said notice. Not less than five (5) business days prior to such hearing date, the applicant shall file proof of service that such property owners and the Community Board or Borough Board has been notified in accordance with §1-03(f) of these rules.

When an applicant who is not the owner of the property has received from the Board notice of the date and time for public hearing on the appeal, the applicant shall immediately

forward a copy of such notice form to the owner of the subject property. Proof of such service shall be submitted to the Board not less than five (5) business days before such hearing date in accordance with §1-03(f) of these rules.

(i) *Board publication.* Not less than twenty (20) days before the date of the hearing, the Board shall publish notice of the hearing in its Bulletin or the City Record.

§1-10 DISPOSITION OF CASES

(a) *Final determination.* Final determinations of the Board shall be in the form of a written resolution. Such resolution shall state the rule, regulation, order, requirements, decision or determination upon which the appeal or application has been made, and shall set forth the Board's findings and conclusion. The Board may reverse, affirm, in whole or in part, or modify such rule, regulation, order, requirement, decision or determination, or it may dismiss the application or appeal for lack of jurisdiction, for lack of prosecution, or as moot.

Any appeal or application must receive three affirmative votes to be granted. If an application fails to receive three affirmative votes, the action will be deemed denied. A resolution denying or granting any application or appeal shall be formally entered on the record. If, however, there is a Commissioner or Commissioners absent at the roll call and the absentee Commissioner or Commissioners is eligible to vote, the matter may be laid over for consideration and final determination upon vote of the Board.

(b) *Withdrawal.* The Board shall consider a request to withdraw an application or appeal made at any time prior to final determination, but if a motion has been made and is pending, such motion shall have precedence.

If the request to withdraw is made before the case has been calendared for hearing, the Board may permit withdrawal without prejudice upon request.

If the request to withdraw is made after the case has been calendared or during the hearing, the Board may inquire into the reason for withdrawal and may permit withdrawal without prejudice for good cause only. If it determines that proper enforcement or public policy would thereby be served, the Board may refuse the withdrawal or it may condition the withdrawal with prejudice to the refiling of a subsequent application or appeal for the same relief.

If the request to withdraw is made after the public hearing has been closed and the matter has been laid over for decision, the Board at its discretion may refuse or permit withdrawal with or without prejudice depending on the circumstances of the application.

(c) *Dismissal.* The Board may, at its discretion, dismiss a case for failure to prosecute or for lack of good faith effort to provide information upon request with or without prejudice depending on the circumstances of the application. The Board may, at its discretion, dismiss a case in which a defective or incomplete application has not been corrected or completed. Such dismissal shall be at a public hearing after notice to the applicant.

(d) *Request for reargument.* No application or appeal which has been dismissed or denied or granted may be re-argued except on a motion adopted to restore the case to the Calendar for reargument. A request for re-argument shall not be granted unless a showing is made that the

Board misapprehended the relevant facts or misapplied any controlling principles of law, including the Zoning Resolution.

(e) Request for rehearing. A request for a rehearing shall not be granted unless substantial new evidence is submitted that was not available at the time of the initial hearing, or there is a material change in plans or circumstances or an application is filed under a different jurisdictional provision of the law.

In all cases, the request for rehearing shall be made in writing on a Special Order Calendar application form reciting the reasons for the request, and shall be accompanied by the necessary supporting documents and plans. Such request shall be filed with the Chair and the Executive Director who shall set a date when the request for restoration to the Calendar shall be submitted to the Board. If, on motion of the Chair or a Commissioner, adopted by three affirmative votes, the request for a rehearing is granted, the case shall be placed on the appropriate docket and calendared for rehearing. All rules of notice as required by these rules for the original hearing of the case must again be complied with.

(f) Review of decisions. In accordance with §666(8) of the Charter, the Board may, for good cause, on its own motion at a public hearing, review any decision that it has made and may reverse or modify such decision, but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified. The motion to review will be heard on the SOC Calendar after notice by the Board to the applicant and the owner of the subject property. In accordance with §666(11) of the Charter, the Board may, at its discretion, revoke or modify upon due notice and hearing, variances and special permits previously granted under the Zoning Resolution when it finds that the terms or conditions of such grants have been violated.

(g) Court review of decisions. Pursuant to §25-207 of the New York City Administrative Code, any person or persons jointly or severally aggrieved by any decision of the Board upon appeal or review made pursuant to §666 of the Charter, may present to the Supreme Court of the State of New York a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to a justice of the Supreme Court of the State of New York or at a special term of the Supreme Court within thirty (30) days after the date of filing of the decision in the office of the Board.

CONFLICTS OF INTEREST

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CONFLICTS OF INTEREST

WHAT EVERY COMMUNITY BOARD MEMBER SHOULD KNOW

It is expected that Community Board members will have associations and outside interests that could affect their views on matters to be considered by their Boards. However, as unpaid public servants, all Community Board members (but not the “public members” of community board committees) are governed by the City's Conflicts of Interest Law (City Charter Chapter 68). The law's purpose is to ensure that public servants do not use or appear to use their public positions to benefit their private interests or those of their families or associates. This memorandum, prepared by the Mayor's Community Assistance Unit in cooperation with the Conflicts of Interest Board, is designed to familiarize all Community Board members with the conflicts of interest restrictions concerning when they may discuss and vote on matters in which they may have an interest, or otherwise participate in the review of such matters.

The Charter also establishes the Conflicts of Interest Board (COIB), composed of five public members appointed by the Mayor with the advice and consent of the City Council. The Conflicts of Interest Board is authorized to issue rules to implement and interpret the provisions of Chapter 68, advise public servants about the application of the chapter, issue advisory opinions with respect to any matters covered by that chapter, and provide education to public servants about the Conflicts of Interest Law. The Board can enforce the requirements of Chapter 68, after conducting a hearing and determining that a violation occurred, and impose fines or other penalties.

Compiled for your information are:

- A list of regulations concerning the conduct and activities of Community Board members.
- An explanation of the method of tabulating votes if Board members have conflicts of interests.
- Selected excerpts from Charter Chapter 68 and explanatory notes. (Those passages that pertain particularly to Community Board members have been underlined.)
- A summary of COIB advisory opinions concerning Community Boards.

If you have any questions regarding these provisions, opinions and procedures, or need advice about possible conflicts, you can call or write to:

Conflicts of Interest Board
2 Lafayette Street, Suite 1010
New York, NY 10007
(212) 442-1400
<http://nyc.gov/ethics>



REGULATIONS CONCERNING CONDUCT AND ACTIVITIES OF COMMUNITY BOARD MEMBERS

VOTING

[Note: These regulations apply to votes of Community Boards *and* committees.]

1- A Community Board member is not entitled to vote on any matter that may result in a personal and direct economic gain to the member or any person or firm with whom the member is "Associated". (Charter Section 2604(b)(1)(b)). The member is required to disclose his or her interest, and is then permitted to take part in discussions on the matter. (Advisory Opinion 91-3).

2- A Community Board member who is a City employee is not entitled to vote on any matters concerning the member's agency, but may take part in discussions on such matters. This pertains to employees of all mayoral agencies and non-mayoral agencies subject to the Conflicts of Interest Law (e.g., School Construction Authority, Health and Hospitals Corporation, NYC Housing Authority). (Advisory Opinion 91-3)

3- A Community Board member who serves on the board of directors of a not-for-profit organization is not entitled to vote on Board resolutions recommending funding by City agencies for that organization; voting would be "taking a direct or indirect part" in the organization's business dealings with the City. (Charter Section 2604(c)(6))

4- A Community Board member who holds an unpaid position with a local development corporation or public benefit corporation may vote on matters affecting that corporation, provided that the vote would not result in a personal and direct economic gain to the member or to a person or firm associated with the member. (Advisory Opinion 93-3)

CHAIRING OR SERVING ON COMMITTEES

1- A Community Board member who is a City employee may serve on a committee which considers matters that have come or may come before the member's agency, but cannot be the chairperson. **EXAMPLE:** A City Planning employee may not chair a Zoning Committee. (Advisory Opinion 571*).

2- A Community Board member may not chair a committee which is likely to have matters before it which concern the member's private interests or employment. (Advisory Opinion 95-18) For example, a member with an interest in a licensed liquor facility within the district may not chair the committee responsible for considering liquor license applications. (Advisory Opinion 03-2)

OTHER ACTIVITIES

1- No public servant may use or appear to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. (Section 2604(b)(3))

2 - A Board chair may have an interest in a firm or organization which regularly has matters before that Board, provided that he or she refrains from making any decisions or taking any other official Board actions on matters involving that interest, and does not preside at Board meetings when such matters may be considered or voted upon. (Advisory Opinion 96-8)

3 - A Community Board member who is a professional (e.g. lawyer, architect, engineer) may not personally represent any party presenting a project or proposal for consideration to the Community Board on which he or she serves. (Charter Section 2604(b)(6)). A member's firm or business partners are likewise not permitted to represent private clients before the member's Board. (Advisory Opinion No. 96-4)

4- A Community Board member may run for public office while continuing to serve on the Board. However, pursuant to Section 1115 of the City Charter, which prohibits individuals from holding more than one civil office, a Community Board member would need to resign from the board upon assuming elective office. (Board of Ethics Opinion 435, affirmed by the Conflicts of Interest Board)

5- Certain close relatives and business associates of community board members may not serve on the staff of the member's community board. More particularly, a member's spouse, domestic partner, parents, children, siblings, or anyone with whom the member has a business or financial relationship may not serve as staff to the board. (Advisory Opinion No. 2004-3)



TABULATING COMMUNITY BOARD VOTES WHEN MEMBERS HAVE CONFLICTS OF INTERESTS

Charter Section 2801: a. A majority of the appointed members of any community board shall constitute a quorum of such board. b. Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of such board.

In order for a Community Board or committee resolution to be carried in accordance with this section, a majority of members entitled to vote must vote "yes." If a Board member is not entitled to vote on a matter as a result of complying with the restrictions concerning conflicts of interest, then the number of members entitled to vote on that matter is reduced, and the majority required for passage is reduced accordingly. When a vote is taken, a **member not entitled to vote due to conflict of interests is not counted as abstaining**. However, such a member is counted as present for the purpose of maintaining a quorum. It is suggested that such members be marked "**present but not entitled to vote**" rather than "abstaining for cause," to make sure that votes are properly tabulated.

EXAMPLE: A fifty-member Board has a quorum of twenty-six members present, but two members are excluded from voting on a particular matter due to conflicts of interest or City agency employment. The number of members entitled to vote on that matter drops from twenty-six to twenty-four, but the two members not entitled to vote are still present, so the quorum is maintained. The majority needed for passage of that matter changes from fourteen to thirteen.



CITY CHARTER: CHAPTER 68

Conflicts of Interest Excerpts

Community Board staff and Board members employed by the City are subject to additional requirements of the Conflicts of Interest Law that will not be covered here. The passages pertaining particularly to Community Board members are underlined]

Section 2601. Definitions:

2. "Agency" means a city, county, borough or other office... or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to...community boards....

5. A person or firm "associated" with a public servant includes a spouse, child, parent or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest.

19. "Public servant" means all officials, officers and employees of the city, including members of community boards....

20. "Regular employee" means all elected officials and public servants whose primary employment, as defined by rule of the board, is with the city, but shall not include members of...community boards.

SECTION 2604. Prohibited interests and conduct.

a. Prohibited interests in firms engaged in business dealings with the city.

1. A public servant who has an interest in a firm which is not prohibited by subdivision a of this section shall not take any action as a public servant affecting that interest, except that

(b) in the case of an appointed community board member, such action shall not be prohibited, but no member may vote on any matter before the community or borough board which may result in a personal and direct economic gain to the member or any person with whom the member is associated.

3. No public servant may use or appear to use his or her position as a public servant to obtain any financial gain, contract, license privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

(a) no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or boro

NOTE: Although Section 2604(a)(1)(a) permits Community Board members' "having an interest in a firm which may be affected by an action on a matter before a community or borough board," it does prohibit a Community Board member from having an interest in a firm doing business with the Board itself, e.g., by contracting with or otherwise providing services to the Community Board.

b. Prohibited conduct:

6. No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.

9. No public servant shall

(a) coerce or attempt to coerce, by intimidation, threats or otherwise, any public servant to engage in political activities or,

(b) request any subordinate public servant to participate in a political campaign....

11. No public servant shall, directly or indirectly,

(a) compel, induce or request any person to pay any political assessment, subscription or contribution, under threat of prejudice to or promise of or to secure advantage in rank, compensation or job-related status or function,

(b) pay or promise to pay any political assessment, subscription or contribution in consideration for having been or being nominated, elected, or employed as such public servant or to secure advantage in rank, compensation, or other job-related status or function, or

(c) compel, induce or request any subordinate public servant to pay any political assessment, subscription or contribution.

SECTION 2604(c). This section shall not prohibit:

6. a public servant from acting as attorney, agent, broker, employee, officer, director, or consultant for any not-for-profit corporation, or association, or other such entity which operates on a not-for-profit basis, interested in business dealings with the city, provided that:

(a) such public servant takes no direct or indirect part in such business dealings.



CONFLICTS OF INTEREST BOARD ADVISORY OPINIONS

OPINION ISSUE

- 91-3 A Board member who is not permitted to vote on a matter due to economic interest may participate in discussions on that matter. A Board member who is employed by a City agency may not vote, but may participate in discussions, on matters that have been or may be considered by that agency.
- 91-12 Board members and staff (including chairs and district managers) may hold political party office.
- 93-2 A Board member who is a community school board member may not chair a committee that considers school board-related issues.
- 93-9 A district manager may serve on the board of directors of a not-for-profit organization engaged in business dealings with the City, but not one dealing directly with the district manager's Community Board.
- 93-21 It would be a violation of Chapter 68 for a member of the City Council to nominate a family member for appointment to a community board. Additionally, nominations of employees of other Council Members would be considered on a case-by-case basis.
- 95-18 A Community Board member may not chair a committee which is likely to have matters before it which concern the member's private interests or employment.
- 96-4 A Board member's firm or business partners are not permitted to represent private clients before the member's Board.
- 96-8 A Board chair may have an interest in a firm or organization which regularly has matters before that Board, provided that he or she refrains from making any decisions or taking any other official actions on matters involving his or her private interests, and does not preside at Board meetings when such matters may be considered or voted upon.
- 03-2 A Board member with an interest in a licensed liquor facility in the district may not chair the committee responsible for considering liquor applications. A Board member with an interest in a licensed facility in the district may vote on matters involving liquor license applications of others, but may *not* vote on their own license applications or on applications of persons with whom they are associated.
- 03-3 A member of the Council may nominate the spouse of a member of his or her staff for a community board seat, provided that the staff member is recused from the appointment process. A member of a community board may not,

however, be employed in the office of a member of the Council who has appointment power to that community board.

04-1 "Public members" of community board committees are not public servants within the meaning of the City's conflicts of interest law and are therefore not subject to the provisions of that law.

04-3 Certain close relatives and business associates of community board members may not serve on the staff of the member's community board. More particularly, a member's spouse, domestic partner, parents, children, siblings, or anyone with whom the member has a business or financial relationship may not serve as staff to the board.

435* A Board member may remain on the Board while running for public office.

571, 657* A Board member employed by a City agency may serve on (but not chair) a committee that considers matters concerning that agency.

* - Board of Ethics opinions re-affirmed by the Conflicts of Interest Board

CORPORATION COUNSEL

F



SYNOPSIS OF CORPORATION COUNSEL OPINIONS

Number	Synopsis
107911	Community Board members must be residents of New York City. They need not live within the district they serve, as long as they have a business, professional, or other significant interest in it.
108459	<p>a) The Charter provision setting a 25% limit on the number of Board members who may be City employees does not apply to the employees of the New York City Transit Authority, Brooklyn Public Library or the courts -- Family, Supreme or Civil.</p> <p>b) A member of the State Committee of a major political party, part of whose district lies within a community district, does have the "significant interest in the district" required for appointment to a Community Board.</p>
108588	The Charter does not mandate that the percentage of Community Board members from each geographic section be in proportion to the percentage of the population residing in that section, although "adequate representation from the different geographic sections and neighborhoods" is required.
108476	Application forms of unsuccessful community board applicants are not available for public inspection.
108678	<p>a) The Charter does not require that each Community Board consist of fifty members; rather it leaves to the Borough President the discretion to appoint a number of Board members up to a maximum of fifty.</p> <p>b) Employees of anti-poverty Community Corporations are not City employees and should not be considered so in applying the twenty-five percent limitation in the Charter to the appointment of City employees to Community Boards.</p>
7-83	Substantial involvement in civic, religious, educational or charitable organizations within a Community District constitutes a sufficient "significant interest" in the district to qualify a person for membership on that district's Community Board.
39-84	<p>The Charter provides for removal of a Community Board member "for cause" by either the Borough President or a majority vote of the Board. "Cause" has been construed to mean "misconduct of a substantial nature, indicating some neglect of duty" on the part of the member or "something which materially affects his official acts or his standing" or reflects upon his character.</p> <p>Removal may be carried out only after the Board member has been afforded due process. The process in this case requires that the Board member receive a written copy of the charges, have a chance to answer them in writing, be permitted representation by an attorney and be allowed to present witnesses at a</p>

hearing on the charges. The burden of proof with regard to the misconduct rests with the party making the charges. A finding of misconduct must be based on substantial evidence.

If the misconduct charged occurred at a Board meeting or in another setting such that Board members have prior knowledge of the facts, the hearing should not be conducted by the Board. In such a case, the hearing should be conducted by an administrative law judge, who would be supplied by the Department of Personnel. The administrative law judge would submit findings and recommendations to the Board, which would then decide what action should be taken.

5-85 When a Borough President appoints a Community Board member after the start of the term of office, the appointment is effective from the day the Borough President signs the letter of appointment. From the time of appointment, once the term of office has begun, Board members are counted toward the majority necessary for a quorum, regardless of whether they have received notice of appointment or notice of meetings.

39-85 The Charter limits the number of City employees who may be appointed members of Community Boards to 25%. The limitation does not apply to employees of agencies that have a corporate existence separate from the City, such as the New York City Transit Authority, the Health and Hospitals Corporation, the Housing Authority, the Board of Education, Community School Boards, or the City University of New York.

The City Charter (Section 1115) prohibits individuals from holding more than one civil office, but authorizes the Mayor to allow officers to accept a second office which carries with it no salary or other compensation. The definition of "officer" includes the following, among others: Community Board members, Community School Board members, and agency Commissioners, Deputy Commissioners, and Assistant Commissioners. Area Policy Board members and government employees below the rank of Assistant Commissioner (or the equivalent) are not considered officers.

Note: In a memo to the Borough Presidents and Council Members dated November 27th, 1985, Mayor Koch permitted Community School Board members and appointed officials of the state and federal government to be appointed as Community Board members. However, a July 6, 1989 CAU memo indicated that this authorization does not apply in reverse to Community Board members who are newly elected to School Boards.

4-88 U.S. citizenship is not a requirement for Community Board membership. Legal resident aliens may be appointed to serve on Community Boards if they otherwise meet the qualifications set forth in City Charter section 2800(a). This decision does not affect the status of Community Board members as public officers.

MEETING PROCEDURES

- 108443 In the absence of statutory instruction, a Community Board may adopt rules providing for its own internal management, organization and procedure in accordance with general parliamentary procedure.
- 108484 Meetings of Community Board committees must be open to the public in accordance with the provisions of the State Open Meetings Law.
- 108496 Members of the public are permitted to use electronic devices to record public meetings of Community Boards. However, if use of such equipment is found to be disruptive, a Board may prohibit it.
- 108608 While matters may be referred to a committee for study and recommendation, final Board action may only be taken at a public meeting of the full Board at which a quorum is present.
- 19-80 The affirmative vote of a majority of those members present and entitled to vote during the presence of a quorum is required for any act, decision or recommendation of a Community Board to be valid. A majority of the appointed members of a Board constitutes a quorum.
- 11-83 Although the Charter requires that the chairperson of each Community Board committee be a Board member, there is no limitation as to the number of non-Board members who may be appointed to serve on a Board committee.
- In reporting its vote on any issue, a Board committee may report separately the vote of Board members and non-Board members on the committee.
- 9-91 The election of Community Board officers may not be conducted by secret ballot. Such elections may be conducted using signed paper ballots, by roll call, or by any other means by which each Board member's vote is recorded and may be made public. Each Board must create a record listing each member's vote, and make the record available to the public by its inclusion in the minutes of the meeting, pursuant to the Open Meetings Law requirement that public bodies maintain minutes which include all "matters formally voted upon by the public body and the vote thereon," (Public Officers Law, Section 106), and the Freedom of Information Law requirement that public agencies "maintain a record of the final vote of each member in every agency proceeding in which member votes," (Public Officers Law, Section 87-3-a, emphasis added).

Note: Corporation Counsel Opinion 108452 (issued in 1977) and the portion of Opinion 33-84 (issued in 1984) permitting the election of Board officers by secret ballot are superseded by this opinion.

DISTRICT MANAGER

- 108538 A member of a Community Board is eligible for appointment to the position of District Manager provided that he or she does not participate in any manner in the selection of the Manager and resigns as a member of any Community Board prior to or upon assuming the duties of District Manager.
- 108557 The Community Board as a whole has the power to select and hire its office staff. It may, however, assign the responsibility for selection of office staff to the District Manager, subject to final approval by the Board.
- 24-80 District Managers are not "City officers" and thus are not barred by Charter Section 1115 from holding a City office in addition to the post of District Manager. Accordingly, a District Manager may hold any public office not inconsistent or incompatible with his/her duties as District Manager. The duties of a District Manager and of a Community School Board member present no such conflict, so a District Manager may seek election to and serve on a Community School Board.

COTERMINALITY AND DISTRICT SERVICE CABINETS

108420 City departments must designate officials with line authority as representatives to serve on service cabinets. While the Charter provides for a working relationship with the Boards, the Commissioner retains full power and responsibility for the organization and functioning of the department.

The Fire Department, like other agencies which deliver services within community districts, must consult with Community Boards in the preparation of the scope of capital projects.

The Fire Department must also designate members on the District Service Cabinets.

108662 The coterminality provisions of the Charter do not require that each coterminous agency actually have a facility located within each community district to serve as its administrative office.

The agency takes into consideration cost, operational effectiveness and other factors in determining where to locate its facilities and offices.

LAND USE AND ULURP

- 108445 Cable television franchises are reviewable by the Community Board with regard to their land-use impact, but this review may not extend to fees or compensation.
- 108474 Licensing of a newspaper vending machine does not require a granting of a franchise, and therefore is not subject to ULURP.
- 108579 The Transit Authority, as a legal entity separate from the City, is not subject to ULURP.

BUDGETARY MATTERS

- 108431 Community Boards may not establish separate bank accounts for gifts or grants of money received by them. Such funds must be paid into the City treasury, earmarked for the Board, and may be dispensed by warrant of the Comptroller. Such funds may only be used for purposes within the Charter mandates of the Community Boards.
- 108472 Community Boards, like other City agencies, are expressly prohibited by the Charter from making expenditures in excess of appropriations. The City is not liable for expenditures made in excess of appropriations.
- 108498 Expense budget funds appropriated for Community Boards may be used only for the performance of functions and duties granted to them by the Charter.
- 108546 Reimbursement to a member of a Community Board (or his/her business) for secretarial services provided to the Board by that member's secretary would amount to a contract between the member and the Board to provide secretarial services. Such a contract is forbidden by a Charter provision prohibiting public servants, whether paid or unpaid, from engaging in: any business or transaction or private employment, or (having) any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
- 108578 Community Boards have the responsibility for exercising the pre-audit function in expending funds appropriated to them. The Comptroller can withdraw this authority if it is not being handled adequately.
- 108727 Community Board members may not be reimbursed by the Board for expenditures in connection with Board-related activities other than attendance at regularly scheduled meetings of the Board, including meetings of the full Board and of Board committees and public hearings held by the Board.

LEGAL ISSUES

- 108467 Community Boards need not purchase their own liability insurance. Because Community Boards are agencies of the City of New York, the City is liable for any damages incurred by a Board in the performance of its official functions.
- 108607 Absent any wrong doing on their part, the members of a Community Board may not be held liable should a Board employee be involved in an automobile accident while using his/her car in connection with Board business.
- 108787 The Corporation Counsel will defend individual Community Board members and District Managers who are sued in connection with actions arising out of their official duties in the same manner as he/she is required to defend other officers and employees of the City. In addition, in an action where the judgment may affect the sued Community Board member or District Manager individually, he/she may at his/her own expense, employ private counsel as well.
- 39-82 Under the Freedom of Information Law, records of citizen complaints must be disclosed on request, but information identifying the complainant may be deleted.
- 6-84 Under the Public Officers Law, a Community Board member's position is automatically vacated upon conviction of a felony or any crime involving a violation of his or her oath of office. "Conviction" means the entry of a plea of guilty to, or a verdict of guilty upon, an accusatory instrument or one or more counts of such instrument.
- 33-84 Community Boards are governmental bodies subject to both the Freedom of Information Law (FOIL) and the Open Meetings Law. Accordingly, meetings of Community Boards and committees must be open to the public and minutes must be kept reflecting matters "formally voted upon and the vote thereon." Also, a record must be kept of the final vote of each member for each matter on which the member votes. This is true for public meetings and executive sessions, except for matters specifically exempted under the law.
- 12-85 Under the Freedom of Information Law, the following records must be disclosed on request after appropriate deletion of personal information: applications of Community Board members (but not applications that were denied), letters from Community Board members requesting that their absence from meetings be excused, information regarding nomination of Community Board members by Council Members, minutes and attendance of open Community Board meetings, and lists of the names of Community Board members. Personal information that may be deleted from the records before disclosure includes: home and business addresses and telephone numbers; membership in organizations; character references; birthdays; employment, medical or credit histories; and descriptions of a personal illness or confidential family or financial matters that would be embarrassing or harmful if disclosed.

RESOURCE DIRECTORY

G



RESOURCE INFORMATION FOR COMMUNITY BOARDS

INTRODUCTION

This section lists, by agency, books, guides, manuals, maps, and pamphlets published by public and private agencies that provide important and useful information to assist Community Boards. Please contact the agency for information about availability and cost.

CITIZENS COMMITTEE FOR NEW YORK CITY

Citizens Committee of New York City, 305 Seventh Avenue, 15th Floor, New York, NY 10001, Telephone (212) 989-0909

Funding Neighborhood Programs - A booklet designed to help guide community groups in seeking funding for their projects. Co-published by the Citizens Committee and the Community Service Society.

Tip Sheets - Information on all aspects of neighborhood organizing.

Tools and Tactics for Building Neighborhood Organizations - Information about organizing a group, holding meetings, drafting laws, assessing neighborhood needs and developing projects.

Lend a Hand in Your Community Board - A booklet which explains how New York City residents can use and assist the Community Boards to improve the quality of life in their neighborhood.

COMMUNITY ASSISTANCE UNIT, OFFICE OF THE MAYOR

Community Assistance Unit, Office of the Mayor, 100 Gold Street, New York, NY 10038, Telephone (212) 788-7418

A Guide to Parliamentary Procedure for NY Community Boards - A booklet about Robert's Rules of Order developed especially for Community Board members .

Community Board Committee Structures and Procedures - A booklet about how committees are structured and function, including the steps to plan projects effectively.

Directory of New York City Community Board Offices - A listing of the Chairs, District Managers, telephone numbers, meeting dates and office addresses of the Community Boards, with borough maps.

COMMUNITY SERVICE SOCIETY OF NEW YORK

Community Service Society of New York, Office of Information, 105 East 22nd Street, 3rd Floor, New York, NY 10010, Telephone (212) 614-5314

Funding Neighborhood Programs - A booklet designed to help guide community groups in seeking funding for their projects. Co-published by the Citizens Committee and Community Service Society.

Guide and Checklist for Community Boards - An illustrated handbook to help in understanding how the numerous task assigned to Community Boards can be effectively accomplished.

Technical Assistance Guide - A directory of resources including profiles covering 67 non-profit technical assistance organizations in the city.

DEPARTMENT OF CITY PLANNING

Department of City Planning, City Planning Bookstore, 22 Reade Street, Ground Floor, New York, NY 10007-1216, Telephone (212) 720-3667

Annual Report on Social Indicators - Selected indicators of conditions in New York City, including population, economy, crime, health, education, poverty, housing and the environment.

Business District Plans - Different plans and proposals to guide industrial, residential and commercial development.

Citywide Statement of Needs - A report about the City's plans to open, close, significantly expand, or significantly reduce City facilities, by agency, in conjunction with the City's Fair Share siting process and the Gazetteer of City Property. Co-published by the Department of General Services and Department of City Planning.

Criteria for the Location of City Facilities, Dec. 3, 1990 - The "fair share" criteria that guide the siting of City facilities.

Demographic Profiles - A portrait of New York City's Community Districts from the 1980 and 1990 Censuses, including total population by age, household type and size, and housing unit size, type and vacancy.

Capital Needs and Priorities for the City of New York - A yearly report by the City Planning Commission on the City's capital needs and priorities.

City Environmental Quality Review Procedure (CEQR) - The rules of procedure for environmental review of proposed actions by the City.

Gazetteer of City Property - A comprehensive list of all City properties indicating which agency uses each site and for what purpose. Co-published with the Department of General Services, and in conjunction with the Atlas of City Property and the Citywide Statement of Needs for City Facilities.

Local Area Planning and Zoning - Different plans, proposals and recommendations for neighborhoods of the city. For example, there are plans for Bronx Park South, East New York, South Central Harlem, Edgemere and Arbutus Woods.

Maps - All types of maps such as city and borough base, street, sectional base, census tract and blocks, zoning, tax block and lot maps.

Socioeconomic Profiles - A portrait of New York City's community districts from the 1980 and 1990 Censuses, including ancestry, nativity, poverty, education, income, labor force participation, housing costs, vehicle availability and commutation.

Statement of Community District Needs - A compilation of the annual statements in which each Community Board assesses its district's needs and condition. Also includes demographic and facilities information for each district.

Rules for the Processing of Plans Pursuant to Charter Section 197-a - The review procedure and standards for community-initiated plans. Also see Local Area Planning and Zoning.

Uniform Land Use Review Procedure (ULURP), DCP #90-60 - The guidelines, minimum standards, procedural requirements, and time periods that govern ULURP (reprinted in this handbook).

Zoning Handbook: A Guide to New York City Zoning Resolution - A plain language guide to the Zoning Resolution with photographs and illustrations.

DEPARTMENT OF GENERAL SERVICES

Department of General Services, CityBooks, 2223 Municipal Building, New York, NY 10007, Telephone (212) 669-8245

New York City Charter - The Charter is the City's "constitution," the laws establishing and setting forth the structure of its government.

Housing and Building Related Titles - An assortment of booklets on different topics about housing and buildings matters.

Mayor's Management Report - A Charter mandated yearly report containing a statement of agency performance, proposed programs and goals and an explanation of significant changes in performance goals and indicators from each City agency.

The Green Book - The official directory of the City of New York, containing key officials and telephone numbers for over 900 City, State and Federal government agencies.

DEPARTMENT OF SANITATION

Department of Sanitation, Office of Community Services, 125 Worth Street, 7th Floor, New York, NY 10013, Telephone (212) 788-3801

Digest of Codes - Although meant for residents, this digest is a helpful resource for Community Boards. It includes a summary of health and administrative codes concerning community cleanliness, e.g., what merchants and residents are required to do to keep their community clean.

Sanitation - A Guide to Community Board Participation in Planning and Delivery of City Services - A valuable resource for the assessment of service needs and planning for the improvement of service delivery within a Community District.

Recycling Brochures - Brochures describing recycling schedules and instructions about what items are to be recycled by residents.

LEAGUE OF WOMEN VOTERS OF THE CITY OF NEW YORK

League of Women Voters of the City of New York, 817 Broadway, 6th Floor, New York, NY 10003, Telephone (212) 674-8484

They Represent You - A booklet listing information about New York's elected officials, including maps of City Council, State Senatorial, State Assembly and Congressional districts.

What Makes New York City Run? - A citizen's guide to how City government works.

OFFICE OF MANAGEMENT AND BUDGET

Office of Management and Budget, Office of Community Board Relations, 75 Park Place, 7th Floor, New York, NY 10007, Telephone (212) 788-5930

District Resource Statements - Geographic fiscal, service, performance and contact information for City agencies that deliver services to Community Districts and boroughs.

It's Ten O'Clock: Do You Know Where Your Capital Projects Are? A guide to help Community Boards monitor capital projects.

Manual for Participation in the Budget Process - A guide that explains the budget process and how Community Boards can effectively prepare for participation.



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