



ACKNOWLEDGEMENTS

The 2009 Handbook for Community Board Members is based on a handbook originally prepared in 1978 by the Community Board Assistance Unit of the Mayor's Office. It has been extensively expanded, rewritten and edited over the many years since that first edition. Most importantly, it has been read and used as a reference by thousands of community board members over those same years.

The Community Affairs Unit wishes to gratefully acknowledge the hard work of all the individuals and City agencies, both past and present, in the rewriting, editing and production of this handbook. The current edition has been a work of the staff of the Mayor's Community Affairs and the agencies that participate in the community board orientations.

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HISTORICAL PERSPECTIVE

1



HOW COMMUNITY BOARDS EVOLVED

The adoption of the 1975 City Charter, which gave the city's Community Boards a formal role in decisions on land use, in the preparation of the capital and expense budgets and in the monitoring of local service delivery, marked the culmination of twenty-five years of experimentation with neighborhood governance. The experiment began in 1951, when Robert F. Wagner, then Manhattan Borough President, established twelve "Community Planning Councils." The Councils, consisting of 15 to 20 members each, were charged with advising the Borough President on planning and budgetary matters.

The 1963 City Charter, adopted during Wagner's third term as Mayor, extended the neighborhood governance concept to the other boroughs, establishing "Community Planning Boards" throughout the city. Eventually, these came to be known simply as "Community Boards."

While the role of Community Boards in local planning had its genesis in Wagner's 1951 initiative, their role in monitoring service delivery can be traced to the "Little City Halls" established on an experimental basis in just a few Community Districts by former Mayor John Lindsay. These outposts were headed by a "District Manager" appointed by the Mayor to oversee the delivery of City services in the district. Among the District Manager's specific duties was chairing a "Service Cabinet" comprised of officers of varying rank from key City agencies. Today the District Manager has much the same role, but is selected by the Community Board rather than the Mayor.

Community Boards today represent a blending of the Wagner Community Planning Councils and the Lindsay "Little City Halls." The issues the Boards deal with are as varied as the communities they represent, from studying the impact of a multi-million dollar waterfront development proposal to getting a "No Parking" sign replaced.

In 1989, the voters of New York City ratified new Charter provisions, changing how City government deals with the budget, land-use matters, and service delivery. The Community Board's important roles in all of these areas were either expanded or reaffirmed by the new Charter.

CITY GOVERNMENT

2



KEY CITY OFFICIALS AND BODIES

INTRODUCTION

New Yorkers elect the Mayor, Borough Presidents, City Council members, Public Advocate, and Comptroller. These officials are collectively responsible for overseeing City government, either directly or through their appointees. The **City Charter** defines the authority of each official or body and the relationships among them.

THE MAYOR

The Mayor is the City's chief executive officer. He sets the agenda for the City and its finances: what services the City will provide and how they will be financed. He appoints Deputy Mayors and heads of agencies who carry out City policies. The Mayor has specific responsibilities in relation to Community Boards, including:

- ◆ Ensuring that City agencies cooperate with Community Boards in all matters affecting local services and the handling of citizen complaints.
- ◆ Proposing the level of financial support for the Community Boards.
- ◆ Considering Community Board priorities in the Expense and Capital Budgets.
- ◆ Ensuring that agencies provide representatives who can facilitate solutions to local problems and serve on the Boards' District Service Cabinets.
- ◆ Providing general assistance and mechanisms for answering Community Boards' questions and helping to solve their problems.

The Mayor issues several reports that Community Boards can use to evaluate and plan for the needs of their districts, such as:

- ◆ The Mayor's Management Report, published in preliminary form each January and in final form each September, which sets performance goals for City programs, reports on actual performance relative to these goals, and explains significant changes;
- ◆ The Strategic Policy Statement, summarizing the most pressing long-term issues facing the city and the strategies proposed to address them, issued every four years;
- ◆ The Annual Report on Social Indicators, an analysis of the social, economic and environmental health of the city, issued sixty days before the Community Boards submit their budget priorities for the next fiscal year; and
- ◆ The Citywide Statement of Needs, identifying plans to open, close, expand or reduce the size of City facilities over the next two fiscal years, issued each November.

The Community Affairs Unit (CAU) serves within the Office of the Mayor to aid the city's 59 Community Boards in carrying out their Charter-mandated responsibilities, strengthening the lines of communication and dialogue between City government and communities. Further, CAU serves as the focal point for coordinating City policies that relate to Community Boards as well as assisting City agencies with activities that relate to communities.

CAU also provides other services to Community Boards including acting as a liaison with city oversight agencies, computer assistance, and street activity permit information. If your Board would like to avail itself of any of these services, the Chairperson or District Manager should call the CAU coordinator for your borough.

THE CITY COUNCIL

The City Council is the City's legislative body. There are 51 elected Council Members, one from each Council District. Besides enacting legislation, including tax and revenue measures, the City Council approves the City's budget, and has oversight powers over the activities of City agencies. The Council also has the power to review many land use actions of the City Planning Commission.

The Council Members are closely involved with the Community Boards in the districts they represent.

- ◆ Council Members are “ex-officio” non-voting members of the Community Boards whose districts they represent.
- ◆ Council Members are members of their Boards' District Service Cabinets.
- ◆ Council Members are members of the Borough Board.
- ◆ Council Members submit nominations for membership on the Community Boards to the Borough President, half of whose appointments must be made from such nominations. These appointments must be in proportion to the percentage of the district's population that each Council Member represents.
- ◆ The Council receives the advice of Community Boards on the Expense and Capital Budgets and helps determine the funding level for the Boards.

THE BOROUGH PRESIDENT

The Borough President must be consulted in the preparation of the Mayor's Executive Budget, may reallocate certain resources within the borough after budget adoption, prepares a strategic policy statement for the borough, monitors service delivery and complaint handling by City agencies, can have legislation introduced in the Council, proposes changes in the zoning resolution, reviews contracts and franchises, and appoints a member to the City Planning Commission. The Borough President is an important participant in land use review and in the “Fair Share” process for locating City facilities.

In relation to the Community Boards, the Borough President:

- ◆ Appoints the members of Community Boards for two-year terms. At least half of these appointments must be nominees of the Council Members representing the Community District.
- ◆ Along with the Community Boards, reviews and makes recommendations on ULURP applications.

- ◆ Maintains planning and budget offices, administers training to Community Board members and provides technical assistance to the Community Boards.
- ◆ Serves as Chairperson of the Borough Board and Borough Service Cabinet.

THE BOROUGH BOARD

The Borough Board consists of the Borough President, as chairperson, all the Council Members for the borough, and the chairpersons of all the Community Boards in the borough (who may vote only on matters directly affecting their Community Districts). Its responsibilities include:

- ◆ Shares with the affected Community Boards the opportunity to advise on zoning, variances, the City Map, franchises, City-property transfers and other land use matters which directly affect more than one Community District.
- ◆ Can initiate and review comprehensive or special purpose plans for the borough.
- ◆ Prepares a comprehensive statement of the expense and capital budget priorities and needs of the borough.
- ◆ Can evaluate the progress of capital developments and the quality and quantity of services in the borough.
- ◆ Cooperates with Community Boards and mediates any disputes and conflicts among them.

THE BOROUGH SERVICE CABINET

The Borough service Cabinet consists of the Borough President as chairperson, and includes borough officials appointed by the head of each City agency which delivers services in the borough. In most boroughs, District Managers are invited to attend. Its responsibilities include:

- ◆ Coordinates, at the borough level, service delivery functions and programs of agencies that provide services in the borough.
- ◆ Considers interagency problems and impediments to the effective and economic delivery of services in the borough.
- ◆ Plans and develops programs to address the needs and priorities of the borough and its residents.
- ◆ Consults with residents of the borough and representatives of the Community Boards about service problems and activities.

THE CITY PLANNING COMMISSION

The City Planning Commission is responsible for planning for the orderly growth, improvement, and development of the city. Thirteen commissioners, seven appointed by the Mayor, one by the Council President, and one by each Borough President, sit on the City Planning Commission. The Chairperson of the Commission is appointed by the Mayor and serves at the Mayor's pleasure. The Commission Chairperson is Amanda Burden.

The Chairperson of the City Planning Commission is also the Director of the Department of City Planning, which serves as the Commission's administrative and professional staff, among other responsibilities.

Both the Commission and the Department work closely with the Community Boards:

- ◆ The Commission, in accordance with the Uniform Land Use Review Procedure (ULURP), receives and reviews the advice of Community Boards, Borough Presidents, and in some cases, Borough Boards on zoning, the City Map, site selection, Requests for Proposals related to franchises, City property dispositions and acquisitions, and other land use matters. It conducts public hearings, votes its recommendations, and forwards approvals to the City Council.
- ◆ The Commission establishes rules governing the land use and environmental review procedures, as well as criteria for the location of City facilities.
- ◆ The Commission receives and reviews the advice of Community Boards on area plans, whether initiated by a Community Board, a Borough Board, a Borough President, the Mayor or the Department of City Planning, and forwards approved plans to the Council for final action. The Commission also sets standards for such plans.
- ◆ The Commission receives Community Board advice submitted to the Board of Standards and Appeals on variances and special permits, and may react to that advice in public hearings before the Board of Standards and Appeals.
- ◆ The Department provides professional assistance to Community Boards in planning for their communities.
- ◆ The Department receives all applications subject to the Uniform Land Use Review Procedure and related documents and refers them at the appropriate time to the affected Community Boards, Borough Boards, Borough Presidents, and the City Council for public hearing and advice.

THE COMPTROLLER

The Comptroller is the chief auditing and accounting officer for Community Boards, as for all City agencies. The Comptroller of the City of New York is William C. Thompson, Jr.

THE PUBLIC ADVOCATE

The Public Advocate presides over the City Council, reviews and investigates complaints about city services, and oversees the citywide information and complaint network. The Public Advocate of the City of New York is Betsy Gotbaum.

THE ROLE OF THE COMMUNITY BOARDS

3



THE ROLE OF COMMUNITY BOARDS IN CITY GOVERNMENT

The 1975 City Charter revisions allocated greater responsibility to Community Boards, especially in relation to municipal service delivery, the City budget, and land use, and the 1989 Charter revisions affirmed their role in those processes. The first section of this chapter gives an overview of the structure and roles of the Community Board as defined in Chapter 70 of the revised Charter (see Appendix A). Subsequent sections provide more detail on specific roles.

BOARD COMPOSITION AND MEMBERSHIP

Membership - There is one Community Board for each of the City's 59 Community Districts. Each has up to 50 voting members who serve for staggered terms of two years; one-half of the membership is appointed each year. Members of the Community Boards serve without compensation but may be reimbursed for actual, necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings.

Eligibility - Members must be New York City residents who live in or have a business, professional or other significant interest in the district. No more than 25 percent of the members may be City employees.

Appointments - The Borough President appoints the Community Board members. At least one-half of the members must be selected from the nominees of the district's Council Members, in proportion to the share of the district's population represented by those Council Members. The Borough President must ensure adequate representation from different geographic neighborhoods in the district, and must consider whether all segments of the community are represented. Community Boards and civic and other community groups may submit nominations to the Borough President or to the Council Members.

Ex-Officio Members - All City Council Members whose districts form part of the Community District are non-voting Board members.

Removal - Members may be removed for cause by the Borough President or by a majority vote of the Board in accordance with due process. ("Cause" is not precisely defined in the Charter. However, one example of cause specifically noted in the Charter is substantial non-attendance at Board or committee meetings over a period of six months).

Vacancies - The Borough President fills vacancies for the remainder of the unexpired term in the same way as regular appointments are made.

Committees - Board committees may be structured in any way deemed best to serve the needs of the community. Different communities may require different committee structures in order to address their needs. Some possible structures are:

Functional Committees deal with the specific needs of the community or carry out specific Charter mandates. Such committees may be a Land Use Review Committee, Budget Committee, Education Committee, or Public Safety Committee.

Agency Committees relate to specific agencies. These might include: Police Committee, Sanitation Committee, Consumer Affairs Committee, etc. Sometimes one committee will cover several agencies, e.g., a Health, Hospitals and Social Services Committee. Such a committee structure is useful during budget and service consultations with the agencies.

Area Committees handle issues in a specific part of the Community District. This structure tends to spread a variety of work among the members.

Many Boards have adopted a mixture of the above styles - for example, using agency committees when close relationships must exist with specific agencies, such as during the budget process, but having a parallel structure of area committees, to ensure that all matters which come before the Board can be fully considered. However, Boards should take care not to create too many committees, which may require too much of the members' time and so be ineffective.

Non-Board Members on Committees - The Charter permits community residents who are not Board members to serve on Board committees. This is a good way of drawing on additional expertise and manpower. It is also a method of recruiting potential Board members. A Board member must chair each committee.

THE RESPONSIBILITIES OF THE COMMUNITY BOARD

Section 2800-d of the Charter (see Appendix A) defines an extensive range of responsibilities for Community Boards. The key responsibilities are listed here, with the actual Charter language in italics. The order has been changed to group similar responsibilities together.

Address the Welfare of the District

- ◆ Consider the needs of the district which it serves.
- ◆ 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.

Community Boards have a broad **advisory role** with respect to any matter affecting the district, but they do not generally have final decision-making authority.

- ◆ Cooperate with the Boards of other districts with respect to matters of common concern.

The Borough Board provides an important opportunity for the leaders of different Community Boards to work together on shared concerns. Certain parks, waterways, major government installations, and similar land uses that lie between two or more Community Districts (such as Flushing Meadows Corona Park or Columbus Circle) are designated **joint interest areas**. Neighboring Community

Boards must work together to address issues affecting these areas. Sometimes Community Boards form a joint committee comprised of members of several Boards to deal with common issues.

Communicate with the People of the District

- ◆ Assist City departments and agencies in communicating with and transmitting information to the people of the district.
- ◆ 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.

Participate in the Budget Process and the Capital Program

- ◆ 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 expense budget priorities for the next fiscal year. (See the section on the budget process in this chapter.)
- ◆ 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 three succeeding fiscal years. (See the section on the budget process in this chapter.)
- ◆ 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.... (See the section on capital project implementation in this chapter.)
- ◆ Evaluate the progress of capital projects within the community district based on status reports to be furnished to the Board.
- ◆ 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.

Plan for Needs of the District

- ◆ Prepare and submit to 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.

Community District Needs Statements are submitted by the Community Boards every June. The Department of City Planning publishes an annual compilation of all the Needs Statements which also includes demographic data for each district.

- ◆ Prepare comprehensive and special purpose plans for the growth, improvement and development of the community district.

(Section 197-a of the Charter spells out the procedure for Community Board initiated plans.)

- ◆ 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.

This paragraph authorizes Community Boards to be represented at "scoping meetings" held in the course of the City Environmental Quality Review process.

- ◆ 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.

(Charter Section 197-c gives a detailed description of the Community Board's role in the Uniform Land Use Review Procedure. See the section on land use in this chapter.)

Monitor and Evaluate the Delivery of Services

- ◆ Assist agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the community district and review such statements.
- ◆ Evaluate the quality and quantity of services provided by agencies within the community district.
- ◆ Disseminate information about city services and programs, process complaints, requests and inquiries of residents of the community district.

The task of receiving and resolving complaints, requests and inquiries about City services is generally handled by the District Manager and office staff, under the oversight of the Community Board, its officers, or committees.

Conduct Community Board Business

- ◆ 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; keep a public record of its activities and transactions, including minutes of its meetings and 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. (For more information, see the section on Community Board meeting procedures in this chapter.)

- ◆ 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.

Regularly scheduled Community Board meetings and committee meetings are also subject to the State Open Meetings Law. See the section on meeting procedures in this chapter.

- ◆ Request the attendance of agency representatives at meetings of the Community Board.
- ◆ Render an annual report to the mayor, the council and the borough board . . . and such other reports to the mayor or the borough board as they shall require.

COMMUNITY BOARD MEETING PROCEDURES

The actions and procedures of Community Boards and their committees are governed by the applicable provisions of the City Charter (*Charter language is in italics*) and the New York State Open Meetings Law (OML, Sections 100-111 of the New York State Public Officers Law) and Freedom of Information Law (FOIL, Sections 84-90 of the Public Officers Law). Community Boards are defined as public bodies and governmental agencies under these laws, which supersede any contrary provisions of an individual Community Board's by-laws or Robert's Rules of Order.

Quorum Requirement - *A majority of the appointed members of any community board shall constitute a quorum of such board.* A quorum must be present in order for a Board or committee meeting to convene or for any vote to be valid. For the full Board, a quorum consists of a simple majority, i.e., more than half of the appointed members. If a Board has fifty members, a quorum is twenty-six. If a Board has forty-nine members, a quorum is twenty-five. If a Board has forty or forty-one members, a quorum is twenty-one. Public members and ex-officio members are not counted toward a quorum for the full Board. For a Board committee, a quorum consists of a majority of the total membership of the committee, including public members.

Tabulating Votes - 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. When a vote is taken, all Board members who are present and entitled to vote must either vote or abstain. No member may be marked "present but not voting." Absentee ballots, proxies and telephone votes are not permitted. In order for a motion to pass, a majority (more than half) of the members present who are entitled to vote must vote in the affirmative. That means there must be more "yes" votes than the total of "no" votes and abstentions combined in order for a motion to carry. The use of a two-thirds or other "super-majority" vote to approve any action is not permitted, unless specifically required by law. (See Appendix E on Conflicts of Interest for an explanation of when Board members are not entitled to vote.)

Open Ballots - All Community Board votes, including the election of officers, must be conducted by open ballot. 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 can be made public. The Board must record each member's vote and make the record available to the public by including it in the minutes of the meeting. (See Corporation Counsel Opinion No. 9-91 in Appendix F).

Chairperson Voting - Community Board Chairs have the same voting rights and obligations as other members. If a chairperson is entitled to vote on a matter, he or she must either vote or abstain. A Board's by-laws may not exclude the chairperson from voting on matters before the Board, nor may they restrict the Chairperson to voting only to break a tie.

Meeting Schedule, Public Hearings, and Public Sessions - *Each Community Board shall meet at least once each month within the community district, and conduct at least one public hearing each month. . . . At each public meeting, the board shall set aside time to hear from the public.*

Each Community Board should establish and publish a meeting schedule. Community Boards are mandated to meet at least once a month. A Board's workload might necessitate more than one monthly meeting.

Community Boards may hold public hearings on any matter relating to the welfare of the district (City Charter Section 2800-d-3). Boards are required to conduct two public hearings during the budget process, and one during their review of the Citywide Statement of Needs. There is no Charter requirement for the presence of a quorum in order for a Community Board to hold a public hearing, except for public hearings held in accordance with the Uniform Land Use Review Procedure (ULURP). ULURP requires the attendance of 20 percent of the Board's appointed members or seven members (whichever is greater). Any action or vote taken by a Community Board, however, may occur only in the presence of a quorum.

The mandate to hear from the public at every public meeting requires that a public session be conducted even if a Community Board has held a public hearing on a specific issue that month. The Charter does not specify how much time should be set aside to hear from the public. Some Community Boards hold these sessions before Board business is conducted, while other Boards hold them at the conclusion of their meetings. In either case, the presence of a quorum of Board members is required for this session.

Open Meetings Law and Closed Meetings - The Open Meetings Law (OML) requires all meetings of public bodies to be open to the public (with certain exceptions not applicable to Community Boards), but permits public bodies to close portions of their meetings ("go into executive session") when certain types of issues are to be discussed and the correct procedure to close a meeting is followed.

The subjects that may be discussed in closed meetings are:

- ◆ matters which will imperil the public safety if disclosed;
- ◆ any matter which may disclose the identity of a law enforcement agent or informer;
- ◆ information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- ◆ discussions regarding proposed, pending or future litigation;

- ◆ Medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The OML requires a specific procedure in order to close a meeting to the public. First, the motion to enter into executive session must be made during an open meeting, and the motion must identify “the general area or areas of the subject or subjects to be discussed.” Then, the motion must be carried by a majority vote of the total membership of the Board or committee. (This is an exception to the Charter requirement for passage by a simple majority vote.) Also, when a Board or committee, in the course of its business, votes to go into executive session to discuss a topic consistent with section 105 of the OML, it should limit its discussion in the closed session to that topic and then reconvene in open session to continue the meeting.



THE ROLE OF THE COMMUNITY BOARDS THE BUDGET PROCESS

INTRODUCTION

Under the City Charter, Community Boards are given a broad range of responsibilities for advising the City about local budget needs and priorities. The Charter mandates that the Community Boards consult with agencies on the capital and expense budget needs of the district, hold public hearings, prepare capital and expense budget priorities for the next fiscal year and comment on the funding choices presented in the preliminary budget. To meet these mandates, a dynamic formal structure was created which allows the City's communities to make their needs known to agency decision makers and the Mayor. This ensures that local neighborhood opinion is considered when the City allocates its resources and services.

The Office of Community Board Relations within the Office of Management and Budget (OMB), oversees procedures that assure the Community Boards' active and effective participation in forming the City's budgets. The following outlines the essential features of this process. For more information, consult the Manual for Public Participation in the Budget Process available from the Office of Community Board Relations, (212) 788-5930.

THE CITY'S BUDGETS

New York City's budget year begins on July 1st and ends on June 30th. The total budget consists of three components. First comes the Revenue Budget, which is the City's best estimate of how much money will be available during the fiscal year to support operating expenditures and capital improvement projects. These include all tax and non-tax funds expected to be received during the fiscal year.

- ◆ **The Expense Budget** covers all the City's day-to-day operations such as salaries and supplies as well as debt service. It is supported by City taxes, fees and other local revenue as well as state and federal aid.
- ◆ **The Capital Budget** covers the cost of the City's long-term construction program, purchases of land and large equipment. Reconstruction of streets, sewers, parks and buildings are examples of capital projects. Capital budget items are financed by the sale of municipal bonds as well as by state and federal grants.

In addition, the **Community Development Program** allocates federal money for long-term physical improvements and related activities that chiefly benefit low and moderate income persons.

AN OVERVIEW OF THE COMMUNITY BOARD BUDGET PROCESS

As representatives of local communities, Boards are naturally concerned with City spending that affects the quality of life for residents and workers in their districts. The process by which the Community Boards participate in formulating the City's budgets has six major elements.

1. Consultations between Community Boards and City agencies that deliver local services.

From May through September, Community Boards have two formal opportunities to consult with agency officials about budget needs and the funding of programs and projects. The agencies that formally consult with the Boards are the Departments for the Aging; Buildings, Children's Services, Small Business Services, Economic Development, Environmental Protection, Fire, Homeless Services, Housing Preservation and Development, Parks and Recreation, Police, Sanitation, Transportation, and the Human Resources Administration. Consultations take place at two levels:

- ◆ District level - In late spring, District Managers and Community Board committee members meet with the agencies' local representatives to discuss the needs of the district, the current level of service delivery and the resources needed to meet those needs.
- ◆ Borough level - During the month of September and October, Boards in each borough meet with agency commissioners to discuss long range needs, important budget requests, operational issues, agency policy choices and fiscal constraints. Borough Consultations let Community Boards present their needs and budget suggestions while at the same time letting top agency decision makers explain the difficult spending choices they must make in times of fiscal constraints.

These formal meetings give both the agencies and the Boards an opportunity to openly discuss the criteria used in making difficult spending choices.

2. Public hearings held by the Community Board. Community Boards hold at least two public budget hearings each year.

- ◆ September/October - At the time the Board is developing specific budget priorities to submit to City agencies, the public has the chance to identify community district needs and the Board gets community input.
- ◆ January/February - An opportunity for the public to react to the policies in the just released Preliminary Budget. This hearing forms the basis for the Community Board's Statement on the Preliminary Budget, which tells City officials how the community feels about the City's budget choices.

3. Formal budget submissions. By the date announced by OMB, usually late October, Boards formally submit their budget requests to City agencies and the Office of Management and Budget as the agencies begin to prepare their next year's budget. Budget submissions consist of three components:

- ◆ Requests for funding in the Capital Budget for physical improvements to the City's infrastructure and public facilities, for land acquisition and major equipment.

- ◆ Requests for funding in the Expense Budget for programs and personnel.
- ◆ Community Board Service Program Rankings where Boards indicate the importance of services to their community by ranking 85 programs provided by 24 agencies.

Both the capital and expense budgets impact on community districts, so Community Boards develop and vote separate priorities for up to 40 capital requests and up to 25 expense budget requests.

4. **Agency review of Board budget requests.** After Community Boards submit their requests, City agencies review them thoroughly. Agency funding recommendations are reflected in the City's Preliminary Budget and Departmental Estimates which are published by January 16th. Agency responses to each Community Board budget request are published by OMB in the Register of Community Board Budget Requests for the Preliminary Budget. Boards then have the opportunity to respond to agency decisions in their Statement on the Preliminary Budget, which is due one month later.
5. **OMB review of Board budget requests.** For the Mayor's Executive Budget published on April 26th, these same budget requests are evaluated by the Office of Management and Budget. OMB funding recommendations are published in the Register of Community Board Budget Requests for the Executive Budget.

6. Public hearings at which the Boards testify.

- ◆ February - Hearings held by Borough Boards prior to submitting Borough Board Budget Priorities and Borough President submissions to the Executive Budget.
- ◆ OMB hearings on the City's Community Development Program Application.
- ◆ March and May - City Council hearings on the Preliminary and Executive Budgets.

Testifying lets the Boards try to advance projects which have not been recommended by the agencies or the Mayor's Office of Management and Budget.

The budget process described above represents a real opportunity for Boards to affect the decisions that are made about projects and programs for their community.

The Community Boards find out the final disposition of the budget requests they submitted in October in the Register of Community Board Budget Requests for the Adopted Budget, which is published after the City Council finalizes the budget.

ASSESSING COMMUNITY DISTRICT NEEDS

As you see, the Community Boards' participation in the budget process is a year-round activity. Even before the budget is adopted, the simultaneous process of considering budget requests for the next cycle begins.

Assessing community needs is one of the most important and useful activities performed by Community Boards in determining the district's service and budget requests. This should be an on-going activity which requires the involvement of each Board member and committee. Personal observations, published surveys, public hearings, discussions with local service chiefs and the use of

such community records as minutes from the District Service Cabinet and the district office complaint log can all help in identifying patterns or areas of problems within the community.

The Board can then determine whether the identified problem can be addressed by reallocating existing resources or through a request for capital or expense budget funds. Throughout this process, an understanding of overall City and agency funding priorities and constraints will help your Board as you match Board budget proposals to available funds. The Board's long range needs are presented to City decision makers in the Statement of Community District Needs which is published by the Department of City Planning within a framework of information detailing demographics and community facilities.

GEOGRAPHIC INFORMATION FOR COMMUNITY BOARDS

The more the Boards know, the more effectively they can participate in developing the City's budgets. To this end, OMB publishes expense budget and service information sorted two ways - by agency and by local service district. The first gives the Citywide picture for the agency and the second shows community and borough allocations of money, personnel and equipment. Boards can find out how many people are assigned to their district, what they do, how much they are paid, the equipment assigned to the district and contract services for agencies which provide local level services. Indicators of agency performance are also included. This information is found in the District Resource Statement and the Geographic Reports for the Expense Budget.

OMB also publishes several forms of geographic capital information so that Community Boards know which projects are being funded in their districts, how much they will cost and when implementation is planned for each phase of a project. The Geographic Reports for the Capital Budget are published with the release of each budget phase. The Capital Commitment Plan and the Capital Budget Detail Data Report delineates the projects planned for the next four years. The planned timing and the cost of each phase of a project is available to the Community Boards. Combining formal budget participation mechanisms with increased availability of geographic information gives the Community Boards the opportunity to influence agency and OMB budget decisions about the allocation of scarce resources.

BUDGET PROCESS TIMETABLE FOR COMMUNITY BOARDS

New York City's fiscal year (FY) - i.e., budget year - runs from July 1 of one calendar year through June 30 of the next. These two pages describe all the steps in the budget adoption process.

- **June/July** - The budget process begins with district consultations between agency local service chiefs (Police Precinct Commanders, Sanitation Superintendents, etc.) and Community Boards (CBs) to discuss local service needs.
- **August** - CBs assess district needs and prepare District Needs Statements (a narrative description of their communities and their needs). CBs' District Needs Statements are submitted to the Department of City Planning.
- **By Aug. 15** - Fourteen major agencies submit a policy statement describing major goals and priority programs for the coming year to the Community Board Unit.
- **September/October** - CBs hold public hearings on budget priorities and district needs. In each borough, consultations are held between CBs and top managers of fourteen agencies that deliver local services.
- **By late October** - CBs submit their budget requests to OMB.
- **By early November** - OMB sends CBs' budget requests to agencies for evaluation while they prepare their departmental estimates (the agencies' budget requests for the coming year).
- **By Jan. 16** - In odd-numbered years, the City Planning Commission holds a public hearing on a draft of the Ten-Year Capital Strategy (a plan for how the capital budget should be used), to be submitted by the Mayor every two years.
- **By Jan. 16** - Release of the Mayor's Financial Plan and Preliminary Budget, which includes the departmental estimates. OMB sends the CBs the Register of Community Board Budget Requests (the submitted Board requests accompanied by agency funding recommendations). They are also available at <http://www.nyc.gov/omb>.
- **By Feb. 15** - CBs hold public hearings on the Preliminary Budget and send a Statement on the Preliminary Budget reflecting CB reaction and public testimony to the Mayor, City Council, Borough President and Borough Board.
- **By Feb. 25** - Borough Boards hold public hearings as a basis for their comments on the Preliminary Budget and for the Borough Presidents' recommended modifications to the Preliminary Budget.
- **By March 10** - Borough Presidents submit capital and expense budget allocations and modifications to Mayor for inclusion in Executive Budget.
- **By March 25** - City Council holds public hearings on Preliminary Budget.

- **By April 26** - Release of the Mayor's Executive Budget. OMB sends the CBs the Register of Community Board Budget Requests with OMB funding recommendations, and the proposed Community Development Statements of Objectives and Budget. They are also available at <http://www.nyc.gov/omb>.
- **By May 6** - Borough Presidents modify Executive Budget submissions when necessary.
- **By May 25** - City Council holds public hearings on Executive Budget.
- **By May 30** - OMB holds public hearing on the Community Development Grantee Performance Report (federal funds that are given to the City).
- **By June 5** - City Council adopts budget.
- **By June 21** - Mayor, Comptroller and City Clerk certify budget.
- **JULY 1 - FISCAL YEAR BEGINS.**
- **After July 1** - OMB sends the CBs the **Register of CB Budget Requests** with the final disposition of requests. They are also available at <http://www.nyc.gov/omb>.
- **By one month after budget adoption** - Agency heads for six programs submit plans for allocation of personnel and resources to Borough Presidents. Within 30 days of receiving such plans, Borough Presidents may propose a reallocation of staff and resources, providing the modification does not increase or decrease personnel or resources for any Community District by more than 5 percent.



THE ROLE OF COMMUNITY BOARDS IN LAND USE REVIEW

INTRODUCTION

The Community Board's role in land use planning represents a major opportunity to shape and manage the development, growth and, ultimately, the future of the Community District. Community Boards participate in a variety of ways in long-range planning for their districts and the city as a whole.

The City's land use decision-making procedure provides a uniform path for the review of applications, within set time limits, from community-level scrutiny to the City Council, which, after a public hearing, may take final action on many land use matters. Under a mechanism known as the **Uniform Land Use Review Procedure (ULURP)**, Community Boards exercise the initial review and assess the community impact of such items as changes in the City's map, amendments to the Zoning Map, the adoption of special permits, selection of sites for capital projects, and the granting of franchises.

LONG-RANGE PLANNING

Community Boards deal with ULURP items on a case-by-case basis, but it is also important for them to establish an overall framework within which each review can take place. An overall land use plan for the district can provide greater consistency in land use decision-making. It can serve as a model with which to compare pending proposals and can guide developers and others by providing a blueprint of what the Board views as the community's future.

Section 197-a of the City Charter provides a mechanism for Community Boards, as well as other public officials and bodies, to plan for the development, growth and improvement of their districts. The City Planning Commission (CPC) has adopted rules for the processing of plans pursuant to Charter Section 197-a. A Community Board that wishes to propose a 197-a Plan must hold a public hearing on it before submitting it, along with a recommendation, to the City Planning Commission. CPC reviews the plan to verify that it meets established standards and is consistent with sound planning policy.

When the plan and any necessary environmental review (the City will pay for environmental review of plans initiated by a Community Board) are complete, the Department of City Planning forwards it to any other affected Community Boards, the Borough President and the Borough Board for review and recommendations. Next, CPC holds a public hearing and either approves the plan as is, approves it with modifications, or disapproves it. Approved plans are referred to the Council for final action, subject to Mayoral veto and Council override. The Council may review plans CPC disapproved only if requested to do so by the Mayor. A two-thirds vote of the Council is required to override a Mayoral veto or to approve a plan that CPC disapproved. Community Boards also review 197-a plans for their districts that have been proposed by the Mayor, the City Planning Commission or Department, the Borough Presidents, and the Borough Boards. CPC is required to consider all approved 197-a plans in preparing a citywide zoning and planning report issued every four years.

THE FAIR SHARE PROCESS

Another type of planning in which Community Boards participate is the process for locating City facilities. Each year, by November 15, the Mayor is required to publish a Citywide Statement of Needs describing all plans to open, close, expand or reduce the size of City facilities in the next two fiscal years. The Statement identifies the locations of proposed facilities by borough and, if known, by community district. The Statement is accompanied by maps indicating the current uses of all City-owned properties.

Preparation of the Citywide Statement includes consideration of needs identified by City agencies after reviewing Community Board District Needs Statements and budget priorities. (See section on Community Board participation in the budget process.) It also takes into consideration the Criteria for the Location of City Facilities (commonly known as the “fair share” criteria), which are designed to further the fair distribution among communities of the burdens and benefits of City facilities.

After the release of the Citywide Statement of Needs each Community Board has 90 days in which to:

- make the Statement available to the people in the district,
- hold a public hearing on the Statement, and
- submit comments on the Statement to the Department of City Planning.

Although Community Boards are free to comment on any aspect of the Statement, they may find it most useful to identify those facilities that are best suited to or needed in their districts, and to comment on facilities that would not be appropriate in parts or all of their district, explaining their concerns.

The City Planning Department provides City agencies with copies of the Community Boards’ comments, which the agencies must consider as they develop their facility plans. If the Statement identifies the community district where a facility is slated to go, the Community Board may invite an agency representative to the public hearing. If the community district has not been identified in the Citywide Statement of Needs, when a site is ultimately selected, the agency must notify the Community Board and offer to meet for discussion. The hearing and any subsequent meetings are opportunities for the Community Board and agencies to discuss ways to make the facility best fit in with the community.

Community Boards will want to convey their comments to their Borough President, who themselves may comment on the Statement of Needs and may propose alternate sites for facilities listed in the Statement.

Community Boards have the authority to establish a committee that will monitor a facility once siting or expansion has been approved. The committee may monitor one or several facilities approved for the district. As an alternative, the responsibility may be given to an existing Board committee. Facility monitoring committees are described in the Criteria for the Location of City Facilities. As this section shows, Community Boards play a role in applying the fair share criteria at several points: in their comments on the Citywide Statement of Needs, in their consultations with City agencies about specific facilities, and in the ULURP process described below.

THE UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

Most land use proposals over which the City government has discretion must undergo ULURP. ULURP does not apply, however, to projects that are “as-of-right” (i.e., the City has no discretion) or to State and Federal projects. The charts at the end of this section should help you to follow the ULURP route.

When the Department of City Planning receives a ULURP application, it must send it, within five days, to the Community Board and Borough President who have jurisdiction over the land involved. Internal reviews and checks for completeness then begin, including an assessment of whether the proposed action would have an impact on the environment. If a significant impact is identified, the applicant must prepare an Environmental Impact Statement (EIS). Each Community Board and Borough President that is affected by the proposal may send one representative to meetings between the City and the applicant to define the scope of the EIS. The process of determining whether a proposed action will have an impact on the environment, what that impact would be, and what actions can be taken to mitigate negative impacts is called City Environmental Quality Review (CEQR). When the Department of City Planning is satisfied that an application is complete and, if necessary, a draft EIS has been submitted, the Department “certifies” the application. There is no time limit for the pre-certification process, since applications differ in both quality and the degree of analysis required. However, if an application has not been certified within six months of filing, the applicant (and in certain cases the Borough President) can appeal to CPC for certification.

Following certification, the Community Board is sent the complete application and backup material and must within 60 days:

- ◆ Notify the public of the proposal.
- ◆ Conduct a public hearing with sufficient public notice via the City’s official publication, The City Record, and other local newspapers, fliers, etc. The Community Board must have at least 20 percent, but no fewer than seven, of its members present at the public hearing.
- ◆ Prepare and submit a written recommendation to the City Planning Commission, the Borough President and the applicant.

The recommendation must be adopted at a public meeting of the Board having a quorum of the Board present. (A Board can waive the public hearing and choose not to make a recommendation on applications for leases and franchises, if no substantial land use interest is involved.) The Board’s recommendation should include a summary of the public hearing and review the issues raised.

A Community Board may ask to review an application that does not involve land in its district if it believes the application might significantly affect its welfare. Such a request does not trigger Borough Board review, nor does it affect the ULURP “clock”; the application moves to the next stage of review when the Community Board with actual jurisdiction acts or its 60 days are up.

The Borough President has 30 days to review each ULURP application and submit a recommendation or waiver, beginning when the Community Board submits its recommendation, or at the end of the 60-day period for Community Board review if the Community Board does not act. If a project involves land in more than one community district, the Borough Board may also hold a public hearing and adopt a recommendation within the same 30 days.

Next, the City Planning Commission considers the application and reviews the process to ensure that it has been followed correctly. Within 60 days of the end of the Borough President’s review period, the City Planning Commission, after public hearing and discussion, may send its recommendation for approval or modification of the application to the City Council. Disapproval of a ULURP application by the City Planning Commission is final except in the following cases:

- ◆ Disapproved zoning changes are reviewed by the City Council if the Mayor certifies that they are necessary. The Council must then vote by a two-thirds majority to approve the change.
- ◆ State law currently mandates that Urban Renewal Plans must be reviewed by the legislative body, even if they are disapproved by the City Planning Commission.

Some types of applications approved by CPC are automatically subject to City Council review, while for other applications, the Council has the option of assuming jurisdiction. Through a process called “**triple no**,” Community Boards and Borough Presidents have a role in requiring Council review of items where that review would ordinarily be optional. If the Community Board and the Borough President both recommend against an application (first and second “no”s), but CPC approves it, the Borough President can file a written objection with the Council and CPC within five days of the CPC vote (third “no”). The Council must then review the application. In order for this process to take effect, the Community Board must have held its public hearing and voted in a manner that complies with all ULURP requirements.

The City Council generally has 50 days to review applications, including 20 days to assume jurisdiction when that is required. If the Council wishes to modify an application, it must first refer it back to the City Planning Commission, adding 15 days to the review period. Council action on land use applications is subject to Mayoral veto. A two-thirds vote of the Council can override a veto.

BOARD OF STANDARDS AND APPEALS PROCEDURE

The Board of Standards and Appeals (BSA) has jurisdiction over variances to the zoning resolution and certain special permits. The review procedure for these items roughly follows that of ULURP with the following exceptions:

- 1) The Community Board is free to waive a public hearing and recommendation if it wishes. (If no public hearing is held, no recommendation may be made.)
- 2) The Community Board reports to BSA instead of to the City Planning Commission. (It should, however, send a copy of any recommendation to City Planning, since it is a party to all zoning matters before BSA and could help support the Board’s position.)
- 3) The Borough Presidents are not required to review BSA items.
- 4) There is no specific timetable for final BSA action on the variance or special permit. Environmental review, therefore, may not be completed until after the Community Board has made its formal recommendation.
- 5) The BSA action is final.

Under Section 72-21 of the zoning resolution, BSA must make five findings before granting a variance:

- 1) That there are “unique physical conditions” inherent in the parcel that would present “practical difficulties” in complying strictly with the terms of the resolution.
- 2) That because of these physical conditions, the variance is necessary to enable the owner to realize a reasonable return from his property.
- 3) That the variance will not alter the “essential character of the neighborhood.”
- 4) That the “practical difficulties” claimed by the owner as a basis for the variance request are not self-imposed. The purchase of a property with
- 1) practical difficulties, which the purchaser knows to exist, will not of itself render the difficulties “self-imposed” or prevent the granting of a variance.
- 5) That the variance applied for is the minimum necessary to afford relief. Under this finding, the BSA may require the applicant to redesign or cut back the size or type of project proposed.

The Community Board is obviously in the best position to comment on the impact of a variance on the “essential character of the neighborhood.” The Board should understand that BSA is limited in its flexibility and must grant a variance if the five findings are met. Therefore, a Community Board, in order to be successful, should focus on these five areas and make its recommendations to BSA so that they address those considerations. The written recommendations of the Community Board should be reinforced, if regarded as important, by personal appearances at BSA hearings.

LAND USE PLANNING RESOURCES

Various resources exist to assist you and your Board in setting up procedures to review land use matters:

- ◆ Your Borough President’s Planning Office can provide technical assistance in land use matters.
- ◆ Your Borough Office of the Department of City Planning can provide staff and other professional and technical assistance.
- ◆ CAU can provide training and technical assistance.
- ◆ The Community Board office should have copies of the City Planning Commission’s rules for ULURP, environmental review, and 197-a Plans.



THE ROLE OF COMMUNITY BOARDS IN SERVICE DELIVERY

INTRODUCTION

While the District Manager must, on a day-to-day basis, monitor and deal with City services, the Community Boards have the ultimate responsibility for assessing and determining the service needs of their districts. The Charter states that the Community Board shall “evaluate the quality and quantity of service provided by agencies within the community district” (Section 2800.d19). This assessment process requires the continuous evaluation of services delivered by City agencies. The Boards will do much of this work through their various committees. (See section on Board structure.) Once the committee structure is established, their tasks and goals need to be well-defined by the Board’s leadership.

While at first glance assessing service delivery needs may seem like a very simple task (“if the streets are dirty, the Department of Sanitation isn’t doing its job”), it is, in fact, a complex matter. To evaluate the delivery of services, the Community Board must gather and understand information from a number of sources.

SOURCES OF INFORMATION

A primary source of information for the Board will be its District Manager. Under the Charter, the District Manager is mandated to chair the District Service Cabinet and to process service complaints for the district (Section 2800-f).

As chairperson of the Cabinet, the District Manager will have an ongoing relationship with the local service chiefs. Through this relationship, the District Manager should be familiar both with problems that exist and successes that are occurring. Cabinet agendas will reflect issues raised by service chiefs, the District Manager, the Board Chairperson, committee chairpersons and local residents. Seeing how effectively these issues are resolved at the local level will provide the District Manager with information to use in evaluating service delivery.

Other information which the District Manager can compile to evaluate service delivery comes from the record of complaints and requests received. An analysis of these requests, gathered over a period of time, will highlight deficiencies in service delivery. The complaint log maintained by the District Manager and staff should reflect those issues which have produced the most complaints over any given time period. The District Manager can break down these statistics geographically or by category (e.g., potholes, heat complaints, missed street sweeping or refuse pickups, percent of catch basins cleaned within 60 days of being reported), and present them to the appropriate Board committee and service agency for discussion and action.

The Board Chairperson and the committee chairpersons can be excellent sources of information. As a member of the Cabinet, the Board Chairperson will often participate in Cabinet meetings. This will allow him or her to become familiar with interagency projects and problems. The committee chairs will also keep the Board informed through their work in specific service areas and their interaction with the service chiefs.

The service chiefs themselves are a primary source of information. Because they supervise workers responsible for delivering services daily, they are acutely aware of the problems and what is required to solve them. Their knowledge of agency structure and procedures will be extremely helpful to Board members.

Another source is communication between the Board and the community. Board members gather information through personal observation, conversations with neighbors, written statements by individuals or civic groups, local newspaper articles, and appearances by residents at monthly Board meetings. Also, a Board can schedule public hearings where community residents may speak about their priorities for service delivery in the district.

One of the most valuable sources of information about current district activities and resources is the District Resource Statement discussed in the Budget Consultation section of this handbook (page 31). In addition, citywide information on agency performance, programs and goals is provided in the bi-yearly Mayor's Management Report.

ESTABLISHMENT OF CRITERIA FOR EVALUATING SERVICES

As important as information gathering is for the Board and its committees, the really difficult tasks are deciding what all the data mean and how they can be used. Criteria used to judge the effectiveness of service delivery vary among agencies and programs. For example, the Sanitation Department uses "Project Scorecard" - a measure of street cleanliness prepared by the Mayor's Office of Operations - as a prime indication. In other areas, such as social service, easily accessible criteria may not be readily available.

In terms of social services, for example, you may find that 500 people a month use the services provided; but that figure by itself does not tell you how effective the service is. In these cases, the Board must work with the agency very closely to understand the programs and the statistics. No matter how difficult it may be in some cases, the Board must develop and agree on criteria it will use to measure the quality of services.

DEVELOPMENT OF PLANS FOR IMPROVING SERVICES

When the issue of how to improve services is discussed, the answer given most often is to increase manpower and equipment. There can be no doubt that in many cases this is the answer. However, by digging a bit deeper, you may find the problem to be manageable within present budget conditions. The following is a sample list of questions you should consider when you are attempting to plan for service improvements:

- ◆ Why has this service fallen below acceptable performance criteria?
- ◆ Can the service issue be handled by the local service chief? If not, what level of the agency can handle it?
- ◆ Can the problem be handled by shifting existing manpower and equipment?

- ◆ Can a volunteer agency or community groups be employed in resolving the issue?
- ◆ Is the issue one in which only parts of the district are affected?
- ◆ Does the budgetary condition of the City generally, or of the specific agency, seriously constrain possible solutions?

As was stated, the key to either monitoring service delivery or planning for the improvement of those services is the relationship the Board has with the City agencies, community groups and the general public. Creating a continuous dialogue, so that the needs of the community are discussed, can lay the foundation for real improvement.

One publication that contains helpful suggestions for the Community Board role in service delivery is Sanitation - A Guide to Community Board Participation in Planning and Delivery of City Services. Although written specifically about sanitation services, it spells out a process for assessing service needs and planning for their improvement in a Community District.



COMMUNITY BOARDS' ROLE IN CAPITAL PROJECT IMPLEMENTATION

INTRODUCTION

The Community Board's role in capital projects like road reconstruction or park renovation does not end with the submission of capital budget priorities for its district. The Charter also gives the Boards important responsibilities in planning and reviewing capital projects for their districts (Charter Sections 219, 222, 223, 2800-d). To assist you with those responsibilities, the Office of Community Board Relations at OMB has prepared a guide to help Community Boards monitor capital projects entitled It's Ten O'Clock: Do You Know Where Your Capital Projects Are?

Adoption of a project in the capital budget triggers a process leading to its implementation. Unless some special reason or problems appear, the project will proceed in a progression of stages through construction. At every stage the Community Board should be kept informed and has an opportunity to review and comment on the project's development.

The steps in Community Board's involvement in the Capital Project Process are described in this section.

CAPITAL BUDGET STATUS (Sec. 230)

Through the budget process, Community Boards identify and advocate specific capital projects for their districts and are authorized to submit a statement of their capital budget priorities. Although a Board may advocate a project for several years, the project cannot be initiated until it is included in the capital budget.

PROJECT INITIATION; COMMITMENT PLAN (Sec. 219)

If sufficient planning funds have been allocated, inclusion of a capital project in the adopted capital budget constitutes a direction to the agency to prepare a scope of the project. Beginning with inclusion in the capital budget and continuing until the completion of the project, the agencies are required to make periodic reports to the Mayor on each project's progress, including schedules and a clear explanation of any delays. The Mayor is required to publish such reports three times each year and send them to the affected Community and Borough Boards, the Borough Presidents, the Council and the City Planning Commission. These reports, known as the Capital Commitment Plan, are distributed to the Community Boards with the Preliminary and Executive Budgets and after the Adopted Budget by OMB. The information contained in the Commitment Plan includes: project description, substantial changes or revisions to the project, schedule of activities (e.g., scope, design and construction) with estimated completion dates and any changes in those dates, estimated costs, expenditures and other relevant information required as part of the scope.

Since one of the duties of Community Boards is to "review scopes of projects and designs for each capital project; and evaluate the progress of capital projects" (Sec. 2800.d.14 and 15), the Board will

likely want to have its appropriate committee monitor the project throughout the process. The Capital Commitment Plan is one good tool for the Board's committees to use.

SCOPE (Sec. 210.4; 222)

By the date set in the adopted Capital Budget, a plan for the project including estimated cost and completion dates, called a "scope of project" or "proposed scope of project," is to be prepared by the relevant agency.

The scope includes a description of the project, the purpose of the project, the population to be served, programs to be conducted in the facility, amounts of space and bulk for buildings and areas for different functions, estimates of completion dates for activities, project costs, expenditures and projected operating costs.

Although the scope is only a general plan for the project, the final design will be reviewed to determine its conformance to the approved scope. It is therefore very important for the Community Board to carefully consider what is included in the scope (e.g., the streets included in a proposed scope of a reconstruction project; whether a park rehabilitation will or won't include a park house). In preparing the proposed scope, the responsible agency is required to consult with the Community Boards. Every scope proposed by an agency should be reviewed promptly by the appropriate Board committee to be reported on for action to the full Board. The Board may want the committee to hold a public hearing or meeting with the affected community residents at this stage. Depending on the project, the committee may want to invite appropriate agency representatives to meet with it or obtain input from the relevant local agency service chiefs through the District Manager.

When the scope is completed, it is submitted to the Mayor, relevant Council committee, Borough President and Community Board. Any delays, along with an explanation and a revised schedule must also be reported. The Mayor has 60 days to approve, modify or disapprove the scope, notifying the agency, relevant Council committee, Borough President and Community Board.

SITE SELECTION (Sec. 218, 222-c)

In most cases when the scope is initiated, a site is already available. If the site of a project needs to be determined, the Charter provides that it be approved under the Uniform Land Use Review Procedure (ULURP). In most cases review and approval of the scope of a project will be simultaneous with site selection.

DESIGN (Sec. 219-b,c; 223; 2800-d.14)

If sufficient funds have been appropriated in the budget, approval of the scope of a project gives direction to the responsible agency to have designs prepared. Preliminary and final designs of each project must be submitted by the agency to the relevant Council committee, Borough President and Community Board for review. The Mayor or a designated representative reviews the final design to determine its conformance with the approved scope.

The Board's review can follow a similar procedure as suggested earlier for the scope. At the preliminary design stage the Board may want its committee to arrange with the responsible agency a public presentation or information meeting to familiarize the community with the design plans and projected scheduling.

The Community Board should again do a careful review at the preliminary design stage. When the final design review is done, it should primarily be used to ensure that the Board's earlier input has been considered. Significant design changes should not be made at final design. They will probably be resisted by the agency, since such changes are expensive and can delay implementation of the project.

Once the design is approved, assuming sufficient funds have been appropriated, the agency proceeds to prepare bids and make awards for construction.

PRE-CONSTRUCTION AND CONSTRUCTION

During the late stages of final design the Mayor's Traffic and Construction Coordinating Committee (MTCCC) meets to address traffic concerns (e.g., bus rerouting) and establish stipulations to minimize disruption during construction. The Community Board is invited to send a representative, usually the District Manager, to these meetings.

Once a capital project is under construction, the Board may want the District Manager to coordinate regular meetings with the contractor. The Board may also want to consider establishing a mechanism to monitor construction activity. On larger projects the Board may wish to meet at regular intervals and include representation of the agency, contractor, local officials and organizations, and the Board. On smaller projects monitoring may be handled directly by the relevant Board committee. In either case the District Manager should be an integral part of the process.

THE DISTRICT MANAGER AND DISTRICT SERVICE CABINET

4



THE DISTRICT MANAGER

INTRODUCTION

The Charter requires each Community Board to appoint a District Manager (DM), who serves at the pleasure of the Board. District Managers are at once municipal managers, service coordinators, ombudspersons, complaint monitors, information sources, community organizers, mediators, advocates and much more. They have important working relationships with community residents and businesses; with the members of the Community Board, which hired the DM and directs the DM's activities; with the rest of the Community Board staff, whom the DM supervises; and with agency officials, particularly the District Service Cabinet, composed of the local service chiefs of different agencies.

The District Manager's role as broadly defined by the Charter is to: (1) process service complaints; (2) preside at meetings of the District Service Cabinet; and (3) perform such other duties as may be assigned by the Community Board (Sec. 2800-f). One of the most important single acts which each Community Board performs is the appointment of a District Manager. The Board will want to set the highest possible standards for this selection. Administrative qualifications, education, training, experience, initiative and resourcefulness are all qualities a Board will want to look for in selecting a District Manager.

RESPONSIBILITIES OF A DISTRICT MANAGER

District Managers have many important responsibilities beyond the description in the Charter. The following informal job description evolved when District Managers themselves participated in an exercise to define their jobs as part of a program organized by the Fund for the City of New York.

District Manager

Under the executive direction of the Community Board and with wide latitude for independent judgment, a District Manager:

- serves as the administrator of the Community Board office.
- makes policy recommendations to the Community Board and executes the policy set by the Community Board.
- cooperates with, consults, assists, and advises any public officer, agency, local administrators of agencies, legislative bodies or the borough president with respect to any matter relating to the welfare of the district and its residents.
- acts as liaison between the Community Board and all governmental agencies and the community at large.
- is responsible for coordinating all service related actions and operations within a Community Board District.

- presides over the District Service Cabinet and, in conjunction with the District Service Cabinet, plans for improved service delivery to the Community Board District.
- assists the overhead agencies with the implementation of management decentralization and geographic based budgeting.
- makes recommendations to the Community Board on district priorities for the Capital and Expense Budgets of the City of New York and monitors their implementation.
- administers the internal budget of the Community Board.
- makes recommendations for the hiring of administrative staff, supervises the staff and manages the day-to-day operation of the district office.
- exercises or delegates to staff the dissemination of information about City services and programs.
- exercises or delegates to staff the processing of service delivery complaints.
- performs such other functions as are assigned by the Community Board or other provisions of law.

There are now two levels of District Managers recognized by the Department of Personnel: one is a managerial position while the other is sub-managerial. While every District Manager performs the responsibilities listed above to one degree or another, the City's official job descriptions are written to reflect different degrees of autonomy and authority for each level. Regardless of the level of day-to-day autonomy a District Manager has, it is clearly understood that a DM must follow the overall policies set by the Community Board.

RELATIONSHIP WITH THE COMMUNITY BOARD

This section examines some approaches District Managers may use to meet their job responsibilities and some of the difficulties they may encounter.

The District Manager can be an idea person for the Community Board because she/he views the community's problems every hour of the working day. Specifically, the DM should be able to formulate ideas about community needs for consideration by the Board or to provide it with a sample of the feelings and concerns of the area's residents based on service requests received. Some community projects adopted by the Community Board may require both public and private resources. The DM may be responsible for coordinating these projects at the Board's request.

The DM is the Community Board's expert on, and pipeline to, technical and administrative information on agency operations in the community (e.g., street sweeping schedules or the number and scope of senior programs). A report by the DM at each Board meeting is a useful tool for communication with the Board.

Making recommendations on the budget is a Board responsibility, but fully understanding the budget process requires a good deal of experience and training. The Community Board might decide that obtaining this knowledge is a priority for the DM so she/he may assist the Board in that process.

Since each Board and District Manager must work comfortably and effectively together, it is important to establish clearly the relationship of one to the other and to specify exact tasks for the DM. A memorandum of agreement should be considered to define those relationships.

THE OFFICE ENVIRONMENT

The DM organizes and monitors a system to record service complaints received from the community. The DM must be able to transmit these complaints smoothly and efficiently to the correct agency official and follow up to make certain the complaint has been resolved. While handling service complaints is the pivotal responsibility of the DM, much of this work may be assigned to other staff.

A DM should have the patience and versatility to work with business people, senior citizens, youngsters, and elected officials. The DM should realize that every problem is a priority to the person who has it. Everyone will demand immediate attention. The DM must be prepared to deal with this situation.

RELATIONSHIP WITH THE DISTRICT SERVICE CABINET

Chairing the District Service Cabinet and presiding at Cabinet meetings is the responsibility of the District Manager. It is the DM's job to insure that sessions avoid items pertaining to only one agency, and instead focus on interagency matters or issues of general concern. Good meetings demand preparation by the participants, something a good DM can encourage by preparing specific agendas and by making preparatory phone calls.

Most communication on a day-to-day basis with the Cabinet members is done orally, although it is necessary on occasion to prepare formal correspondence about community issues. While personal interaction produces the best results, written records make it easier to follow up on service requests. The DM must determine which method of communication best suits the given situations.

Good DMs use peer group dynamics at the Cabinet to maximize cooperative action. Finding the proper balance requires time and skill. The DM should be careful about going over the heads of the Cabinet representatives. Cabinet officials should always be given the opportunity to respond or to explain why a response is not possible before any higher official is contacted. If a Cabinet member is pushed inappropriately too hard, the DM may face dilatory tactics such as postponed action or claims that the representative has to go "upstairs" for approval.

Experienced DMs use their working relationships with Cabinet members and knowledge of the district to secure the highest possible levels of service delivery in the community. They credit Cabinet members who respond. Giving credit when it is due in either written form or orally to agency's representative or their superior can be an effective tool in making things happen!

The DM should also cooperate when an agency representative requests help. For example, the police receive many inquiries on non-police matters. The Commanding Officer should be able to forward these inquiries to the DM with confidence that they will be handled.

Neither the Board nor the DM should view City agencies as adversaries, even if a specific service request cannot be met. Cooperative relationships with Cabinet members should be maintained always. The Board and the Cabinet have the same goal - the efficient and effective delivery of services to the community.

If a Board member wishes a Cabinet official's presence at a meeting, that request should come through the District Manager. A DM's rapport with the Cabinet will be improved if the Board channels all communications to the service chiefs through the DM. Confusion is inevitable if a cabinet member must be prepared to respond individually to all 50 Community Board members. Committee chairs should also consult with the District Manager prior to making an official contact with a service chief.



THE DISTRICT SERVICE CABINET

INTRODUCTION

The City Charter establishes a District Service Cabinet in each community district, to be composed of agency officials responsible for local service delivery (Sec. 2705-a).

MEMBERSHIP AND COTERMINALITY

The District Manager of the Community Board chairs the District Service Cabinet (DSC), whose members include representatives of the agencies that deliver local services to the Community District.

Services that are subject to **coterminality** (Charter Section 2704) should be represented on the Cabinet. Coterminality requires that the boundaries of certain agencies' local service districts coincide with the boundaries of the Community Districts. Some services must be coterminous with individual Community Districts, while others may be coterminous with aggregates of Community Districts.

The head of each agency subject to coterminality must appoint a **local service chief** to each service district. The local service chief should have authority over the agency's personnel, programs and facilities within the district. The granting of authority to local service chiefs is a Charter mandate often referred to as **management decentralization**. In general, the local service chief should be a member of the District Service Cabinet. For some services, however, this has been unfeasible, either because the local service chief has too many districts to cover or because the agency delivers diverse services that would not be effectively represented by the local service chief. The chart below shows the local service chiefs and District Service Cabinet representatives of the services subject to coterminality. The Mayor's Community Assistance Unit annually publishes a list of the names, titles, and addresses of the local service chiefs of the various agencies.

Agency	Local Service Chief	Representative to the District Service Cabinet
<u>One-to-one Coterminality:</u>		
Department of Parks and Recreation		Principal Parks Supervisor
• Maintenance and Operations	Principal Parks Supervisor	
• Recreation	Borough Recreation Staff	
Police Department	Precinct Commander	Precinct Commander
Department of Sanitation	District Superintendent	District Superintendent, Enforcement Zone Coordinator
Fire Department		Fire Chief
Human Resources Administration		Community Affairs Representative
<u>Aggregate Coterminality</u>		
Department of Transportation		
• Bureau of Highway Operations	District Supervisor	District Supervisor
• Bureau of Traffic Operations	Borough Engineer	Borough Engineer or Representative
Department of Environmental Protection		
• Sewer Maintenance and Repair	District Supervisor	Management Staff/Division Head
Department of Health	Borough Manager	District Health Manager
Department of Housing Preservation and Development		Agency Representative

In addition to the agencies which are to be coterminous, the Cabinet includes representatives of other agencies that provide local services on a regular basis in the community district. These agencies include but are not restricted to: the Fire Department, Department for the Aging, Department of Consumer Affairs, and Department of Buildings. Some of these representatives may not need to attend every meeting of the Cabinet, but should be available to the District Manager and the Cabinet when an issue arises relevant to their agencies.

Other Cabinet members include Council Members whose districts make up any part of the community district, the chairperson of the Community Board (or a representative), and a representative from the Department of City Planning. The Cabinet also includes a liaison from the Mayor's Community Affairs Unit (CAU) who can serve as a bridge between the Cabinet and the Mayor's Office. The liaison reports special problems to the Mayor's Office or to agency commissioners for resolution, and serves as a resource person on the provisions of the City Charter relating to Community Boards and District Service Cabinets. One of the functions of the Community Assistance Unit is to transmit and explain new techniques, ideas and solutions developed in one Cabinet to other Cabinets throughout the city.

The Board may wish to invite other agencies to its Cabinet meetings. These invitations will depend upon the needs of the community and priorities set by the local Cabinet. They may include voluntary hospitals and non-profit service providers in the district.

DUTIES OF A DISTRICT SERVICE CABINET

The following are the responsibilities of District Service Cabinets as mandated by the Charter (Sec. 2705-b). Actual Charter language is in italics.

- *Coordinate service functions and programs of the agencies that deliver services in the community district.*

The District Service Cabinet is the primary mechanism through which local service delivery issues can be raised, discussed and resolved. If used effectively, the Cabinet can provide the basis for a comprehensive approach to service delivery within the community district.

For instance, the Highways District Supervisor, whose service district must be coterminous with one or more community districts, may find it helpful to get the observations of Cabinet members about street conditions as he develops priorities for street repaving. The Department of Sanitation District Superintendent, whose personnel sweep the streets regularly, is a particularly valuable source of information about street conditions. Another example of interagency cooperation is the assistance that the Office of Code Enforcement (HPD) can give to the Health Department in its efforts to locate and control occurrences of lead paint poisoning.

Each Cabinet representative comes to the meeting with clearly defined duties already assigned by Department policy and regulations. The Police Department Precinct Commanding Officer has definite sectors that must be patrolled; the Department of Sanitation District Superintendent has sections where refuse collection schedules must be maintained. It takes planning, tact and determination to motivate Cabinet members to participate jointly in additional assignments which require an adjustment of personnel and equipment.

- *Consider interagency problems and impediments to the effective and economic delivery of services in the district.*

Many service delivery issues involve more than one agency. The Cabinet provides the setting for agencies to resolve these problems. For example, at one Cabinet meeting, Police, Traffic, Highways, General Services and Con Edison worked together to remove a street light pole from a dangerous intersection. Some Cabinets have chosen to form task forces to handle specific problems. Such task forces have been most effective when formed on a short-term basis and disbanded when the issue has been resolved.

- *Plan and recommend joint programs to meet the needs and priorities of community districts and their residents.*

In most cases, the Cabinet will implement these programs. Such joint programs might be a health fair or a joint inspection of a building. Cabinet members might recommend to their supervisors that a special concentration of programs and resources, drawn from several agencies, be placed in the district for a season.

When a multi-agency project is placed on the agenda, it is vital that the need for the project, its importance to the community and the value of its completion be clearly and accurately explained by the District Manager. This process assumes that the flow of the project has been from the Board to the Cabinet. However, the Board must also be prepared to accept and support projects and systems initiated by the Cabinet. The Board and the District Service Cabinet must be mutually receptive and supportive. In some cases, the proposed project cannot possibly be handled by the available public and private resources within the community. The Community Board must then consider alternate methods of securing the essential resources.

When a multi-agency project is planned, there should be assignment of responsibilities to each agency participating. This must be agreeable to all agencies since the District Manager has no line authority over the Cabinet, and one agency cannot commit the resources of another.

- *Consult with residents of the community district and their representatives about local service problems and activities.*

In most districts, primary community input to individual Cabinet members will be through the District Manager, the Board Chairperson who sits on the Cabinet, or Board committee chairpersons. A productive approach might be to schedule a particular service chief for meetings with a functioning Community Board committee once or twice a year in addition to meeting at District Consultations during the budget process.

- *Keep a public record of its activities and transactions, including minutes of its meetings.*

While DSC meetings are not subject to the New York State's Open Meetings Law and therefore need not be open to the public, it is a Charter requirement that a public record of the meeting be maintained.

POWERS AND LIMITATIONS OF THE DISTRICT SERVICE CABINET

With the authority granted in the Charter, Cabinet members can work on many community problems and make the necessary decisions to resolve these problems. However, resolution of some problems necessitates going beyond the authority of a Cabinet member. These more involved problems can be presented to the Borough Board by the Community Board Chairperson, or to the Borough Cabinet, or referred directly to the central agency if citywide policy is involved.

The District Manager and Community Board must realize that while Cabinet members have some managerial authority, they cannot be expected to take actions or make commitments which go against their agencies' policies, regulations, or collective bargaining agreements.

The Charter specifically authorizes the heads of agencies to assign or reallocate personnel, equipment or other resources outside of a Community District to meet emergency needs, special situations, or temporary conditions. For instance, police officers and Department of Parks and Recreation employees are often shifted to the beaches during the summer to meet special needs there. Also, if certain communities are unusually hard hit by snow, Department of Sanitation workers and plows may be brought in from other districts.

RESPONSIBILITIES OF AGENCIES TO CABINETS

As mentioned earlier, many agencies are mandated by the Charter to appoint responsible personnel to the District Service Cabinet. These members should be able to make decisions regarding scheduling and the allocation of personnel and equipment. They also should have line authority over agency programs, personnel, and facilities within the district.

Agencies are also responsible for providing the Cabinet with pertinent information so it can effectively conduct its business. The Cabinet can only deal intelligently with an issue if given all required information by the involved agency or agencies.

This sharing of information also helps the Cabinet understand the problems and limitations faced by the agency representative.

THE CABINET MEETING

Most Cabinets meet monthly on the same weekday and at the same time. Experience has shown that Cabinet meetings work better when held at about 9:00 or 9:30 A.M. This allows most Cabinet members to begin their day with the meeting, and also enables representatives from the Departments of Police and Sanitation to arrive after their staffs begin the morning shift. Cabinet meetings usually last about 1-1/2 hours.

District Managers should encourage cooperation between Cabinet members if they are to work effectively together toward resolving local service delivery problems. This makes the method of conducting the meeting extremely important. The expertise and suggestions of each Cabinet member must be respected. The District Manager should make an effort to involve the entire Cabinet in the discussion and resolution of an issue, but should not embarrass any reticent service chief by forcing him or her to participate. A good Cabinet meeting is one in which an agency chief also makes recommendations to improve services in areas outside of his or her field. A Cabinet is most effective when its members think beyond their individual areas of expertise and consider the needs of the entire district.

The District Manager, as chairperson of the Cabinet, may decide to invite representatives of community groups to present specific issues directly to the Cabinet. On such occasions, community representatives can augment the Cabinet's understanding of the nature of a problem or can provide important details of the situation. The District Manager may invite community residents as observers. However, experience with the Cabinets in districts throughout the city indicates that they tend to function most effectively when the public does not participate in the meetings. If Cabinet meetings become a forum for citizens to voice individual complaints about City services, it will be impossible for members to frankly discuss the issues before them. The proper place for handling individual complaints is either in the Community Board office or at public hearings which the Board may call to elicit such community input. District Service Cabinet meetings are not subject to the provisions of the Open Meetings Law.

An agenda, prepared and distributed to Cabinet members in advance, is a necessity for a productive meeting. Not only does it help the District Manager maintain the flow of the meeting, but it also gives the representatives an opportunity to come prepared to discuss particular issues. As chairperson of the Cabinet, the District Manager is responsible for preparing the agenda. This works best when done in

consultation with the Board Chair, committee chairs and the service chiefs themselves. It is important for all parties to feel comfortable about recommending agenda items.

Attendance should be taken at every meeting. This identifies the properly designated representative and assures the service chief that his or her presence is on record.

Minutes are another essential Cabinet element. They should be taken by the Board's staff, then transcribed and duplicated. Since the District Manager is responsible for follow-up on Cabinet discussions and decisions, the minutes should be available to a wide range of community groups and City officials as well as Cabinet and Board members.

It is often helpful to have a large map of the district available at the meeting. This enables Cabinet members to pinpoint exact locations where problems exist. Useful maps may be obtained from the Department of City Planning.

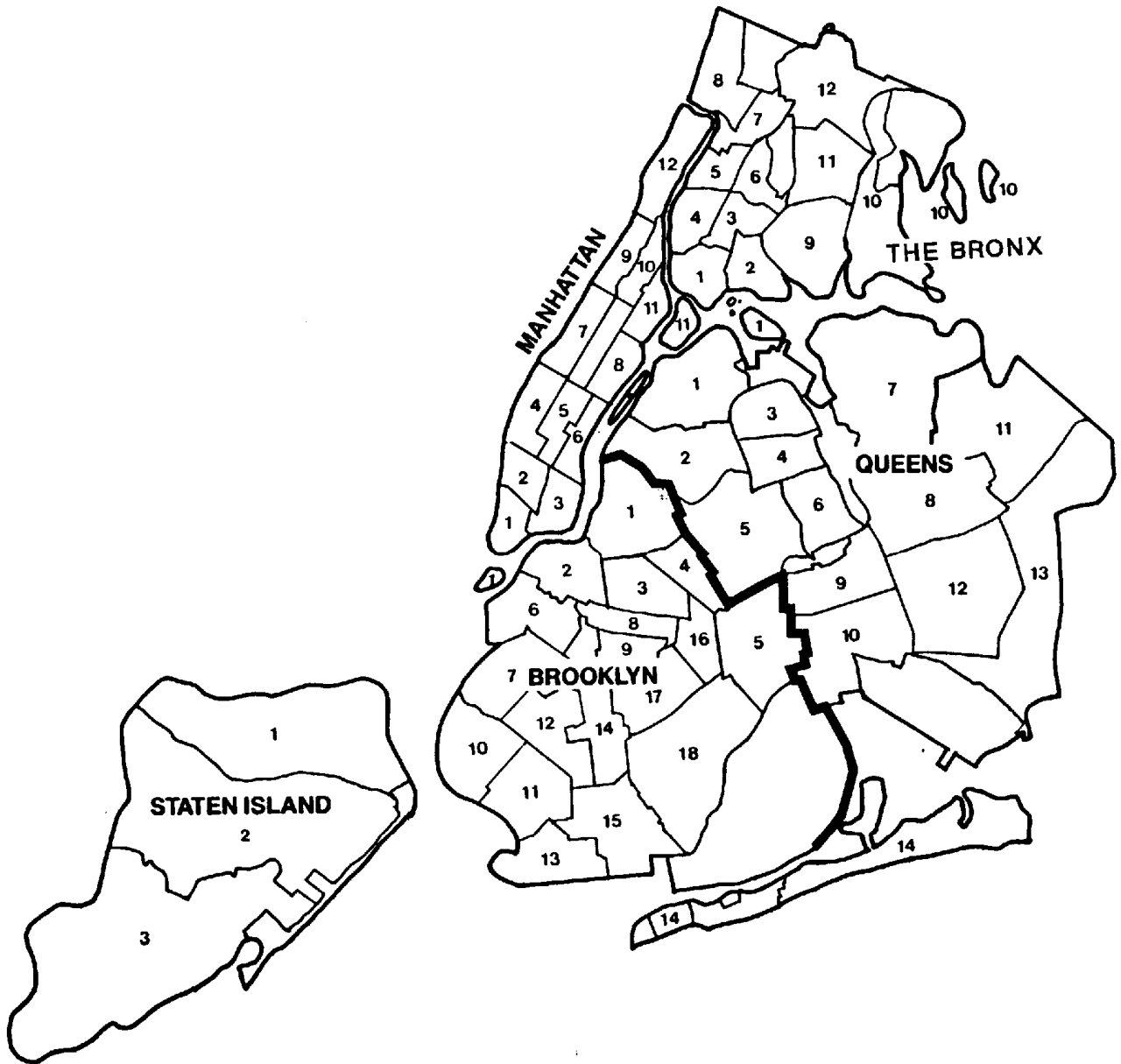
Experience across the city has demonstrated that the District Service Cabinet process works and represents a unique opportunity for service agencies and the community to join in resolving problems of mutual concern. There are numerous instances where interagency projects have been successfully initiated or completed by the Cabinet structure. These include: (1) transferring Parks property (despite complex legal problems) to Highways, in order to permit the widening of a roadway that was the scene of frequent accidents; (2) gaining the cooperation of the Bureaus of Highways and Traffic, Con Edison, and other private agencies to redesign and construct a traffic island on a street where numerous accidents were occurring; (3) arranging for the Fire Department to flood a Parks mini-pool to create an ice-skating rink for the children of the community; (4) changing sweeping schedules to provide more parking for a community, an action requiring approval from Sanitation, Traffic, and Police; (5) scheduling "one stop" social service programs so community residents can secure information and assistance for rent problems, Social Security questions, food stamp inquiries and other related services in the same office on the same day.

Of course, the actual delivery of services is conducted away from the conference table. The monthly Cabinet meeting supplies the opportunity for the service chiefs, District Manager, and Board Chairperson to share information and plan joint endeavors. It works as well as it does because all participants are committed to delivering services to the district.

MAPS OF COMMUNITY DISTRICTS

5

NYC COMMUNITY BOARDS



BOUNDARIES OF THE BRONX COMMUNITY DISTRICTS

DISTRICT 1

North 145th Street Bridge, East 149th St, Park Ave,
East 159th Street, Third Avenue, East 161st St.
East Prospect Avenue, East 149th Street, East River
South East River
West Harlem River

DISTRICT 2

North East 169th Street, East 167th Street,
Westchester Avenue
East Bronx River
South East River (includes North Brother Island,
Brother Island)
West East 149th Street, Prospect Avenue

DISTRICT 3

North Cross Bronx Expressway, Park Ave, East 174th
St., Washington Avenue, Cross Bronx Expwy,
Arthur Ave, Crotona Park North, E. 175th Street,
Southern Boulevard, Cross Bronx Expressway
East Sheridan Expressway
South Westchester Avenue, East 167th Street, East
169th Street, Prospect Ave, East 161st St., Third
Ave., East 159th St.
West Park Avenue, Webster Avenue

DISTRICT 4

North Washington Bridge, Cross Bronx Expressway
East Webster Avenue, Park Avenue
South East 149th Street, East 145th Street Bridge
West Harlem River

DISTRICT 5

North Western Prolongation to Harlem River of Hall of
Fame Terrace, Hall of Fame Terrace, University
Ave, West 183rd Street, Jerome Avenue, East
Fordham Road
East Webster Avenue
South Cross Bronx Expressway, Washington Bridge
West Harlem River

DISTRICT 6

North Bedford Park Boulevard
East Western and Southern Boundary of Bronx Park,
Bronx River Parkway
South Cross Bronx Expwy, Southern Blvd, East 175th
St., Crotona Park North, Arthur Ave., Cross
Bronx Expwy, Washington Ave, E. 174th St.,
Park Ave, Cross Bronx Expwy
West Webster Avenue

DISTRICT 7

North Southern Boundary of Van Cortlandt Park,
Bainbridge Ave, E. 211th St., Prolongation of E.
211th St.
East New York-New Haven Railroad, Bedford Park
Blvd, Webster Ave
South East Fordham Rd, Jerome Ave, West 183rd
Street, University Avenue, Hall of Fame Terrace,
Western Prolongation of Hall of Fame Terrace to
Harlem River
West Harlem River, Broadway, W. 225th Street, West
Kingsbridge Rd, Reservoir Ave, Goulden Ave,
Mosholu Pkwy

DISTRICT 8

North City Line
East Western and Southern Boundary of Van
Cortlandt Park, Mosholu Parkway, Goulden
Avenue, Reservoir Avenue
South West Kingsbridge Road, West 225th Street,
Broadway, Harlem River
West Hudson River

DISTRICT 9

North Cross Bronx Expwy, Bronx River Pkwy, E.
Tremont Ave,
East Northern Prolongation of Westchester Creek to
East Tremont Avenue, Westchester Creek
South East River
West Bronx River, Westchester Avenue, Sheridan
Expressway

DISTRICT 10

North New England Thruway, Eastern Prolongation of
Park Drive, Park Drive, Long Island Sound, City
Line
East Western Boundary of Pelham Bay Park,
Eastchester Bay, Long Island Sound (including
City Island and Hart Island)
South East River
West Westchester Creek, Northern Prolongation of
Westchester Creek to E.Tremont Ave, East
Tremont Avenue Hutchinson River Parkway, New
England Thruway

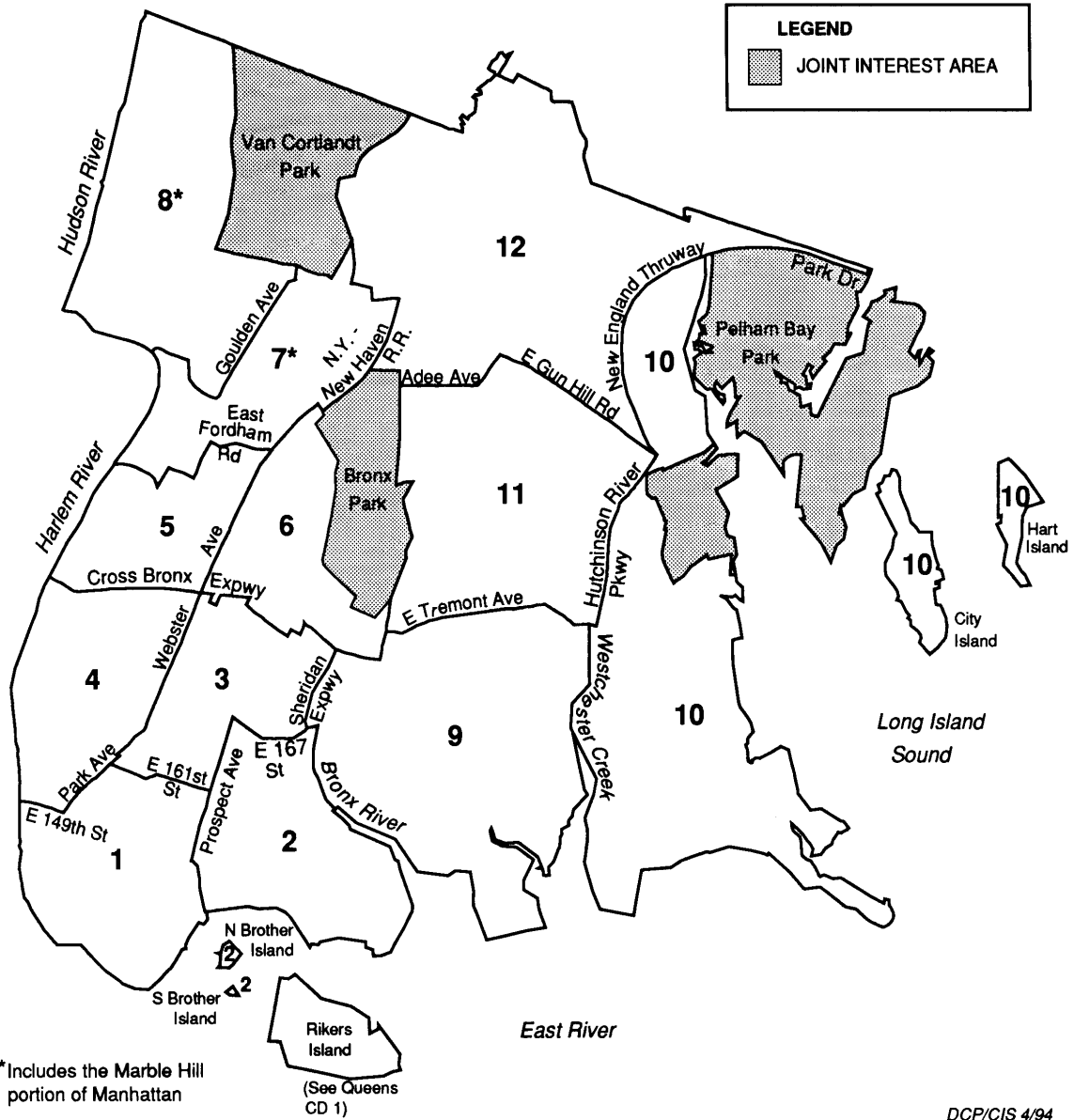
DISTRICT 11

North Adea Avenue, Boston Road, East Gun Hill Road
East Hutchinson River Parkway
South East Tremont Avenue,
West Bronx River Parkway, Eastern Boundary of Bronx
Park

DISTRICT 12

North City Line
East Long Island Sound, Park Drive, Western
Prolongation of Park Drive, New England
Thruway
South East Gun Hill Road, Boston Road, Adea Avenue
West Eastern and Northern Boundary of Bronx Park,
New York-New Haven Railroad, E. 211th St,
Bainbridge Ave, Jerome Ave, East 233rd St, Van
Cortlandt Park East

COMMUNITY DISTRICT (CD) MAP: BRONX



BOUNDARIES OF THE BROOKLYN COMMUNITY DISTRICTS

DISTRICT 1

North Newtown Creek
East Newtown Creek, English Kills, Brooklyn-Queens Borough Line
South Flushing Ave
West Williamsburgh Street, Kent Ave, Division Ave, Wallabout Channel, East River

DISTRICT 2

North East River
East Wallabout Channel, Division Ave, Kent Ave, Williamsburgh St, Fushing Ave, Classon Ave
South Atlantic Ave, Vanderbilt Ave, Pacific St, 4th Ave, Warren St, 3rd Ave, Wyckoff St, Nevins St, Warren St, Bond St, Hoyt St, Warren St., Court St,
West East River

DISTRICT 3

North Flushing Ave, Broadway
East ... Saratoga Ave
South Atlantic Ave
West Classon Ave

DISTRICT 4

North Flushing Ave
East ... Brooklyn-Queens Borough Line
South Vermont Ave, Highland Boulevard, Bushwick Ave, Conway St
West Broadway

DISTRICT 5

North Conway St, Bushwick Ave, Highland Boulevard, Vermont Ave, Brooklyn-Queens Borough Line
East Brooklyn-Queens Borough Line
South Gateway National Recreation Area
West Prolongation of Louisiana Ave to Gateway National Recreation Area, Louisiana Ave, Stanley Ave, Van Sinderen Ave, Broadway

DISTRICT 6

North Atlantic Ave, Court St, Warren St, Hoyt St, Wyckoff St, Bond St, Nevins St, Wyckoff St, 3rd Ave, Warren St, 4th Ave, Pacific St
East 6th Ave, Northern & Eastern property line of 78th Pct, Bergen St, Flatbush Ave, Plaza St West, Prospect Park West
South 15th St, Hamilton Ave (Gowanus Expressway), Gowanus Creek, Gowanus Bay
West Upper NY Bay, Buttermilk Channel, East River

DISTRICT 7

North Gowanus Bay, Gowanus Creek, Hamilton Ave (Gowanus Expressway) 15th St
East Prospect Park Southwest, Coney Island Ave
South Caton Ave, Fort Hamilton Parkway, 37th St, 8th Ave, Long Island Rail Road, Gowanus Expwy, 64th St, 3rd Ave, 65th St, 2nd Ave, Shore Parkway, Bay Ridge Railroad Yards
West Upper New York Bay, Gowanus Creek

DISTRICT 8

North Pacific St, Vanderbilt Ave, Atlantic Ave
East Ralph Ave, East New York Ave, Rochester Ave
South Eastern Parkway
West Plaza St East, Flatbush Ave, Bergen St, Eastern & Northern property line of 78th Pct, 6th Ave

DISTRICT 9

North Eastern Parkway
East Rochester Ave, East New York Ave, Utica Ave
South Clarkson Ave, Flatbush Ave, Parkside Ave
West Ocean Ave, Empire Boulevard, Washington Ave

DISTRICT 10

North Bay Ridge Railroad Yards, Leif Ericson Drive (Shore Pkwy), 2nd Ave, 65th St, 3rd Ave, 64th St, Gowanus Expressway, Long Island Rail Road
East 14th Ave, Cropsey Ave, Bay 8th St, Prolongation of Bay 8th St to Lower New York Bay
South Lower New York Bay, The Narrows
West Upper New York Bay

DISTRICT 11

North 61st St, 24th Ave
East McDonald Ave
South Ave U, Stillwell Ave, 26th Ave, Prolongation of 26th Ave to Gravesend Bay, Lower NY Bay
West Bay 8th St, Cropsey Ave, 14th Ave

DISTRICT 12

North 8th Ave, 37th St, Fort Hamilton Pkwy, Caton Ave
East Coney Island Ave, 18th Ave, Ocean Parkway, Ave F, McDonald Ave, Long Island Rail Road, Coney Island Ave
South Ave P, McDonald Ave
West 24th Ave, 61st St, Long Island Rail Road

DISTRICT 13

North Gravesend Bay, Prolongation of 26th Ave, Stillwell Ave, Ave U, 86th St, Shell Road, Ave Y
East Coney Island Ave, Guilder Ave, Cass Place, Corbin Place, Brightwater Ave, Eastern boundary of Park
South Atlantic Ocean
West Lower New York Bay, Gravesend Bay

DISTRICT 14

North Parkside Ave, Flatbush Ave, Clarkson Ave
East ... Bedford Ave, Foster Ave, Nostrand Ave, Glenwood Rd, East 32nd St, Flatbush Ave, Ave I, Nostrand Ave
South Kings Highway, Avenue P
West Coney Island Ave, Long Island Rail Road, McDonald Ave, Ave F, Ocean Parkway, 18th Ave, Coney Island Ave

DISTRICT 15

North Avenue P, Kings Highway
East Nostrand Ave, Burnett St, Fillmore Ave, Western boundary of Brooklyn Marine Park
South Gateway Nat. Recreation Area, Atlantic Ocean
West Eastern Boundary of Park, Brightwater Ave, Corbin Pl, Cass Pl, Guilder Ave, Coney Island Ave, Ave Y, Shell Rd, 86th St, Ave U, McDonald Ave

DISTRICT 16

North Broadway
East Van Sinderen Ave, New Lots Ave
South Long Island Rail Road
West East 98th St, East New York Ave, Ralph Ave, Atlantic Ave, Saratoga Avenue

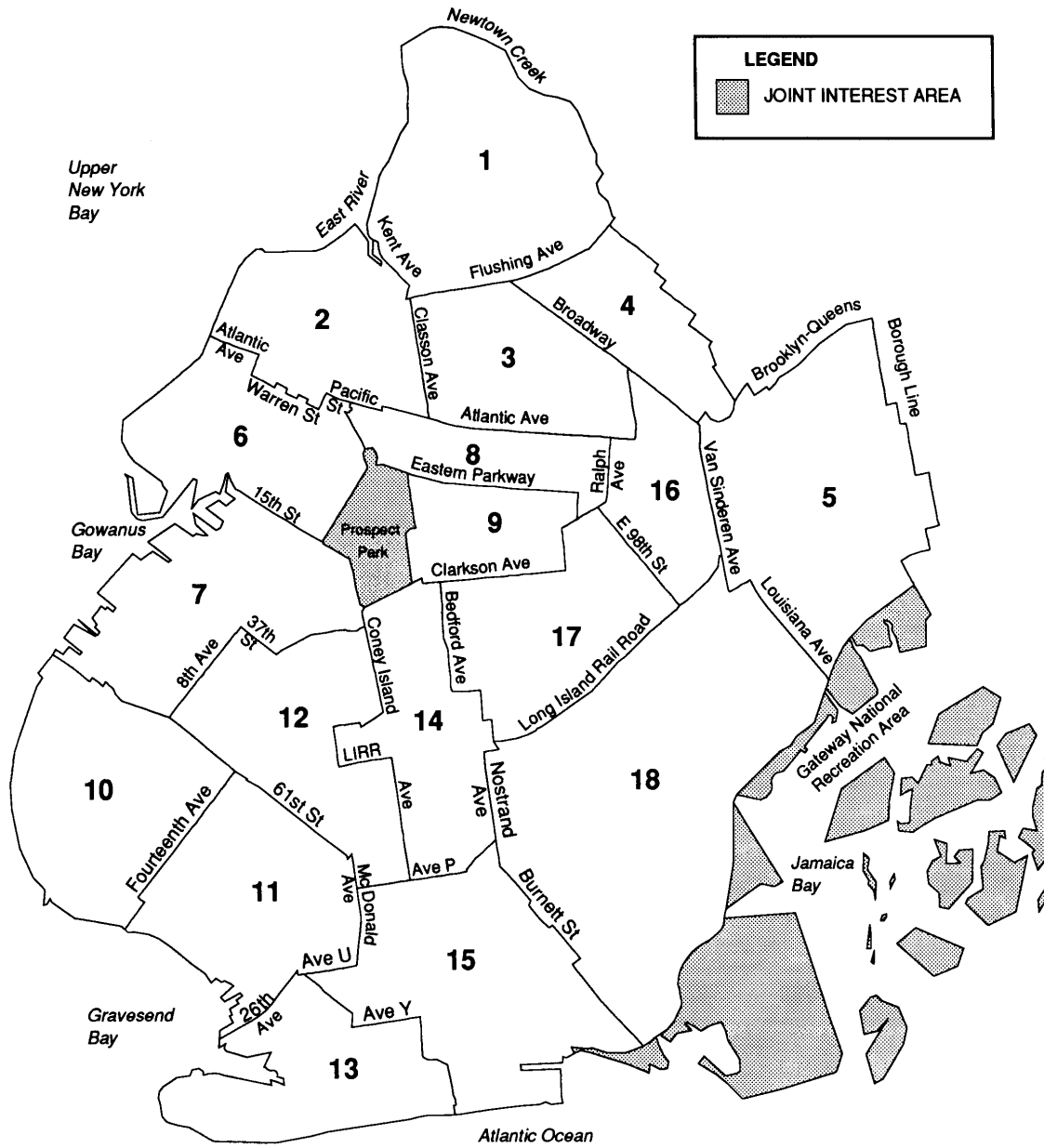
DISTRICT 17

North Clarkson Ave, Utica Ave, East New York Ave
East East 98th St
South Long Island Rail Road
West East 32nd St, Glenwood Road, Nostrand Ave, Foster Ave, Bedford Ave

DISTRICT 18

North Long Island Rail Road, New Lots Ave
East Van Sinderen Ave, Stanley Ave, Louisiana Ave, Prolongation of Louisiana Ave to Gateway National Recreation Area
South Gateway National Recreation Area
West Western boundary of Brooklyn Maine Park, Fillmore Ave, Burnett St, Nostrand Ave, Ave I, Flatbush Ave

COMMUNITY DISTRICT (CD) MAP: BROOKLYN



DCP/CIS 4/94

BOUNDARIES OF THE MANHATTAN COMMUNITY DISTRICTS

DISTRICT 1

North Canal Street
East Baxter Street, A New Street, Pearl Street,
Brooklyn Bridge, East River
South Upper New York Bay (includes Governors Island,
Liberty Island, Ellis Island)
West Hudson River

DISTRICT 2

North West 14th Street, East 14th Street
East Bowery, Fourth Avenue
South Canal Street
West Hudson River

DISTRICT 3

North East 14th Street
East East River
South Brooklyn Bridge
West Pearl St, A New Street, Baxter St, Canal St,
Bowery, Fourth Avenue

DISTRICT 4

North West 59th St, Columbus Ave, West 60th St
East Northern and Eastern Boundary of
Columbus Circle, Eighth Avenue, West 26th
Street, Avenue of the Americas
South West 14th Street
West Hudson River

DISTRICT 5

North Central Park South, East 59th Street
East Lexington Ave, East 40th St, Madison Ave, East
34th St, Lexington Ave, East 21st Street,
Gramercy Park West, East 20th St, Irving Pl.
South East 14th Street, West 14th Street
West Avenue of the Americas, West 26th Street,
Eighth Avenue, Southeastern Boundary of
Columbus Circle

DISTRICT 6

North East 59th Street
East East River
South East 14th Street
West Irving Pl, East 20th St, Gramercy Park West,
East 21 Street, Lexington Ave, East 34th St,
Madison Ave, East 40th St, Lexington Ave

DISTRICT 7

North Cathedral Parkway
East Central Park West
South Northern Boundary of Columbus Circle, West
60th Street, Columbus Ave, West 59th St
West Hudson River

DISTRICT 8

North East 96th Street
East East River (District includes Mill Rock Island,
Franklin D. Roosevelt Island)
South East 59th Street
West Fifth Avenue

DISTRICT 9

North West 155th Street
East Edgecombe Ave, W. 145th St, Bradhurst Ave,
West 141st St, St. Nicholas Ave, Manhattan Ave,
W 123rd St, Morningside Ave, Manhattan
Avenue
South Cathedral Parkway
West Hudson River

DISTRICT 10

North Harlem River
East Fifth Ave, W 124th St, Mount Morris Park West,
W 120th Street, Fifth Avenue
South Central Park North
West Manhattan Avenue, Morningside Avenue, W
123rd St, Manhattan Ave, St. Nicholas Ave, W
141st St, Bradhurst Ave, West 145th St,
Edgecombe Avenue, Harlem River Dr

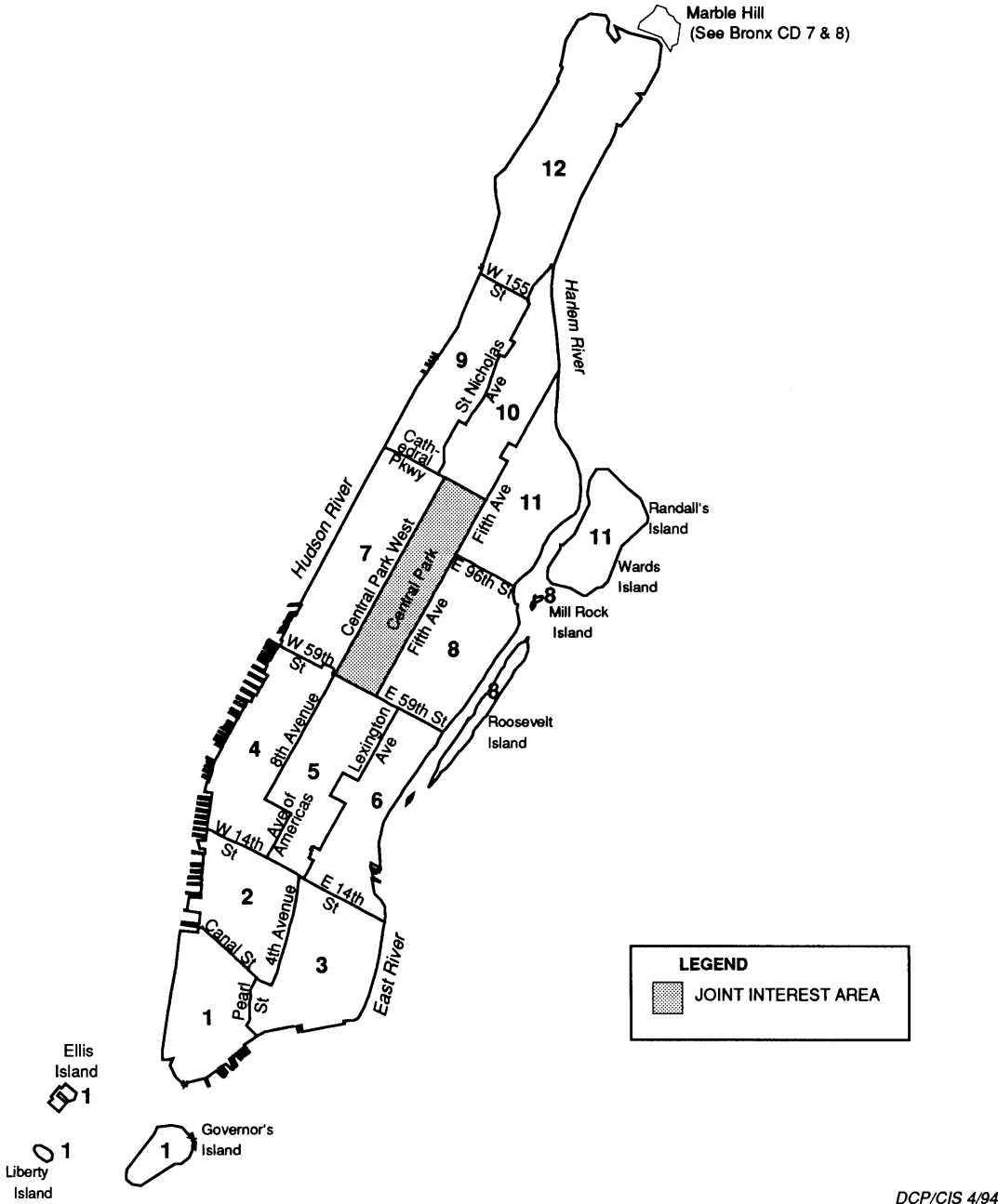
DISTRICT 11

North Harlem River
East East River (including Randall's and Wards
Island)
South East 96th Street
West Fifth Ave, W 120th St, Mt. Morris Park West,
West 124th Street, Fifth Avenue

DISTRICT 12

North Harlem River
East Harlem River, Harlem River Drive
South West 155th Street
West Hudson River

COMMUNITY DISTRICT (CD) MAP: MANHATTAN



BOUNDARIES OF THE QUEENS COMMUNITY DISTRICTS

DISTRICT 1

North East River and Bowery Bay (includes Rikers Island)
 East LaGuardia Airport, Grand Central Parkway, Bklyn-Qns Expwy East, Bklyn-Qns Expwy
 South Northern Boulevard, Woodside Avenue, Northern Property Line of Sunnyside Yards Queens Blvd, Queens Plaza North, Western Prolongation of Queens Plaza North to East River
 West East River

DISTRICT 2

North Western Prolongation of Queens Plaza North to East River, Queens Plaza North, Queens Boulevard, Northern Property Line of Sunnyside Yards, Woodside Avenue, Northern Boulevard
 East Brooklyn-Queens Expressway, New York Connecting Railroad
 South Calamus Ave, Maurice Ave, Maspeth Ave., 49th St., Maspeth Creek, Newtown Creek
 West East River

DISTRICT 3

North Grand Central Parkway
 East Western Boundary of Flushing Meadows, Corona Park
 South Roosevelt Avenue
 West New York Connecting Railroad, Queens Expressway, Bklyn-Qns Expressway East

DISTRICT 4

North Roosevelt Avenue
 East West Boundary of Flushing Meadows, Corona Pk, North/West Border of Flushing Meadow Pk
 South Horace Harding Expwy (Long Island Expwy)
 West New York Connecting Railroad

DISTRICT 5

North Maspeth Creek, 49th Street, Maspeth Avenue, Maurice Ave, Calamus Ave, New York Connecting Railroad, Queens Midtown, Expressway (Long Island Expwy)
 East Long Island Rail Road, Woodhaven Blvd
 South Western and Northern Boundary of Forest Park, Queens-Brooklyn Borough Line
 West Queens-Brooklyn Borough Line

DISTRICT 6

North Horace Harding Expwy (Long Island Expwy)
 East West Border of Flushing Meadows, Corona Park
 South Union Turnpike, Park Lane, Northern Boundary of Forest Park
 West Woodhaven Blvd, Long Island Rail Road

DISTRICT 7

North East River
 East Little Neck Bay, Prolongation of 24th Ave to Little Neck Bay, 24th Ave, Bell Blvd, 26th Ave, Utopia Parkway, 46th Avenue, Fresh Meadow Lane, Eastern Boundary of Kissena Park and Eastern Boundary of St. Mary's Cemetery, Fresh Meadow Lane
 South Horace Harding Expwy (LIExpwy), Reeves Ave, Main St, Northern Boundary of Mt. Hebron Cemetery, Horace Harding Expwy (LI Expwy)

West Eastern Boundary of Flushing Meadows Corona Park, Flushing Bay

DISTRICT 8

North Horace Harding Expwy (L I Expwy), Northern Boundary of Mt. Hebron Cemetery, Main Street, Reeves Ave, Horace Harding Expwy (L I Expwy)
 East Oceania Street, 210th Street, Oceania Street, Richland Ave, Hollis Court Blvd, Union Turnpike, Clearview Expressway
 South Hillside Avenue
 West Van Wyck Expressway

DISTRICT 9

North Southern and Eastern Boundary of Forest Park, Park Lane, Union Turnpike
 East Van Wyck Expressway
 South 103rd Avenue, Liberty Avenue
 West Queens-Brooklyn Borough Line

DISTRICT 10

North Liberty Avenue 103rd Avenue
 East Van Wyck Expressway
 South Northern and Western Boundary of J F. K International Airport, Northern Boundary of Gateway National Recreation Area
 West Queens-Brooklyn Borough Line

DISTRICT 11

North 26th Avenue, Bell Boulevard, 24th Avenue, Prolongation of 24th Avenue to Little Neck Bay, Little Neck Bay
 East City Line
 South Grand Central Pkwy, Clearview Expwy, Union Turnpike, Hollis Court Blvd, Richland Ave, Oceania St, 210th St, Oceania St, Horace Harding Expwy (Long Island Expwy)
 West Fresh Meadow Lane, Eastern Boundary of St. Mary's Cemetery, Eastern Boundary of Kissena Park, Fresh Meadow Lane, 46th Ave, Utopia Pkwy

DISTRICT 12

North Hillside Avenue
 East Francis Lewis Boulevard, Springfield Boulevard
 South Southern Parkway
 West Van Wyck Expressway

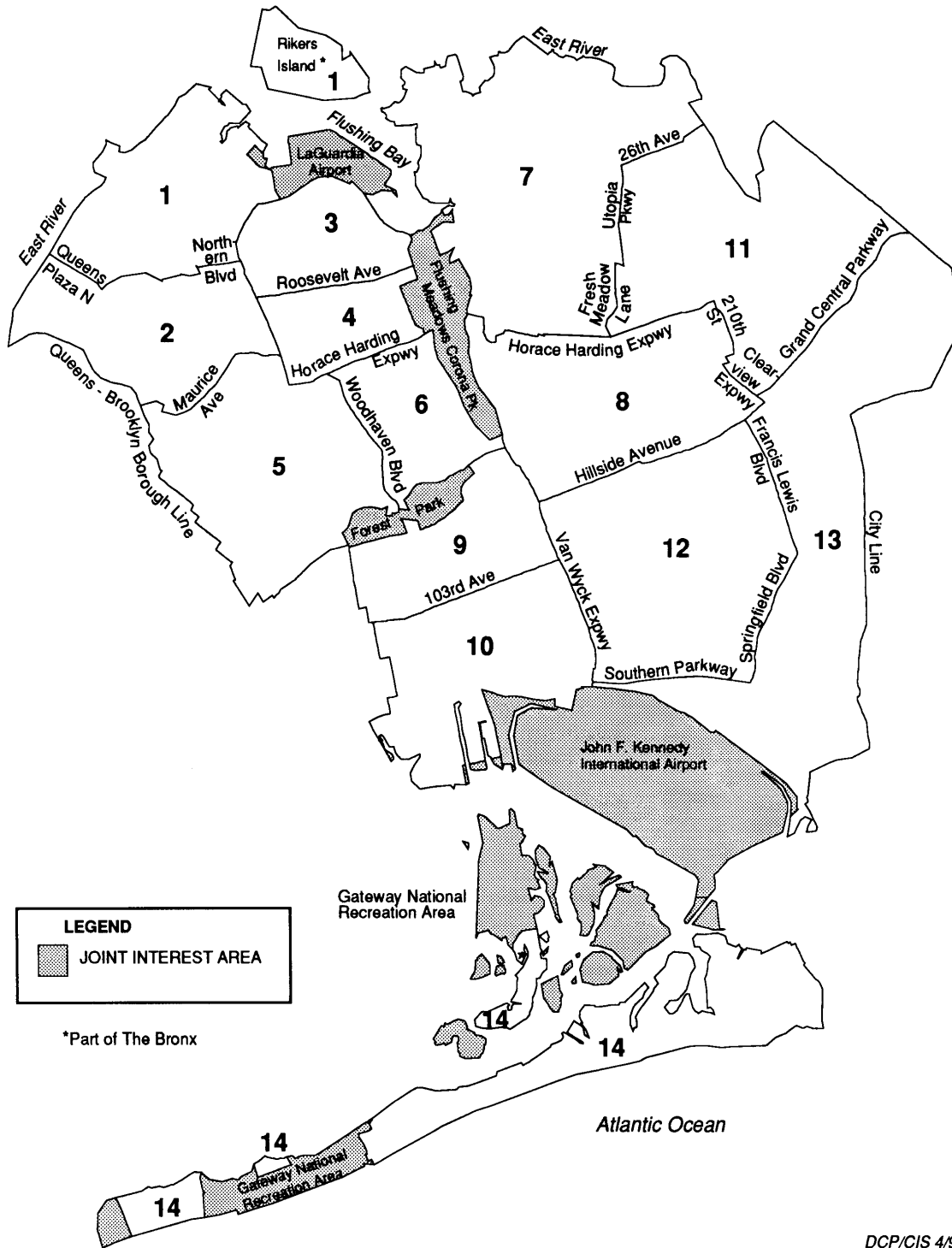
DISTRICT 13

North Hillside Ave, Clearview Expwy, Grand Central Parkway
 East City Line
 South Northern Boundary of John F. Kennedy International Airport
 West Van Wyck Expressway, Southern Parkway, Springfield Boulevard, Francis Lewis Boulevard

DISTRICT 14

North Southern Boundary of Gateway National Recreation Area
 East City Line
 South Atlantic Ocean, Eastern Northern and Western Boundaries of Gateway National Recreation Area, Atlantic Ocean
 West Gateway National Recreation Area

COMMUNITY DISTRICT (CD) MAP: QUEENS



DCP/CIS 4/94

BOUNDARIES OF THE STATEN ISLAND COMMUNITY DISTRICTS

DISTRICT 1

North Newark Bay (includes N.Y.C. Portion of Shooters Island), Kill Van Kull
East Upper New York Bay, The Narrows, Gateway National Recreation Area
South Goethals Bridge, Goethals Bridge Viaduct, Staten Island Expressway
West Arthur Kill

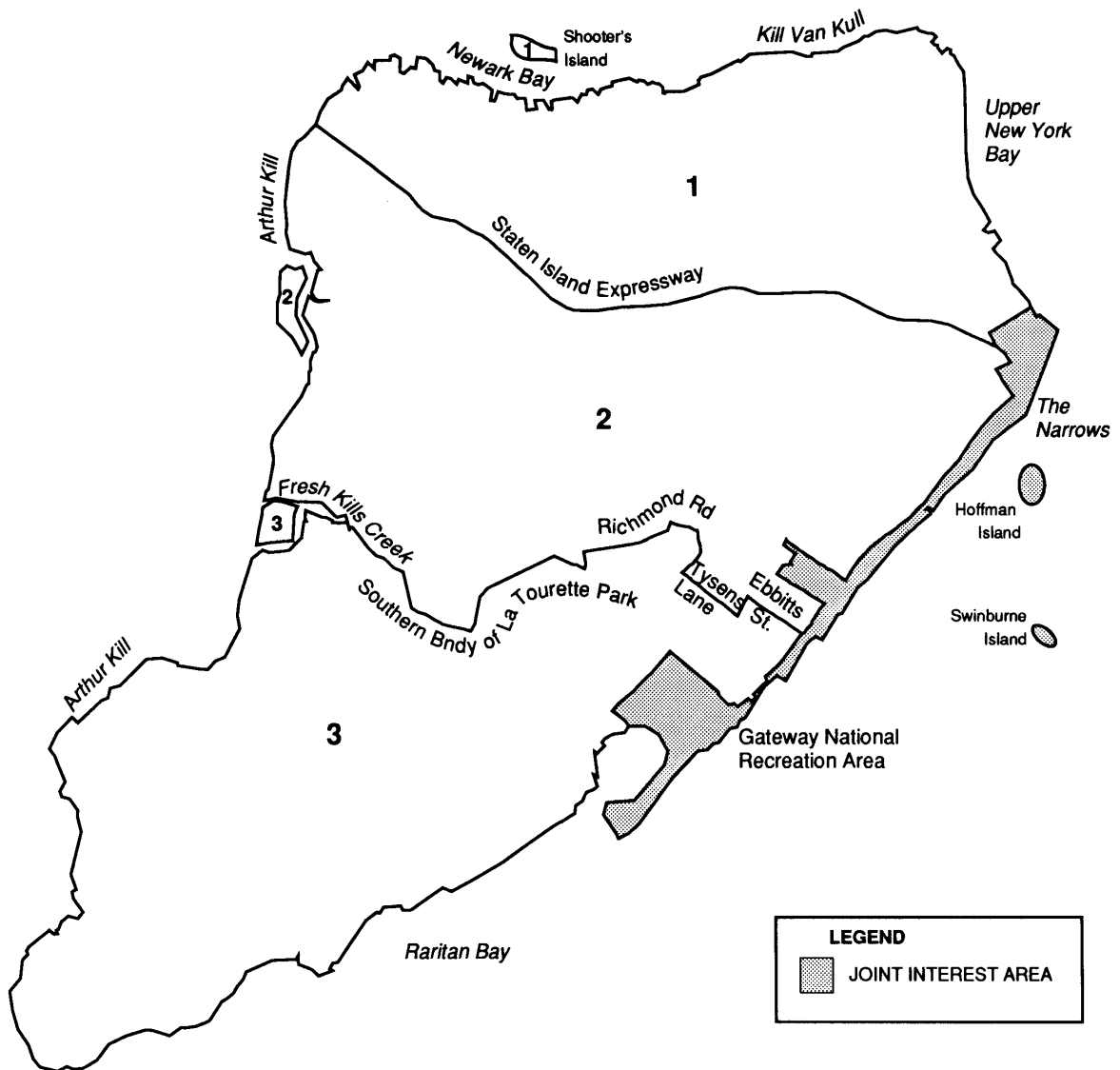
DISTRICT 2

North Staten Island Expressway, Goethals Bridge Viaduct, Goethals Bridge
East Gateway National Recreation Area (includes Hoffman and Swinbune Islands)
South Eastern Prolongation of Ebbitts Street to Gateway National Recreation Area, Ebbitts St, Ebbitts Avenue, Property Line between Tysens Park Apartments & Tysens Park ... Shopping Center, Tysens Lane, Amboy Road, Richmond Road, Eastern Boundary of Latourette Park, (South and Eastern Boundary of Richmondtown Restoration), Southern Boundary of Latourette Park, West Shore Expressway, Fresh Kills Creek, Little Fresh Kill
West Arthur Kill

DISTRICT 3

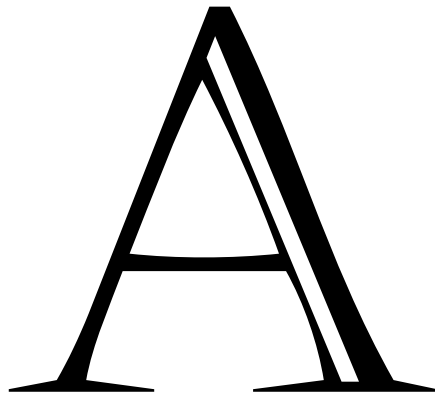
North Little Fresh Kill, Fresh Kill Creek, West Shore Expwy, Southern Boundary of Latourette Park, (Southern & Eastern Boundary of Richmondtown Restoration), Eastern Boundary of Latourette Park, Richmond Road, Amboy Road, Tysens Lane, Property Line between Tysens Park Apts. and Tysens Park Shopping Center, Ebbitts Avenue, Ebbitts Street, Eastern Prolongation of Ebbitts Street to Gateway National Recreation Area
East Raritan Bay, Lower N.Y. Bay, Gateway National Recreation Area (includes Hoffman and Swinburne Islands)
South Arthur Kill
West Arthur Kill

COMMUNITY DISTRICT (CD) MAP: STATEN ISLAND



DCP/CIS 4/94

CHARTER SECTIONS ON COMMUNITY BOARDS





**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.

SECTION 2702. PREPARATION AND ADOPTION OF A MAP

- 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 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 SECTION 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

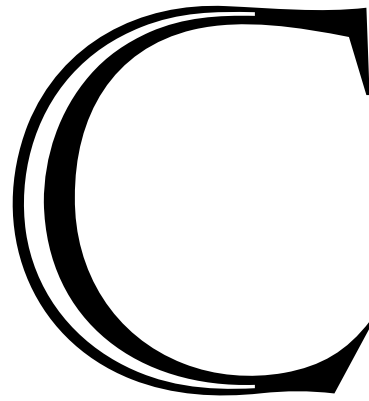
facilities. In preparing such departmental statements of needs, each agency shall review and consider the district needs statements submitted by community boards pursuant to paragraph ten of subdivision d of section twenty eight hundred and the statements of budget priorities submitted by the community 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





UNIFORM LAND USE REVIEW PROCEDURE

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

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- Section 11.010 Interpretation
- Section 11.020 Amendments
- Section 11.030 City Planning Commission Rules of Procedure

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:

- (b) changes in the City Map pursuant to Charter Sections 198 and 199;
- (c) approval of a map of subdivisions or platting of land into streets, avenues or public places pursuant to Charter Section 202;
- (d) 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;
- (e) adoption of special permits within the jurisdiction of the City Planning Commission under the Zoning Resolution pursuant to Charter Sections 200 and 201;
- (f) selection of sites for capital projects pursuant to Charter Section 218;
- (g) 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;

- (h) authorization of improvements in real property, the costs of which are payable other than by the City pursuant to Charter Section 220;
- (i) approval of housing or urban renewal plans and projects pursuant to City, State or Federal laws;
- (j) approval of sanitary or waterfront landfills pursuant to applicable Charter provisions or other provisions of law;
- (k) 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;
- (l) 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;
- (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 variance of the Zoning Resolution pursuant to Charter Section 668(2);
- (n) 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);
- (o) 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.

9.13 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

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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© 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 civil fines or other penalties. A violation of Chapter 68 is also a misdemeanor which can be prosecuted by the District Attorney.

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 interest.
- 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)). "Associated" is defined as a close relative (spouse, domestic partner, parent, child, or sibling) or any person or entity with whom or which the Community Board member has a financial relationship, such as an employer, debtor, creditor, landlord, roommate, and the like. (Charter Section 2601 (5)) The member is required to disclose his or her interest, and is then permitted to take part in discussions on the matter. (Advisory Opinion No. 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, et cetera). (Advisory Opinion No. 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, or other resolutions that could result in a direct economic gain for the not-for-profit in question. (Charter Section 2604(b)(1)(b))

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 No. 93-3)

5- A Community Board member is not entitled to vote on any matter that may result in a direct economic gain for a firm or not-for-profit with which the Community Board member is currently seeking employment. (Charter Section 2604 (d)(1)). The member is required to disclose the prospective employment interest, and is then permitted to take part in discussions on the matter.

6- The prohibition on voting on a matter that would provide a direct financial benefit to a person or entity with whom or which a Community Board member is "associated" (and from chairing a meeting where such a matter is being considered) has the following meaning for certain common situations involving Members affiliated with not-for-profit organizations:

- 1) If you are an *employee or board member* of a not-for-profit organization that may receive a direct financial benefit from the matter in question, you may not vote on the matter, but with disclosure of your interest you may participate in the community board's discussion of the matter.
- 2) If the matter before the Community Board might provide a direct financial benefit *to a member of the board of directors* of a not-for-profit organization, and if you are the executive director or other senior employee of the organization, you likewise may not vote on the matter, but, as above, may discuss the matter, provided you disclose your interest.
- 3) If *your spouse, domestic partner, parent, sibling, child or other "associated" person is an employee of a not-for-profit organization* that might receive a direct

economic benefit from a matter before the community board, then whether you may vote on the matter will turn on whether it appears reasonably likely that your “associate” would receive such a benefit. The higher ranking that person, the smaller the organization, and the closer that person’s work is to the matter before the Community Board, the more likely that person will benefit, and accordingly the less likely your vote will be permissible. You may contact the Conflicts of Interest Board for advice on such questions.

- 4) If the matter before the Community Board might provide a direct economic benefit *to a person or firm that contributes funding or other support to the not-for-profit where you work*, whether you may vote on that matter will turn on whether the funder provides such a significant level of support to the organization that it effectively underwrites your salary. Again, you may contact the Conflicts of Interest Board for advice. In contrast with a paid employee, an unpaid member of the board of directors of a not-for-profit organization may vote on matters that might benefit even major funders of the organization. In no case, however, may Community Board members who are either employees or board members of not-for-profit organizations solicit contributions for the organization from any person or firm with a matter before, or about to be before, the Community Board.

(Advisory Opinion No. 2008-2)

CHAIRING OR SERVING ON COMMITTEES

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

2- A Community Board member may not chair a committee that is likely to have matters before it that concern the member’s private interests or employment. (Advisory Opinion No. 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 No. 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 that 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. This means that s/he may not serve as chair for the entire meeting. (Advisory Opinion No. 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 unless the Community Board member has received a waiver from the Conflicts on Interest Board to permit his/her firm to do so. (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)

6- Former Community Board members may not appear before their former Community Board within one year of leaving Community Board service. An "appearance" is any communication for compensation, other than those involving ministerial activities. This does not bar the former Community Board member from coming to public meetings and participating as a regular private citizen. It does, however, bar him from representing clients before his former Community Board for one year after finishing service as a Community Board member. (Charter Sections 2601(4) and 2604(d)(2))



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 interest 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) 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 borough board...

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 prohibits 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:

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.
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. (For a Community Board member, any staffer in the member's district office would be defined as a subordinate.)
13. No public servant shall receive compensation except from the city for performing any official duty or accept or receive any gratuity from any person whose interests may be affected by the public servant's official action.
14. No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. (For a Community Board member, any staffer in the member's district office would be defined as a subordinate.)

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.

SECTION 2604(d). Post-employment restrictions.

1. No public servant shall solicit, negotiate for or accept any position (i) from which, after leaving city service, the public servant would be disqualified under this subdivision, or (ii) with any person or firm who or which is involved in a particular matter with the city, while such public servant is actively considering, or is directly concerned or personally participating in such particular matter on behalf of the city.
2. No former public servant shall, within a period of one year after termination of such person's service with the city, appear before the city agency served by such public servant; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant's service with that agency.
4. No person who has served as a public servant shall appear, whether paid or unpaid, before the city, or receive compensation for any services rendered, in relation to any particular matter involving the same party or parties with respect to which particular matter such person had participated personally and substantially as a public servant through decision, approval, recommendation, investigation or other similar activities.
5. No public servant shall, after leaving City service, disclose or use for private advantage any confidential information gained from public service which is not otherwise made available to the public; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.
6. The prohibitions on negotiating for and having certain positions after leaving City service, shall not apply to positions with or representation on behalf of any local, state or federal agency.
7. Nothing contained in this subdivision shall prohibit a former public servant from being associated with or having a position in a firm which appears before a city agency or from acting in a ministerial matter regarding business dealings with the city.



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.
- 2003-2 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.
- 2003-3 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.

- 2004-1 "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.
- 2004-3 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.
- 2005-3 Community Board members will not violate Chapter 68 if they vote at the Community Board concerning the rezoning of a large area in which they own homes, provided that they disclose the interest on the minutes of the community board and to the Conflicts of Interest Board.
- 2008-2 The prohibition on voting on a matter that would provide a direct financial benefit to a person or entity with whom or which a Community Board member is "associated" (and from chairing a meeting where such a matter is being considered) has the following meaning for certain common situations involving Members affiliated with not-for-profit organizations:
- 1) If you are an employee or board member of a not-for-profit that may receive a direct financial benefit from the matter in question, you may not vote on the matter, but with disclosure of your interest you may participate in the community board's discussion of the matter
 - 2) If the matter before the Community Board might provide a direct financial benefit to a member of the board of directors of a not-for-profit organization, and if you are the executive director or other senior employee of the organization, you likewise may not vote on the matter, but, as above, may discuss the matter, provided you disclose your interest.
 - 3) If your spouse, domestic partner, parent, sibling, child or other "associated" person is an employee of a not-for-profit organization that might receive a direct economic benefit from a matter before the community board, then whether you may vote on the matter will turn on whether it appears reasonably likely that your "associate" would receive such a benefit. The higher ranking that person, the smaller the organization, and the closer that person's work is to the matter before the Community Board, the more likely that person will benefit, and accordingly the less likely your vote will be permissible. You may contact the Conflicts of Interest Board for advice on such questions.
 - 4) If the matter before the Community Board might provide a direct economic benefit to a person or firm that contributes funding or other support to the not-for-profit where you work, whether you may vote on that matter will turn on whether the funder provides such a significant level of support to the organization that it effectively underwrites your salary. Again, you may contact the Conflicts of Interest Board for advice. In contrast with a paid employee, an unpaid member of the board of directors of a not-for-profit organization may vote on matters that might benefit even major funders of the organization. In no case, however, may Community Board members who are either employees or board members of not-for-profit organizations solicit contributions for the organization from any person or firm with a matter before, or about to be before, the Community 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
- 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.
 - 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.
- 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
- 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.
 - 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.
- 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 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.

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 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

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RESOURCE INFORMATION FOR COMMUNITY BOARDS

INTRODUCTION

This section lists agencies and private agencies that provide important and useful information to assist Community Boards. Information is also available on www.nyc.gov or by calling 311.

CITIZENS COMMITTEE FOR NEW YORK CITY

305 Seventh Avenue, 15th Floor
New York, NY 10001
Telephone: (212) 989-0909

COMMUNITY AFFAIRS UNIT, OFFICE OF THE MAYOR

100 Gold Street, 2nd Floor
New York, NY 10038
Telephone: (212) 788-7418

COMMUNITY SERVICE SOCIETY OF NEW YORK

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

DEPARTMENT OF CITY PLANNING

City Planning Bookstore
22 Reade Street, Ground Floor
New York, NY 10007-1216
Telephone: (212) 720- 3300

DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

City Store
1 Centre Street North Plaza
New York, NY 10007
Telephone: (212) 487-5627

DEPARTMENT OF SANITATION

Office of Community Services
125 Worth Street, 7th Floor
New York, NY 10013
Telephone: (212) 788-3798

LEAGUE OF WOMEN VOTERS OF THE CITY OF NEW YORK

45 East 33rd Street, 3rd Floor
Telephone: (212) 725-3541

OFFICE OF MANAGEMENT AND BUDGET

Office of Community Board Relations
75 Park Place, 7th Floor
New York, NY 10007
Telephone: (212) 788-5800

