

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING: 10:00 A.M.  
WEDNESDAY, OCTOBER 2, 2002  
10:00 A.M. SPECTOR HALL  
22 READE STREET, NEW YORK 10007**

**Rosa R. Romero, Calendar Officer  
22 Reade Street, Room 2E  
New York, New York 10007-1216  
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO	C.P.C. ACTION
1	C 020416 DMK	3	Scheduled to be Heard 10/16/02				
2	C 000087 ZMK	1	“ ”				
3	C 020539 ZSM	2	“ ”				
4	C 030031 ZSM	4	“ ”				
5	C 010519 MMQ	10	“ ”				
6	C 020672 PPM	8	Favorable Report Adopted				
7	C 020612 HAM	11	“ ”				
8	C 000149 ZSQ	13	“ ”				
9	N 970259 ZAR	3	Authorization Approved				
10	Amendment	cw	Adopted				
	Application Fees						
11	Amendment	cw	“ ”				
	CEQR Fees						

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		6	7	8	9	10	11								
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y	Y	Y								
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y								
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y								
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y								
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	Y								
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y								
Alexander Garvin	A														
Jane D. Gol	P	Y	Y	Y	Y	Y	Y								
William J. Grinker	P	Y	Y	Y	Y	Y	Y								
John Merolo	P	Y	Y	Y	Y	Y	Y								
Karen A. Phillips	A														
Joseph B. Rose, Commissioners	A														

MEETING ADJOURNED AT: 10:15 A.M.

**COMPREHENSIVE**  
**CITY PLANNING CALENDAR**  
**of**  
**The City of New York**  
—  
**CITY PLANNING COMMISSION**  
—  
**WEDNESDAY, OCTOBER 2, 2002**  
—  
**MEETING AT 10:00 A.M. AT SPECTOR HALL**  
**22 READE STREET**  
**NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor**

**City of New York**

**[No. 20]**

**Prepared by Rosa R. Romero, Calendar Officer**

To view the Planning Commission Calendar and/or the Zoning Resolution  
on the World Wide Web, visit the Department of City Planning (DCP)  
home page at: [nyc.gov/planning](http://nyc.gov/planning)

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**CITY PLANNING COMMISSION**

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GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

**NOTE** - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

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**CALENDARS:** Any Community Board, civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Commission Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 22 Reade Street, Room 2E, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list may do so by sending a certified check, made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$100.00 for a one year subscription.

**For Calendar Information:** call (212) 720-3368, 3369, 3370.

**Note to Subscribers:** Notify us of change of address by writing to:

**City Planning Commission**  
Calendar Information Office  
22 Reade Street - Room 2E  
New York, New York 10007-1216

**B**  
**CITY PLANNING COMMISSION**

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22 Reade Street, New York, N.Y. 10007-1216

**AMANDA M. BURDEN**, *AICP, Chair*  
**KENNETH J. KNUCKLES**, *Esq., Vice Chairman*  
**ANGELA M. BATTAGLIA**  
**IRWIN G. CANTOR**, *P.E.*  
**ANGELA R. CAVALUZZI**, *R.A.*  
**RICHARD W. EADDY**  
**ALEXANDER GARVIN**  
**JANE D. GOL**  
**WILLIAM J. GRINKER**  
**JOHN MEROLO**  
**KAREN A. PHILLIPS**  
**JOSEPH B. ROSE**, *Commissioners*  
**ROSA R. ROMERO**, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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**ORDER OF BUSINESS AND INDEX**

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**WEDNESDAY, OCTOBER 2, 2002**

Roll Call; approval of minutes .....	1
I. Scheduling of October 16, 2002 .....	1
II. Public Hearings .....	4
III. Reports .....	5

**Community Board Public Hearing Notices are available in the  
Calendar Information Office, Room 2E, 22 Reade Street,  
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for October 16, 2002 at Spector Hall, 22 Reade Street, New York at 10:00 a.m.

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**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

**Length of Testimony:** In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

**Written Comments:** If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION  
Calendar Information Office - Room 2E  
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Calendar No. \_\_\_\_\_

Borough \_\_\_\_\_ Identification No.: \_\_\_\_\_ CB No.: \_\_\_\_\_

Position: Opposed \_\_\_\_\_

In Favor \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Organization (if any) \_\_\_\_\_

Address \_\_\_\_\_ Title: \_\_\_\_\_

OCTOBER 2, 2002

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APPROVAL OF MINUTES OF Regular Meeting of September 18, 2002

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I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, OCTOBER 16, 2002  
STARTING AT 10:00 A.M.  
IN SPECTOR HALL, 22 READE STREET  
NEW YORK, NEW YORK

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BOROUGH OF BROOKLYN

No. 1

CD 3

C 020416 DMK

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for **the disposition of one (1) city-owned property located at 792 De Kalb Avenue** (Block 1781, Lot 21) pursuant to zoning.

**Resolution for adoption scheduling October 16, 2002 for a public hearing.**

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No. 2

CD 1

C 000087 ZMK

**IN THE MATTER OF** an application submitted by Wythe Gardens LLC and Water View Condos LLC, pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 12d**, changing from an M3-1 District to an R7A District property bounded by Wythe Avenue, South 11<sup>th</sup> Street, Kent Avenue, and South 8<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated July 8, 2002 and subject to the restrictions of Restrictive Declaration D-145 and subject to the conditions of CEQR Declaration E-112.

**Resolution for adoption scheduling October 16, 2002 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**No. 3**

**CD 2**

**C 020539 ZSM**

**IN THE MATTER OF** an application submitted by Bond Street Hotel LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of special permit** pursuant to Section 74-781 of the Zoning Resolution **to modify the use regulations of Section 42-14(D)(2)(b) to allow retail uses (Use Group 6) and/or a hotel use (Use Group 5) on the ground floor, cellar floor and subcellar of a proposed 12-story building on property located at 32-40 Bond Street** (Block 530, Lot 48), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling October 16, 2002 for a public hearing.**

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**No. 4**

**CD 4**

**C 030031 ZSM**

**IN THE MATTER OF** an application submitted by 122 West 21 Street LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Sections 13-562 and 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 152 spaces on portions of the first floor and cellar, and to permit 8,600 sq. ft. of floor space on the first floor to be exempted from the definition of floor area as set forth in Section 12-10**, in a mixed building at 116-122 West 21<sup>st</sup> Street (Block 796, Lots 53, 52, 51, 50, 49 and 48), in a C6-3A District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling October 16, 2002 for a public hearing.**

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**BOROUGH OF QUEENS**

**No. 5**

**CD 10**

**C 010519 MMQ**

**IN THE MATTER OF** an application submitted by the New York City School Construction Authority (NYCSCA), pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination of a portion of 99<sup>th</sup> Street between Rockaway Boulevard and Plattwood Avenue;
- elimination of 109<sup>th</sup> Avenue from 98<sup>th</sup> Street to 99<sup>th</sup> Street;
- the elimination of a portion of Plattwood Avenue between 98<sup>th</sup> and 99<sup>th</sup> Streets;
- the discontinuance and closing of a portion of 109<sup>th</sup> Avenue between 98<sup>th</sup> and 99<sup>th</sup> Streets;
- the delineation of a New York City Transit (NYCT) easement; and
- any modification of grades necessitated thereby, and any acquisition or disposition of real property related thereto,

Community District 10, Borough of Queens, in accordance with Map No. 4963, dated December 21, 2001, revised July 16, 2002 and signed by the Borough President.

**Resolution for adoption scheduling October 16, 2002 for a public hearing.**

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**II. PUBLIC HEARINGS**

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**(PLEASE NOTE THERE ARE NO MATTERS TO BE  
HEARD FOR WEDNESDAY, OCTOBER 2, 2002)**

**III. REPORTS**

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**BOROUGH OF MANHATTAN**

**No. 6**

**CD 8**

**C 020672 PPM**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services and the Economic Development Corporation, pursuant to Section 197-c of the New York City Charter, for disposition to the Economic Development Corporation of one (1) city-owned property, generally bounded by First Avenue, East 59<sup>th</sup> Street, York Avenue, and East 60<sup>th</sup> Street, beneath and abutting the Queensboro Bridge (Block 1454, part of Lot 1).

(On August 21, 2002, Cal. No. 2, the Commission scheduled September 4, 2002 for a public hearing. On September 4, 2002, Cal. No. 8, the hearing was closed.)

**For consideration.**

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**No. 7**

**CD 11**

**C 020612 HAM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 146, 152, 154, 156, 158 & 160/62 E. 127<sup>th</sup> and 2099 Lexington Avenue, sites 4B and 4D within the Harlem-East Harlem Urban Renewal Area (Block 1775, lots 50, 149, 49, 48, 47, 45 and 52), as an Urban Development Action Area;
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property, except 146 & 152 E. 127<sup>th</sup> Street and 2099 Lexington Avenue (Block 1775, lots 50, 149 and 52), to a developer selected by HPD;

to facilitate construction of an eight-story building, tentatively known as A. Kornegay Senior Housing, with 89 units of housing for elderly persons of low income, plus one superintendent's unit, to be developed under the federal Section 202 program.

(On August 21, 2002, Cal. No. 4, the Commission scheduled September 4, 2002 for a public hearing. On September 4, 2002, Cal. No. 9, the hearing was closed.)

**For consideration.**

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**BOROUGH OF QUEENS**

**No. 8**

**CD 13**

**C 000149 ZSQ**

**IN THE MATTER OF** an application submitted by the Bethlehem Missionary Church pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-921 of the zoning resolution to allow a church (Use Group 4A) to occupy two existing buildings located at 218-20 98<sup>th</sup> Street** (Block 10769, Lot 24), in an M1-1 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On August 21, 2002, Cal. No. 5, the Commission scheduled September 4, 2002 for a public hearing. On September 4, 2002, Cal. No. 10, the hearing was closed.)

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**No. 9**

**CD 3**

**N 970259 ZAR**

**IN THE MATTER OF** an application submitted by CVS **for the grant of an authorization** pursuant to Section 36-023 of the Zoning Resolution for:

- a. a group parking facility in a C4-1 district which is accessory to a commercial development on a zoning lot in excess of 4 acres; and**
- b. a reduction of the parking requirement of Section 36-21 (General Provisions) by 40 percent, from 547 to 330 spaces;**

**to facilitate the enlargement of an existing commercial development on property located at 2485 Richmond Avenue** (Block 2400, Lots 25 and 83), in a C4-1 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On August 21, 2002, Cal. No. 24, the item was laid over.)

**For consideration.**

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**CITYWIDE**

**Nos. 10 and 11**

**(Proposed Amendments governing fees for Applications pursuant to City Charter Section 197-c, City Environmental Quality Review (CEQR), and other Applications)**

**No. 10**

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the City Planning Commission by Section 1043 of the New York City Charter and in accordance with the requirements of Section 1043, that the Commission intends to amend an existing Rule regarding fees for Applications pursuant to Section 197-c and other Applications.**

**Written comments regarding this Amendment may be sent to the Director, Land Use Review Division, 22 Reade Street, Room 2E, New York, New York 10007 on or before October 1, 2002. A public hearing on the Proposed Amendment to the Rule shall be held on September 18, 2002 at 10 a.m. at the Department of City Planning, Spector Hall, 22 Reade Street. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify the Calendar Office, Department of City Planning, by August 30, 2002. Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt, between the hours of 9 a.m. and 5 p.m. at the Division of Land Use Review, 22 Reade Street, Room 2E.**

**Amended Rule**

**New material is indicated by underlining. Deleted material is indicated by bracketing.**

Sections 3-06 and 3-07 of Subchapter B of Chapter 3 of Title 62 of the Rules of the City of New York are amended to revise the fee schedule for applications pursuant to Charter § 197-c and other applications as follows:

**§ 3-06 Fees For Applications Pursuant to City Charter § 197-c and Other Applications.**

Except as specifically provided in this section, every application for a map change, landfill permit, special permit, zoning authorization or certification, revocable consent for sidewalk café, or cable television franchise or for a modification or renewal thereof, made on or after {August 1, 1995} October 21, 2002, shall include a non-returnable fee which shall be paid by check or money order made out to the Department of City Planning. The fee of an initial application, or for a modification thereof, shall be as prescribed in the following Schedule of Charges, provided that if an applicant simultaneously submits applications for several actions relating to the same project, the maximum fee imposed shall be two hundred percent of the single highest fee. The fee for a modification which is subject to § 197-c of the New York City Charter shall be the same as the fee for an initial application, as provided in § 3-07, subd.(a) of these rules. The fee for renewal shall be one-half of the amount prescribed in the schedule for an initial application. No fee shall be charged for an application to eliminate a paper street from the property of an owner-occupied, one-or two-family residence. Agencies of the federal, state or city governments shall not be required to pay fees nor shall any fees be charged if the owner of the building or property affected is a corporation or association organized and operated exclusively for religious, charitable, or educational purposes, or for one or more such purposes, no part of the earnings which inures to the benefit of any private shareholder or individual, and provided that the property affected is to be used exclusively by such corporation or association for one or more of such purposes. In addition, for applications made on or after July 1, 1987, no fees shall be charged for the project, or such portions thereof, if the Director of the Mayor's Office of Housing Coordination, or any individual succeeding to such Director's jurisdiction, certifies that the property affected, or such portions thereof, is to be used for the construction of housing affordable to low, moderate or middle income households. A fee abatement for a portion of such project shall be calculated upon the percentage of the square footage allocated to the affordable housing and shall proportionally reduce the standard fee attributable to the square footage of the entire project, including such affordable housing portion. In no event shall the portion allocated to the affordable housing part of a project be used to decrease the total project square footage so as to place the project in a lower fee. Fees shall be paid when the application is filed, and no application shall be processed by the Department until the fee has been paid.

SCHEDULE OF FEES FOR ULURP APPLICATIONS  
 Bracketed material to be deleted, underlined material to be added

**§ 3-07 Schedule of Charges**

(a) Applications for City Map changes, Zoning Map amendments or Special Permits, pursuant to Section 197-c of the City Charter:

(1) Applications relating to new development or enlargement or conversion of existing development:

For special permits, the Total amount of floor area, or in the case of open uses, area of the zoning lot [,or for zoning map amendments the area of all zoning lots in the area to be rezoned]:

less than 10,000 square feet.....	[\$1,125]	<u>\$1,350</u>
10,000 to 19,999 square feet.....	[\$1,700]	<u>\$2,050</u>
20,000 to 39,999 square feet.....	[\$2,250]	<u>\$2,700</u>
40,000 to 69,999 square feet.....	[\$2,850]	<u>\$3,450</u>
70,000 to 99,999 square feet.....	[\$3,375]	<u>\$4,050</u>
100,000 to 239,999 square feet.....	[\$3,750]	<u>\$4,500</u>
240,000 to 500,000 square feet.....	[\$9,375]	<u>\$11,750</u>
Over 500,000 square feet.....	[\$15,000]	<u>\$19,500</u>

For zoning map amendments, the area of all zoning lots in the area to be rezoned:

<u>less than 10,000 square feet.....</u>	<u>\$1,450</u>
<u>10,000 to 19,999 square feet.....</u>	<u>\$2,150</u>
<u>20,000 to 39,999 square feet.....</u>	<u>\$2,850</u>
<u>40,000 to 69,999 square feet.....</u>	<u>\$3,600</u>
<u>70,000 to 99,999 square feet.....</u>	<u>\$4,250</u>
<u>100,000 to 239,999 square feet.....</u>	<u>\$4,700</u>
<u>240,000 to 500,000 square feet.....</u>	<u>\$12,200</u>
<u>Over 500,000 square feet.....</u>	<u>\$20,250</u>

(2) Other applications not measurable by floor area or lot area (e.g. street map change to remove clouds on title):

Elimination of a paper street.....	[\$ 950]	<u>\$1,150</u>
Establishment of a Landfill.....	[\$1,875]	<u>\$2,250</u>
Any other change in The City Street Map.....	[\$2,850 ]	<u>\$3,600</u>

(3) Extension of previously approved special permits granted for a specific term.....½ of the fee schedule set forth in subdivision (a) (1) [above]

(b) Applications for franchises and revocable consents:

- (1) Applications pursuant to Section 197-c of the City Charter..... [ \$1,875] \$2,250
- (2) Sidewalk cafes:
  - Unenclosed.....\$15 per seat/minimum of \$375
  - Enclosed.....[\$30] \$36 per seat/minimum of [ \$750] \$ 900
- (3) Renewals of Sidewalk cafes.....½ of the fee schedule set forth in subdivision (b) 2 [above]

(c) [(f) Modifications which are subject to Section 197-c of the City Charter.....Fee schedule set forth in subdivision (a) (1) [above].

(d) [(e) Modifications which are not subject to Section 197-c of the City Charter or follow-up actions required of the Chairperson, Commission or Department as a condition of a previous action.....1/4 of the fee schedule set forth in subdivisions (a) (b) and (f) [(c) above].

(e) Applications for amendments to the text of the Zoning Resolution pursuant to Sections 200 and 201 of the City Charter.....\$ 3,600

(f) [(c) Applications for Zoning Authorizations or Zoning Certifications:

- (1) Pursuant to Article VI, Chapter 2 (Special Regulations Applying in The Waterfront Area), Article X, Chapter 5

(Natural Area District), Chapter 7 (Special South Richmond Development District) and Article XI, Chapter 9 (Special Hillside Preservation District) of the Zoning Resolution.

Certifications.....[. \$200]. \$250 Additional tax or zoning lots, whichever is the greater number, Addresses or structures will be charged [ \$150] \$160 each.

Authorizations.....[. \$575]. \$700 Additional tax or zoning lots, whichever is the greater number, Addresses or structures will be charged [ \$425] \$550 each.

(2) Pursuant to Section 95-04 (Transit Easements) of the Zoning Resolution....[ \$175] \$250

(3) Pursuant to all other sections of the Zoning Resolution:

Total amount of floor area, or in the cases of open uses, area of the zoning lot:		
Less than 10,000 square feet.....	[ \$575]	<u>\$700</u>
10,000 to 19,999 square feet.....	[ \$850]	<u>\$1,050</u>
20,000 to 39,999 square feet.....	[ \$1,125]	<u>\$1,350</u>
40,000 to 69,999 square feet.....	[ \$1,450]	<u>\$1,750</u>
70,000 to 99,999 square feet.....	[ \$1,700]	<u>\$2,050</u>
100,000 square feet and over.....	[ \$1,875]	<u>\$2,250</u>

(g) [(d)] Renewals of previously approved applications.....½ Of the fee schedule set forth in subdivisions (a) and (f)[ (c) above].

Statement of Basis and Purpose. The proposed Amendment to the City Planning Commission’s Rule would modify the existing Fee Schedule for filing applications pursuant to § 197-c of the New York City Charter and other applications in order to reflect the cumulative rate of inflation and the increased cost of professional staff time in reviewing applications since the fees were last increased in 1995.

(On September 4, 2002, Cal. No. 5, the Commission Scheduled September 18, 2002 for a public hearing. On September 18, 2002, Cal. No. 5, the hearing was closed.)

**For consideration.**

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**No. 11**

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE City Planning Commission by Section 1043 of the New York City Charter and in accordance with the requirements of Section 1043 and by Section 5-08(b) of Chapter 5, Title 62 of the Rules of the City of New York that the Commission intends to amend existing Rules regarding the fee for CEQR Applications and Schedule of Charges.**

**Written comments regarding this Proposed Amendment may be sent to the Director, Division of Environmental Assessment and Review, Department of City Planning, 4E, 22 Reade Street. New York, New York 10007, or before October 1, 2002. A public hearing on the proposed amendment to the Rule shall be held on September 18, 2002, at 10 a.m. in Spector Hall at the Department of City Planning, 22 Reade Street. Persons who request that a sign language interpreter or other form of reasonable accommoda-**

tion for a disability be provided at the hearing are asked to notify the Calendar Office, Department of City Planning, at the above address by August 30, 2002. Written comments and a summary of the oral comments received at the hearing will be available for public inspection within a reasonable time after receipt, between the hours of 9 a.m. and 5 p.m. at the Division of Environmental Assessment and Review, 22 Reade Street, 4E, New York, New York 1007.

#### Amended Rule

**New material is indicated by underlining. Deleted material is indicated by bracketing.**

Sections 3-01 and 3-02 of Subchapter A of Chapter 3 of Title 62 of the Rules of the City of New York are amended to revise the fee schedule for CEQR applications as follows:

**§ 3-01 Fee for CEQR Applications.** Except as specifically provided in this section, every application made pursuant to Executive Order 91(August 24, 1977)and Chapter 5 of these rules on or after { August 1, 1995 } October 21, 2002 shall include a non-refundable fee which shall be submitted to the lead agency for the action or to an agency that could be the lead agency pursuant to § 5-03 of the rules of the Commission, and shall be in the form of a check or money order made out to the "City of New York". The fee for an application shall be as prescribed in the following Schedule of Charges, § 3-02 of these rules. The fee for modification for an action, which modification is not subject to § 197-c of the New York City Charter shall be twenty percent of the amount prescribed in the Schedule of Charges for an initial application. The fee for any modification for an action, which is subject to § 197-c of the New York City Charter shall be the amount set forth in the Schedule of Charges (§3-02) as if the {M} modification were an initial application for the action. Where the fee for an application is set pursuant to § 3-02(a), and the square footage of the proposed modification is different from the square footage of the original action, the fee for an application for the modification shall be based upon the square footage of the modified action or as set forth in § 3-02(b), as determined by the lead agency. Agencies of the federal, state or city governments shall not be required to pay fees nor shall any fees be charged if the owner of the building or property affected is a corporation or association organized and operated exclusively for religious, charitable, or educational purposes, or for one or more such purposes, no part of the earnings which inures to the benefit of any private shareholder or individual, and provided that the property affected is to be used exclusively by such corporation or association for one or more of such purposes. In addition, for applications made on or after July 1, 1987, no fees shall be charged for the project, or such portion thereof, if the Director of the Mayor's Office of Housing Coordination, or any individual succeeding such director's jurisdiction, certifies that the property affected, or such portion thereof, is to be used for the construction of housing affordable to low, moderate or middle income households. A fee abatement for a portion of such project shall be calculated upon the percentage of the square footage allocated to the affordable housing and shall proportionately reduce the standard fee attributable to the square footage of the entire project, including such affordable housing portion.



In no event shall the portion allocated to the affordable housing part of the project be used to decrease the total project square footage so as to place the project into a lower fee category. Fees shall be paid when the application is filed, and these fees may not be combined in one check or money order with fees required pursuant to other land use applications submitted to the Department of City Planning or the City Planning Commission. No application shall be processed by the lead agency until the fee has been paid and twenty-five copies of the application have been filed with the lead agency.

#### SCHEDULE OF FEES FOR CEQR APPLICATIONS

New material is indicated by underlining. Deleted material is indicated by bracketing.

#### § 3-02 Schedule of Changes

(a) Projects measurable in square feet (square footage of total project).

Less than 10,000 sq. ft.	\$ [350]	<u>\$370</u>
10,000 - 19,999 sq. ft.	[1,035]	<u>1,090</u>
20,000 - 39,999 sq. ft.	[2,250]	<u>2,365</u>
40,000 - 59,999 sq. ft.	[4,000]	<u>4,400</u>
60,000 - 79,999 sq. ft.	[6,000]	<u>6,600</u>
80,000 - 99,999 sq. ft.	[10,000]	<u>11,000</u>
100,000 - 149,999 sq. ft.	[20,000]	<u>22,000</u>
150,000 - 199,999 sq. ft.	[35,000]	<u>38,500</u>
200,000 - 299,999 sq. ft.	[50,000]	<u>57,500</u>
300,000 - 499,999 sq. ft.	[90,000]	<u>103,500</u>
500,000 - 1,000,000 sq. ft.	[135,000]	<u>155,250</u>
Over 1,000,000 sq. ft.	[220,00]	<u>253,000</u>

(b) Projects not measurable in square feet. \$ [1,375] \$ 1,515

(Ex: bus franchises)

Type II Actions \$ 75

Statement of Basis and Purpose. The proposed Amendment to the City Planning Commission's Rule would modify the existing Fee Schedule for filing applications pursuant to CEQR in order to reflect the cumulative rate of inflation and the increased cost of professional staff time in reviewing applications since the fees were last increased in 1995.

(On September 4, 2002, Cal. No. 6, the Commission scheduled September 18, 2002 for a public hearing. On September 18, 2002, Cal. No. 6, the hearing was closed.)

**For consideration.**