

CITY PLANNING COMMISSION

DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, May 1, 1991
11:00 A.M. in City Hall

Lois McDaniel, Calendar officer
 22 Reade Street, Room 2E
 New York, New York 1000-1216
 (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 890999 PCQ	2	Scheduled to be Heard 5/15/91	23			
2	PROPOSED RULES		Hearing Continued	24			
3	C 910108 DLM	3	Hearing Closed	25			
4	C 900518 PCM	9	" "	26			
5	C 900519 PPM	9	" "	27			
6	C 900794 PPX	5	" "	28			
7	C 910113 HDX	7	" "	29			
8	C 900217 PCQ	7	" "	30			
9	C 910005 PCQ	12	" "	31			
10	C 890702 ZMK	8	" "	32			
11	C 900407 ZSM	12	Favorable Report Adopted	33			
12	C 900416 GFM	1	" "	34			
13	C 910114 HDM	1	" "	35			
14	C 900600 HUM	1	" "	36			
15	C 910156 HUK	16	" "	37			
16	C 910157 HDK	16	" "	38			
17	C 900567 DMK	17	" "	39			
18	N 910334 HKM	6	Forward Report to City Council	40			
19				41			
20				42			
21				43			
22				44			

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: Calendar Numbers								In Favor - Y Oppose - N Abstain - AB		
		11	12	13	14	15	16	17	18			
Richard L. Schaffer, <i>Chairman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y			
Victor G. Allicea, <i>Vice Chairman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y			
Eugene L. Birch	P	Y	Y	Y	Y	Y	Y	Y	Y			
Amanda M. Burden	P	Y	AB	AB	AB	Y	Y	Y	Y			
Anthony I. Giacobbe	P	Y	Y	Y	Y	Y	Y	Y	Y			
Maxine Griffith	P	Y	Y	Y	Y	Y	Y	Y	Y			
James C. Jao, <i>R.A.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y			
Brenda Levin	P	Y	Y	Y	Y	Y	Y	Y	Y			
Joel A. Miele, <i>SR., P.E.</i>	P	Y	N	N	N	Y	Y	Y	Y			
Edward T. Rogowsky	P	Y	Y	Y	Y	Y	Y	Y	Y			
Ronald Shiffman	P	Y	Y	Y	Y	Y	Y	Y	Y			
Jacob B. Ward	P	Y	Y	Y	Y	Y	Y	Y	Y			
Deborah C. Wright, <i>Commissioners</i>	P	Y	Y	Y	Y	Y	Y	Y	Y			

MEETING ADJOURNED AT: 12:55 P.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

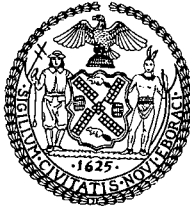
CITY PLANNING COMMISSION

WEDNESDAY, MAY 1, 1991

MEETING AT 11:00 A.M.

in

CITY HALL



David N. Dinkins, Mayor

City of New York

[No. 9]

Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

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.

CALENDARS: Any member of a Community Board, any 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 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 \$64.95 for a two 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

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

- RICHARD L. SCHAFFER, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
EUGENIE L. BIRCH, A.I.C.P.
AMANDA M. BURDEN
ANTHONY I. GIACOBBE
MAXINE GRIFFITH
JAMES C. JAO, R.A.
BRENDA LEVIN
JOEL A. MIELE, Sr., P.E.
EDWARD T. ROGOWSKY
RONALD SHIFFMAN, A.I.C.P.
JACOB B. WARD
DEBORAH C. WRIGHT, *Commissioners*
LOIS MCDANIEL, *Calendar Officer*

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

ORDER OF BUSINESS AND INDEX

MAY 1, 1991

Roll Call; approval of minutes	1
I. Scheduling May 15, 1991	1
II. Public Hearings	2
III. Reports	17

**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 May 15, 1991, in the City Hall, Room 16, Manhattan, New York at 10:00 A.M.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearings" 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: _____

WEDNESDAY, May 1, 1991

APPROVAL OF MINUTES OF Regular Meeting of April 17, 1991 and
Special Meeting of April 15, 1991

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, MAY 15, 1991
STARTING AT 10:00 A.M.
IN CITY HALL
NEW YORK, NEW YORK**

BOROUGH OF QUEENS

No. 1

CD 2

C 890999 PCQ

IN THE MATTER OF an application submitted by the Department of Environmental Protection pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at 57-15 49th Street (Block 2575, Lot 26), for use as a garage, storage and repair facility for the Bureau of Water Supply and Sewers.

Resolution for adoption scheduling May 15, 1991 for a public hearing.

II. PUBLIC HEARINGS

CITY WIDE

No. 2

(Proposed Rules of Procedure for City Environmental Quality Review)

PUBLIC HEARING:

IN THE MATTER OF proposed Rules of Procedure for City Environmental Quality Review, pursuant to the Authority vested in the City Planning Commission by Section 192(e) of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter. All material is new.

Written comments regarding these proposed Rules may be sent to the office of William Valletta, Counsel, Department of City Planning, 22 Reade Street, Room 2N, New York, New York 10007, on or before May 15, 1991. On March 29, 1991 the City Planning Commission published in the City Record a Notice of Opportunity to Comment and Public Hearing, to take place on May 1, 1991 at 11:00 a.m. in the Chamber of the Board of Estimate, City Hall, Borough of Manhattan. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m., at the office of the Counsel.

§1. Source of authority and statement of purpose.

Section 192(e) of the charter provides, *inter alia*, that the city planing commission "shall establish by rule procedures for environmental reviews of proposed actions by the city where such reviews are required by law." These rules are intended to exercise that mandate by redefining lead agencies within the city in accordance with law, prescribing the relationship of the new office of environmental coordination with those agencies and regulating scoping. The organization and numbering of the various sections of these rules are not intended to correspond precisely to Executive Order 91. Rather, these rules are an overlay on Executive Order 91.

In deciding upon the appropriate lead agency for certain classes of actions taken by the city, the city planning commission has determined the involved agency "principally responsible for carrying out, funding or approving" those actions. 6 NYCRR §617.2(v). For private ULURP applications, for section 197-a plans and for all actions primarily involving a zoning map or text change, the city planning commission, responsible under the charter "for the conduct of planning relating to the orderly growth, improvement and future development of the city" (charter section 192(d)), is the lead agency. For other ULURP applications, the city agency applicant, the agency that will generally be involved with ensuring programmatic implementation of the action, is the lead agency. Most of the remaining lead agency designations in the rules similarly address other approvals required by the charter by designating the agency charged with ensuring programmatic implementation as the lead agency for those approvals. In appropriate cases, a lead agency designated by the rules may transfer its lead agency status to another involved agency.

The rules ensure that lead agencies have access to the technical and administrative expertise of the office of environmental coordination. Finally, the rules provide for involved and interested agencies, including the council, to participate in the environmental review process.

§2. General provisions.

(a) CONTINUATION OF EXECUTIVE ORDER NO. 91.

Until the city planning commission promulgates further rules governing environmental review of actions taken by the city, Executive Order No. 91 of August 24, 1977, as amended (Executive Order 91), shall continue to govern environmental quality review in the city except where inconsistent with these rules, provided, however, that the following provisions of Executive Order 91 shall be inapplicable in their entirety to environmental review pursuant to these rules: subdivision (k) of section one, subdivision (b) of section three, subdivision (a) of section five, subdivision (a) of section twelve, section fourteen, and subdivision (b) of the TYPE II part of section fifteen. All functions required by Executive Order 91 to be performed by the "lead agencies," as defined in section 1(k) of such Executive Order, shall be performed by the lead agency prescribed by or selected pursuant to these rules or by the office of environmental coordination where authorized by these rules.

(b) DEFINITIONS.

(1) All definitions contained in section one of Executive Order 91, other than the definition of "lead agencies" contained in section 1(k) of Executive Order 91, shall be applicable to these rules.

(2) "Action" as defined in §1(a) of Executive Order 91 includes all contemporaneous or subsequent actions that are included in a unified review pursuant to City Environmental Quality Review.

(3) The following additional definitions shall apply to these rules unless otherwise noted:

(i) City Environmental Quality Review (CEQR) shall mean the environmental quality review procedure established by Executive Order 91 as modified by these rules.

(ii) Determination of significance shall mean a negative declaration, conditional negative declaration or notice of determination (positive declaration).

(iii) Interested agency shall mean an agency that lacks jurisdiction to fund, approve or directly undertake an action but requests or is requested to participate in the review process because of its specific concern or expertise about the proposed action.

(iv) Involved agency shall mean any agency that has jurisdiction to fund, approve or directly undertake an action pursuant to any provision of law, including but not limited to the charter or any local law or resolution. The council shall be an involved agency for all actions for which, as a component of the approval procedure for the action or a part thereof, the council has the power to approve or disapprove, regardless of whether the council chooses to exercise such power.

(v) Scoping shall mean the process by which the lead agency identifies the significant issues related to the proposed action which are to be addressed in the draft environmental impact statement including, where possible, the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed to minimize or eliminate adverse impacts, and the identification of non-relevant issues.

(c) APPLICABILITY.

These rules shall apply to environmental review by the city that is required by the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and regulations thereunder and shall not be construed to require environmental quality review of an action where such review would not otherwise be required by law, or to dispense with any such review where it is otherwise required.

§3. Establishment of lead agency.

(a) GENERAL RULE.

Where only one agency is involved in an action, that agency shall be the lead agency.

(b) ACTIONS SUBJECT TO ULURP AND CHARTER SECTIONS 197-a, 200, 201, and 668.

(1) For actions subject to the uniform land use review procedure of section 197-c of the charter (ULURP), and for which the applicant is not a city agency, the city planning commission shall be the lead agency.

(2) For actions that involve plans for the development, growth and improvement of the city, its boroughs and community districts (charter section 197-a), the city planning commission shall be the lead agency.

(3) For actions that involve zoning map or text changes (charter section 200 and 201), the following rules shall apply:

(i) If the only approval subject to ULURP or to charter section 200 or 201 is a zoning map or text change, or if the applicant for any action requiring a zoning map or text change is not a city agency, the city planning commission shall be the lead agency.

(ii) If the action involves a zoning map or text change, in addition to another approval under charter section 197-c (ULURP) for which there is a city agency applicant, then the city agency applicant shall be the lead agency, provided, however, that the city planning commission shall be the lead agency if:

(A) the action involves a zoning map or text change that covers or may apply to areas substantially larger than the properties covered by the non-zoning approvals required under charter section 197-c; or

(B) the city agency applicant and the chair of the city planning commission agree that the action involves a zoning map or text change that changes the uses permitted so as to substantially alter the area zoning pattern.

(4) For all other actions subject to section 197-c of the charter (ULURP) for which the applicant is a city agency, and for actions subject to section 668 of the charter for which the applicant is a city agency, the city agency applicant shall be the lead agency. Where there is more than one city agency applicant, the city agency applicants shall agree upon which of them will be the lead agency, using the criteria in subdivision (h) of this section.

(5) Where no other provision of this section applies and an action involves a special permit or variance from the board of standards and appeals (charter section 668) for which the applicant is not a city agency, the board of standards and appeals shall be the lead agency.

(c) SECTION 195 ACQUISITIONS OF OFFICE SPACE OR EXISTING BUILDINGS FOR OFFICE USE.

For actions involving acquisitions of office space or existing buildings for office use (charter section 195), the agency filing the notice of intent to acquire shall be the lead agency.

(d) LOCAL LAWS.

The council and the office of the mayor shall be co-lead agencies for local laws. Either agency may at any time delegate to the other its lead agency status and act instead as an involved agency. In addition, after introduction of a proposed local law, the council may assume sole lead agency status after giving the mayor five days notice.

(e) FRANCHISES, REVOCABLE CONSENTS, AND CONCESSIONS.

For actions involving franchises, revocable consents and concessions, the responsible agency as defined in charter section 362(c) shall be the lead agency.

(f) LEASING OF WHARF PROPERTY FOR WATERFRONT COMMERCE OR NAVIGATION AND WATERFRONT PLANS.

For actions involving the leasing of wharf property belonging to the city primarily for purposes of waterfront commerce or in furtherance of navigation (charter section 704(g)), the department of ports and trade shall be the lead agency, provided that the department of transportation shall be the lead agency for such actions when it is acting pursuant to charter section 2903(c)(2). For actions involving determinations of the commissioner of ports and trade pursuant to charter section 705 (waterfront plans), the department of ports and trade shall be the lead agency.

(g) SELECTION OF LEAD AGENCY IN THE CASE OF MULTIPLE INVOLVED AGENCIES.

(1) Subdivision (b) of this section, which governs lead agency designation for actions involving approvals pursuant to ULURP or section 197-a, 200, 201 or 668 of the charter, shall always govern determination of the lead agency regardless of whether the action involves additional approvals pursuant to other provisions of law.

(2) For any other action involving more than one agency, the agencies designated in subdivisions (c) through (f) of this section and any agencies involved in any required city approval, other than approvals described in such subdivisions, shall agree upon which of them will be the lead agency, using the criteria in subdivision (h) of this section.

(h) CRITERIA FOR SELECTION OF LEAD AGENCY.

In selecting a lead agency pursuant to either paragraph (4) of subdivision (b) or paragraph (2) of subdivision (g) of this section, and in deciding whether transfer of lead agency status is appropriate pursuant to subdivision (i) of this section, the agencies described in such provisions shall determine which agency is most appropriate to act as lead agency for the particular action. In making such determination, such agencies shall consider, but shall not be limited to considering, the following criteria:

- (i) the agency that will have the greater degree of responsibility for implementing the action;
- (ii) the agency that will be involved for a longer duration;
- (iii) the agency that has the greater capability for providing the most thorough environmental assessment;
- (iv) the agency that has the more general governmental powers as compared to single or limited powers or purposes;

(v) the agency that will provide the greater level of funding for the action; and

(vi) the agency that will act earlier on the proposed action.

(i) **TRANSFER OF LEAD AGENCY STATUS.**

Lead agency status may be transferred from the lead agency, at its discretion, to an involved agency that agrees to become the lead agency. In deciding whether a transfer of lead agency status is appropriate, agencies shall use the criteria in subdivision (h) of this section. Notice of transfer of lead agency status must be given by the new lead agency to the applicant and all other involved agencies within 10 days of the transfer. The chair of the city planning commission may act on behalf of such commission pursuant to this subdivision.

(j) **SELECTION OF LEAD AGENCY WHERE ACTIONS INVOLVE CITY AND NON-CITY AGENCIES.**

Where an action involves both city and non-city agencies, the city agency prescribed by or selected pursuant to subdivisions (a) through (i) of this section shall, together with such non-city agencies, participate in selection of the lead agency pursuant to SEQRA, and such selection shall be binding upon the city. The criteria set forth in section 617.6(e)(5) of Part 617 of Volume 6 of New York Codes, Rules and Regulations shall be considered in deciding whether or not a city agency shall serve as lead agency. The office of environmental coordination shall perform the functions set forth in subdivision (d) of section four of these rules.

§4. The office of environmental coordination.

(a) The director of city planning and the commissioner of the department of environmental protection shall designate persons from the staffs of the departments of city planning and environmental protection who shall comprise the office of environmental coordination (OEC). The OEC shall provide assistance to all city agencies in fulfilling their environmental review responsibilities.

(b) The lead agency prescribed by or selected pursuant to section three of these rules and the OEC may designate the OEC to perform any function required pursuant to Executive Order 91 or these rules, except the OEC may not issue, amend or rescind a determination of significance, notice of completion of a draft or final environmental impact statement, written findings following issuance of a final environmental impact statement, or analogous statements, notices or findings for a supplemental environmental impact statement. In addition, the lead agency may not delegate to the OEC its responsibility to approve the scope pursuant to subdivision (f) of section seven of these rules or to attend the scoping meeting pursuant to subdivision (d) of such section; however, the lead agency may delegate the power to chair the scoping meeting pursuant to subdivision (d) of such section.

(c) In addition to any other functions the OEC may perform pursuant to these rules, the OEC shall:

(1) work with appropriate city agencies to develop technical standards and methodologies for environmental review and, upon request, assist in the application by agencies of such standards and methodologies;

(2) work with appropriate city agencies to develop and maintain a technical database that may be utilized by applicants and city agencies in completing the environmental assessment form described in subdivision (b) of section five of these rules and in preparation of the draft and final environmental impact statements;

(3) prepare a standardized environmental assessment form, as described in subdivision (b) of section five of these rules;

(4) at the request of a lead agency, coordinate the work of the technical staffs of interested agencies in order to complete environmental review;

(5) audit environmental reviews performed by city agencies for consistency with standards and methodologies developed pursuant to paragraph (1) of this subdivision and for proper use of the environmental assessment form prepared pursuant to paragraph (3) of this subdivision; and

(6) work with appropriate city agencies to develop and implement a tracking system to ensure that mitigation measures are implemented in a timely and effective manner.

(d) Any non-city agency that seeks a determination whether a city agency shall serve as the lead agency for an action that involves city and non-city agencies should initially communicate with the OEC. Upon receipt of such communication, the OEC shall ascertain the city agency which is designated as lead agency by or pursuant to section three of these rules and shall notify such agency of such communication. Such designated agency may then act pursuant to subdivision (j) of section three of these rules.

§5. Environmental review procedures.

(a) THRESHOLD DETERMINATION.

(1) In the case of any action for which a lead agency is prescribed by section three of these rules, and thus for which no agreement among involved agencies is necessary, only such lead agency may determine that such action, considered in its entirety, requires environmental review, and such determination shall be binding upon the city. The OEC shall, upon the request of such agency, assist in such determination.

(2) In the case of any action for which agreement among involved agencies is necessary for selectio of a lead agency, if an agency that could be the lead agency for the particular action pursuant to subdivisions (b) through (g) of section three of these rules determines that such action may require environmental review, then the lead agency shall be agreed upon as provided in section three of these rules, and such lead agency shall determine whether such action, considered in its entirety, requires environmental review. Such determination shall be binding upon the city. The OEC shall assist in any determination made pursuant to this paragraph upon the request of the agency making such determination.

(3) Nothing contained in this subdivision shall be construed to require an affirmative determination, whether formal or informal, that an action is exempt from environmental review, or is a Type II action pursuant to section 617.13(d) of Part 617 of Volume 6 of New York Codes, Rules and Regulations, where such determination would not otherwise be required by law.

(b) OTHER DETERMINATIONS.

(1) After the determination, pursuant to subdivision (a) of this section, that an action requires environmental review, the lead agency shall complete or cause to be completed the standardized environmental assessment form provided by the OEC. Such form shall provide guidance in determining whether the action may have a significant effect on the environment. The OEC and interested and involved agencies shall, upon the request of the lead agency, assist the lead agency in completing such form.

(2) The OEC and interested and involved agencies shall, upon the request of the lead agency, assist such lead agency with respect to any aspect of a determination of significance and/or a draft, final and/or supplemental environmental impact statement.

(3) Whenever, in the preparation of a draft environmental impact statement, the lead agency identifies a potential significant impact, the lead agency shall consult with any agency that has primary jurisdiction to carry out possible mitigations, and with any city agency that has primary regulatory jurisdiction over the subject matter of such impact.

§6. Involved and interested agencies; required circulation.

(a) The lead agency and the OEC shall make every reasonable effort to keep involved and interested agencies informed during the environmental review process and to facilitate their participation in such process. If the council is involved in any action, staff of the lead agency and/or staff of the OEC shall be made available to explain determinations made by the lead agency to the council or the appropriate council committee or staff.

(b) In addition to any filing or circulation of documents required by Executive Order 91 or by any other provision of these rules, any written information submitted by an applicant for purposes of a determination by the lead agency whether an environmental impact statement will be required by law, and 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, shall be circulated to all affected community or borough boards, where such circulation is required by the charter.

If the council is involved in an action, any written information, documents or records that are required to be circulated pursuant to subdivision (b) of this section, as well as documents required to be circulated to involved agencies by Executive Order 91, shall be circulated to the council.

§7. Scoping.

Following the issuance of a notice of determination (positive declaration), the lead agency shall coordinate the process of scoping which shall take place in accordance with the following procedure:

(a) The applicant or the lead agency shall prepare the draft scope, which shall be transmitted to the OEC and, where the draft scope has been prepared by the applicant, to the lead agency. The lead agency may then revise the draft scope.

(b) The lead agency shall circulate the draft scope, with any revisions made pursuant to subdivision (a) of this section, to all interested and involved agencies (including the council where the council is interested or involved), to the applicant, to the OEC and to agencies entitled to send representatives to the scoping meeting pursuant to section 197-c(d) or 668(a)(7) of the charter. Together with the draft scope, a letter shall be circulated indicating the date of the scoping meeting.

(c) Prior to the first scheduled scoping meeting, the interested and involved agencies (including the council where the council is interested or involved), the applicant, the OEC and agencies entitled to send representatives to the scoping meeting pursuant to section 197-c(d) or 668(a)(7) of the charter may submit to the lead agency written comments on the draft scope. Any such comments received at least five days before such meeting shall be distributed to interested and involved agencies, to the applicant, to the OEC and to such agencies entitled to send representatives at least one day prior to the meeting.

(d) The lead agency shall chair the scoping meeting. In addition to the lead agency, all other interested and involved agencies who choose to send representatives (including the council where the council is interested or involved), the applicant, the OEC and agencies entitled to send representatives pursuant to section 197-c(d) or 668(a)(7) of the charter may also attend.

(e) After the scoping meeting, the applicant (if the lead agency is not the applicant) shall forward to the lead agency the draft scope, with such revisions as may have been made as a result of the scoping process.

(f) After the scoping meeting, and the receipt of any revisions pursuant to subdivision (e) of this section, the lead agency may further revise the draft scope, and shall then approve it as the scope.

§8. Transition section.

(a) An action shall not be subject to these rules, but shall comply with Executive Order 91, as in effect prior to the effective date of these rules, where: (1) a classification as exempt, excluded or Type II has been made prior to the effective date of these rules; (2) a project data statement has been completed more than thirty days prior to the effective date of these rules and a determination of significance has not been made prior to the effective date of these rules; (3) a negative declaration or a conditional negative declaration has been issued prior to the effective date of these rules; or (4) a positive declaration has been issued more than thirty days prior to the effective date of these rules; provided, however, that if a negative declaration or conditional negative declaration is rescinded, or if a classification as exempt, excluded or Type II is no longer applicable, or if a supplemental environmental impact statement is required, or if a positive declaration has been issued less than thirty days prior to the effective date of these rules or is issued on or after the effective date of these rules, these rules shall apply, and the lead agency prescribed by or selected pursuant to these rules shall thereupon assume lead agency status at the earliest time practicable.

(b) Except as provided in subdivision (a) of this section, the lead agency prescribed by or selected pursuant to these rules shall assume lead agency status at the earliest time practicable. Until such time, such action will be subject to Executive Order 91 as in effect prior to the effective date of these rules; however, after the effective date of these rules, the prior lead agency shall not issue a determination of significance or notice of completion of a draft or final environmental impact statement, classify an action as exempt, excluded or Type II, convene a scoping meeting or conduct a public hearing pursuant to CEQR.

§9. Severability.

The provisions of these rules shall be severable and if any phrase, clause, sentence, paragraph, subparagraph or section of these rules, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of these rules and the application thereof shall not be affected thereby.

(On March 29, 1991, the Commission published in the City Record a Notice of Opportunity to comment and public hearing on the proposed Rules of Procedure for City Environmental Quality Review.)

Continue the hearing.

BOROUGH OF MANHATTAN**No. 3****CD 3****C 910108 DLM****PUBLIC HEARING:**

IN THE MATTER OF the designation and disposition of city-owned property, 323 East Houston Street (Tax Block 345, Lot 13), pursuant to the Urban Development Action Area Act of New York State and Section 197-c of the New York City Charter.

The property is proposed for disposition to a corporation, to be formed pursuant to Section 402 of the Not-For-Profit Corporation Law and Article 75 of the Mental Hygiene Law, **to facilitate the rehabilitation of a vacant five-story building**, located on the southerly side of East Houston Street between Attorney and Ridge streets. The building, as rehabilitated, would provide approximately 16 studio apartments **to house homeless chronically mentally ill adults**. The sponsor of the project, tentatively named Bridge House #6, is The Bridge, Inc., a non-profit multi-service agency. The project's financing is to be provided by a direct Federal loan under Section 202 with rent subsidies to be provided under Section 8.

The application was submitted by the Department of Housing Preservation and Development on October 3, 1990.

(On April 17, 1991 Cal. No. 2, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

Nos. 4 and 5

*(Applications for site selection and acquisition, and disposition concerning the
Dance Theatre of Harlem)*

No. 4

CD 9

C 900518 PCM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Department of General Services and the New York City Department of Cultural Affairs pursuant to Section 197-c of the New York City Charter to **select and acquire privately-owned property located at 468 West 152nd Street** (Block 2066; Lot 59), **474-476 West 152nd Street** (Block 2066; Lot 61) and **841-847 St. Nicholas Avenue** (Block 2067; Lots 20, 21, 22 and 120) **for use by a not-for-profit cultural institution for dance rehearsal, support and office space.**

(On April 17, 1991 Cal. No. 3, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

No. 5

CD 9

C 900519 PPM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Department of General Services and the New York City Department of Cultural Affairs pursuant to Section 197-c of the New York City Charter for **the disposition of city-owned property** with community facility restrictions **located at 468 West 152nd Street** (Block 2066; Lot 59), **474-476 West 152nd Street** (Block 2066; Lot 61) and **841-847 St. Nicholas Avenue** (Block 2067; Lots 20, 21, 22 and 120).

(On April 17, 1991 Cal. No. 4, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

BOROUGH OF BRONX

No. 6

CD 5

C 900794 PPX

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of five (5) city-owned properties.

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On April 17, 1991 Cal. No. 5, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

No. 7

CD 7

C 910113 HDX

PUBLIC HEARING:

IN THE MATTER OF the disposition of city-owned property, pursuant to Section 197-c of the New York City Charter.

The property proposed for disposition (Block 3279, lots 25, 29, 30 and 33) comprises 4 vacant lots on part of the block bounded by East 199th Street, Webster Avenue, Oliver Street and Decatur Avenue. These lots are the site for the construction of 69 units of rental housing to be constructed in a single six story residential development, for the elderly and the handicapped, and tentatively known as Edison Arms Apartments. The project's financing is to be provided by a direct Federal loan under Section 202, with 100% of the rent subsidies to be provided under Section 8.

(On April 17, 1991 Cal. No. 6, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 8

CD 7

C 900217 PCQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Queens Borough Public Library pursuant to Section 197-c of the New York City Charter for **site selection and acquisition of property located at 100-01 Northern Boulevard (Block 1695, Lot 3), for use as a branch library and cultural facility.**

(On April 17, 1991 Cal. No. 7, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

No. 9

CD 12

C 910005 PCQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **site selection and acquisition of property located at 175-10 88th Avenue (Block 9833, Lot 4), for use as a shelter for homeless families.**

(On April 17, 1991 Cal. No. 8, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 10

CD 8

C 890702 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Brooklyn Community Board 8 pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section 17a**, changing from a C1-3 District within an R6 District to a C2-3 District within an R6 District property bounded by Pacific Street, a line 150 feet west of Nostrand Avenue, a line midway between Atlantic Avenue and Pacific Street, a line 100 feet west of Nostrand Avenue, Atlantic Avenue, a line 100 feet east of Nostrand Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 150 feet east of Nostrand Avenue, as shown on a diagram dated February 4, 1991.

(On April 17, 1991 Cal. No. 1, the Commission scheduled May 1, 1991 for a public hearing which was duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF MANHATTAN

No. 11

CD 12

C 900407 ZSM

IN THE MATTER OF an application submitted by Fort Tryon Nursing Home pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-90 of the Zoning Resoluitiion to **permit the enlargement of an existing 200-bed nursing home on property located at 801 West 190th Street**, on the north side of West 190th Street, east of Fort Washington Avenue (Block 2180, Lot 570), in an R7-2 district,

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

(On March 20, 1991 Cal. No. 5, the Commission scheduled April 3, 1991 for a public hearing. On April 3, 1991, Cal. No. 16 the hearing was closed.)

For consideration.

Nos. 12, 13 and 14

(Applications for the grant of a ten-year revocable consent to erect a pedestrian bridge, the grant of a permanent access easement and Eighth Amendment to the Plan concerning the Washington Street Urban Renewal Area.)

No. 12

CD 1

C 900416 GFM

IN THE MATTER OF an application submitted by the Battery Park City Authority for **the grant of a ten-year revocable consent to erect a pedestrian bridge and to provide vertical means of access thereto over West Street and Marginal Street, Wharf or Place**, immediately north of Chambers Street and to maintain said bridge pursuant to an agreement with the Board of Education of the City of New York.

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. 10007-1216.

(On March 6, 1991 Cal. No. 1, the Commission scheduled March 20, 1991 for a public hearing. On March 20, 1991 Cal. No. 9, the hearing was continued. On April 3, 1991, Cal. No. 17 the hearing was closed.)

For consideration.

No. 13

CD 1

C 910174 HDM

IN THE MATTER OF the granting of a permanent access easement located within the Washington Street Urban Renewal Area, pursuant to Section 197-c of the New York City Charter.

The permanent access easement, proposed to be granted to the Battery Park City Authority, comprises new Parcel 4A in the Washington Street Urban Renewal Area, at the northeasterly intersection of Chambers and West Streets.

The proposed easement would facilitate the creation of a pedestrian walkway from Stuyvesant High School to Parcel 4A.

(On March 6, 1991 Cal. No. 2, the Commission scheduled March 20, 1991 for a public hearing. On March 20, 1991 Cal. No. 10, the hearing was continued. On April 3, 1991, Cal. No. 18 the hearing was closed.)

For consideration.

No. 14

CD 1

C 900600 HUM

IN THE MATTER OF the Eighth Amendment to the plan for the Washington Street Urban Renewal Area, pursuant to Section 505 of Article 15 of the General Municipal Law (Urban Renewal Law) of New York State and Section 197-c of the New York City Charter.

The proposed amendment makes the following changes to the Washington Street Urban Renewal Plan:

- 1) Delineation of new parcel 4A, now included in existing parcel 4;
- 2) Change of land use for parcel 4A from Public Open Space to Public Access Easement;
- 3) Provision for the construction of the eastern abutments for a pedestrian bridge extending over and above the Route 9A corridor, including but not limited to stairs, elevators and an elevator enclosure.

(On March 6, 1991 Cal. No. 3, the Commission scheduled March 20, 1991 for a public hearing. On March 20, 1991 Cal. No. 11, the hearing was continued. On April 3, 1991, Cal. No. 19 the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 15 and 16

(First amendment to the Brownsville II Urban Renewal Area Plan and a related disposition of city-owned property.)

No. 15

CD 16

C 910156 HUK

IN THE MATTER OF the first amendment to the Brownsville II Urban Renewal Plan, pursuant to Section 505, Article 15 of the General Municipal Law (Urban Renewal Law) of New York State and Section 197-c of the New York City Charter.

The proposed amendment provides for the creation of 4 sites (110 B, 110 C, 110 D and 110 E), from a part of the existing Site 110, comprising the block bounded by East New York Avenue, Powell Street, Liberty Avenue and Sackman Street, as follows:

Site 110B	Block 3677, lot 32
110 C	3677, lots 35 and 36
110 D	3677, lot 38
110E	3677, lot 34
Site 110	Block 3677, lots 1-12, 15, 17, 18, 19, 26-28, 39, 40, 42, 44, 45, 46, 48 and 49.

The proposed amendment also provides for a change in land use for these sites from residential to industrial, various changes in the plan related to "Q" parcels and the deletion of Site E, Block 3525, Lot 25.

This amendment would **facilitate the expansion of a manufacturer of wooden staircases.**

(On March 20, 1991 Cal. No. 2, the Commission scheduled April 3, 1991 for a public hearing. On April 3, 1991, Cal. No. 12 the hearing was closed.)

For consideration.

No. 16

CD 16

C 910157 HDK

IN THE MATTER OF the disposition of city-owned property within the Brownsville II Urban Renewal Area, pursuant to Section 197-c of the New York City Charter.

The proposed disposition comprises the following property on the block bounded by East New York Avenue, Powell Street, Liberty Avenue and Sackman Street:

Site 110 E Block 3677, Lot 34.

This disposition would facilitate the expansion of a manufacturer of wooden staircases.

(On March 20, 1991 Cal. No. 3, the Commission scheduled April 3, 1991 for a public hearing. On April 3, 1991, Cal. No. 13 the hearing was closed.)

For consideration.

No. 17

CD 17

C 900567 DMK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, **for the disposition of one (1) residential city-owned building located at 894 Rutland Road**, Block No. 4605, Lot No. 7.

(On March 20, 1991 Cal. No. 4, the Commission scheduled April 3, 1991 for a public hearing. On April 3, 1991, Cal. No. 14 the hearing was closed.)

For consideration.

No. 18

CD 6

N 910334 HKM

IN THE MATTER OF a communication, dated *March 7, 1991*, from the Executive Director of the Landmarks Preservation Commission regarding the following landmarks designated by the Landmarks Preservation Commission on *February 26, 1991*. (List No. 233) **for the proposed landmarking of the Antonin Dvorak House located at 327 East 17th Street**, Block 923, Lot 18.

For consideration.