

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
WEDNESDAY, APRIL 6, 2011

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**THE COUNCIL**

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*Minutes of the  
STATED MEETING*

*of*  
Wednesday, April 6, 2011, 3:05 p.m.

The President Pro Tempore (Council Member Rivera)  
*Acting Presiding Officer*

Council Members

Christine C. Quinn, Speaker

|                         |                       |                         |
|-------------------------|-----------------------|-------------------------|
| Maria del Carmen Arroyo | Vincent J. Gentile    | James S. Oddo           |
| Charles Barron          | Sara M. Gonzalez      | Annabel Palma           |
| Gale A. Brewer          | David G. Greenfield   | Domenic M. Recchia, Jr. |
| Fernando Cabrera        | Vincent M. Ignizio    | Diana Reyna             |
| Margaret S. Chin        | Robert Jackson        | Joel Rivera             |
| Leroy G. Comrie, Jr.    | Letitia James         | Ydanis A. Rodriguez     |
| Elizabeth S. Crowley    | Peter A. Koo          | James Sanders, Jr.      |
| Inez E. Dickens         | G. Oliver Koppell     | Larry B. Seabrook       |
| Erik Martin Dilan       | Karen Koslowitz       | Eric A. Ulrich          |
| Daniel Dromm            | Bradford S. Lander    | James Vacca             |
| Mathieu Eugene          | Stephen T. Levin      | Peter F. Vallone, Jr.   |
| Julissa Ferreras        | Melissa Mark-Viverito | Albert Vann             |
| Lewis A. Fidler         | Darlene Mealy         | James G. Van Bramer     |
| Daniel R. Garodnick     | Rosie Mendez          | Mark S. Weprin          |
| James F. Gennaro        | Michael C. Nelson     | Jumaane D. Williams     |
|                         |                       | Ruben Wills             |

Excused: Council Members Foster, Halloran, Lappin and Rose.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

*There were 47 Council Members present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.*

**INVOCATION**

The Invocation was delivered by Reverend Susie Elliott, Mt. Paran Baptist Church, 1668 Broadway, Brooklyn, NY 11207.

May we pray.  
And no, oh Lord, thou art our Father.

We are the clay, thou art the potter.  
We are the work of thine hand.  
We thank thee, oh God,  
for all these who are committed to serve.

May they serve with honesty, love and compassion,  
realizing that we are all our brother's keepers,  
and that one day we must give an account of our stewardship.  
May they deliberate and vote,  
not what is politically expedient  
but what is right and just for the people they represent.  
Bless them, oh Lord, we pray, and keep them in health, Amen.

Council Member Mealy moved to spread the Invocation in full upon the Record.

At this point in the Meeting, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individual:

Geraldine Ferraro, 75, former Queens Congresswoman and 1984 Democratic Party Vice-Presidential candidate, died on March 26, 2011 after a twelve year battle with blood cancer. She was the first woman ever to be nominated on the national ticket of a major American political party. She is survived by her husband of 61 years, John, as well as their children Donna, John, and Laura.

At an earlier point in the Meeting, the Speaker (Council Member Quinn) announced the birth of Miles McMichael Wuertele to Council Member Jessica Lappin and her husband Andrew Wuertele. Their eight pound twenty-one inch son was born on April 1, 2011 and is the younger brother to their first child, Luke. Both parents and child are reported to be doing well. In addition, the Speaker (Council Member Quinn) announced the Paris engagement of Council Director of Security, Carl D'Alba, to Council Administrative Services member, Ruthie DeFranco. The Speaker (Council Member Quinn) congratulated them both on this occasion.

**MESSAGES & PAPERS FROM THE MAYOR**

M-442

**Communication from the Mayor – Submitting the name of Robert Carver to the Council for its advice and consent regarding his reappointment to the Environmental Control Board, pursuant to Sections 31 and 1049-a of the City Charter.**

March 16, 2011

The Honorable Christine C. Quinn  
Council Speaker  
City Hall  
New York, NY 10007  
Dear Speaker Quinn:

Pursuant to Sections 31 and 1049-a of the City Charter, I am pleased to present the name of Robert Carver to the City Council for advice and consent regarding his reappointment to the Environmental Control Board.

Mr. Carver is the Board member with experience in the real estate field, and when reappointed he will continue to serve for the remainder of a four-year term expiring on November 24, 2013.

Thank you for reviewing the reappointment of Robert Carver.

Sincerely,  
Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-443

**Communication from the Mayor – Submitting the name of Emily Lally to the Council for its advice and consent regarding her reappointment to the Environmental Control Board, pursuant to Sections 31 and 1049-a of the City Charter.**

March 16, 2011

The Honorable Christine C. Quinn  
Council Speaker  
City Hall  
New York, NY 10007  
Dear Speaker Quinn:

Pursuant to Sections 31 and 1049-a of the City Charter, I am pleased to present the name of Emily Lally to the City Council for advice and consent concerning her reappointment to the Environmental Control Board.

Ms. Lally is the Board member with experience in the field of noise pollution control, and when reappointed she will serve for the remainder of a four-year term expiring on March 5, 2015.

Thank you for reviewing the reappointment of Emily Lally.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-444

**Communication from the Mayor – Submitting the name of Steven C. Russo to the Council for its advice and consent regarding his reappointment to the Environmental Control Board, pursuant to Sections 31 and 1049-a of the City Charter.**

March 16, 2011

The Honorable Christine C. Quinn  
Council Speaker City Hall  
New York, NY 10007

Dear Speaker Quinn:

Pursuant to Sections 31 and 1049-a of the City Charter, I am pleased to present the name of Steven C. Russo to the City Council for advice and consent prior to his reappointment to the Environmental Control Board.

Mr. Russo will continue to serve as the Board member with experience in the field of water pollution control. When reappointed, he will serve for the remainder of a four-year term expiring on March 5, 2013.

Thank you for reviewing the reappointment of Steven Russo.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-445

**Communication from the Mayor – Submitting the name of Douglas Swann to the Council for its advice and consent regarding his appointment to the Environmental Control Board, pursuant to Sections 31 and 1049-a of the City Charter.**

March 16, 2011

The Honorable Christine C. Quinn  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Quinn:"

Pursuant to Sections 31 and 1049-a of the City Charter, I am pleased to present the name of Douglas Swann to the City Council for advice and consent prior to his appointment to the Environmental Control Board.

Mr. Swann is a graduate of The City College of New York with a degree in Engineering, Civil Engineering. He will fill a vacancy on the Board for the member with experience in the field of air pollution control and serve for the remainder of a four-year term expiring on March 5, 2013.

Thank you for reviewing the appointment of Douglas Swann.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

#### LAND USE CALL UPS

M-446

By Council Members Koppell:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226 or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 3661 Waldo Ave., Community Board 8, Application 20115439 TCX shall be subject to review by the Council.**

Coupled on Call-Up Vote

M-447

By Council Members Dickins:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226 or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1207 Amsterdam Avenue, Community Board 9, Application 20115473 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote

M-448

By Council Members Dickins:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226 or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 2888 Broadway, Community Board 9, Application 20115380 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote

M-449

By Council Members Dickens:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226 or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 2099 Frederick Douglass Blvd., Community Board 10, Application 20115485 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote

**LAND USE CALL UP VOTE**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **47**.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

**REPORTS OF THE STANDING COMMITTEES**

**Reports of the Committee on Finance**

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Int. No. 537

**Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor’s executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand twelve.**

The Committee on Finance, to which the annexed proposed local law was referred on April 6, 2011, respectfully

**REPORTS:**

**ANALYSIS:**

Various provisions in the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process during a fiscal year. Such provisions also prescribe dates on which these actions must be taken.

Today, the Finance Committee will vote on legislation that would extend the dates for various actions relating to the budget process for Fiscal 2012, including the date by which the Mayor must submit the proposed executive budget and budget message, the date by which the Council must conclude its hearings on the executive budget, the date by which the Mayor must submit its revenue estimate, the date for budget adoption, as well as other dates for related actions in the budget process.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions relating to certain steps of the budget adoption process would be extended, 9 days on average, as follows:

|   | <u>Charter Date</u>          | <u>Extended Date For FY 2012</u> |
|---|------------------------------|----------------------------------|
| Mayor’s submission of proposed executive budget and budget message  | not later than April 26      | not later than May 5             |
| Mayor’s issuance of ten-year capital strategy   | not later than April 26      | not later than May 5             |
| Borough Presidents’ recommendations in response to Mayor’s executive budget   | not later than May 6         | not later than May 16            |
| Report of the Independent Budget Office on the Mayor’s executive budget   | not later than May 15        | not later than May 24            |
| City Council’s public hearings conclude by on the Mayor’s executive budget  | shall conclude by May 25     | shall June 6                     |
| Date by which if new expense budget is not adopted, the current expense budget and tax rate is deemed extended until such adoption      | by June 5                    | by June 14                       |
| Date by which if new capital budget and program are not adopted, unutilized portion of capital appropriations are deemed reappropriated | by June 5                    | by June 14                       |
| Mayor’s submission of revenue estimate  | not later than June 5        | not later than June 14           |
| <b>Submission of alternative estimate of revenues</b>   | <b>not later than May 15</b> | <b>prior to May 24</b>           |
| Date subsequent to which if Council has not fixed tax rates, DOF may complete rolls and collect property tax at estimated rates         | June 5                       | June 14                          |

The legislation leaves intact the five days which the Mayor has to veto any increases or additions to the budget or any unit of appropriation or any change in any

term and condition as adopted by the Council, as well as the ten day period which the Council has under law to override any such veto.

This legislation would take effect immediately.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Int. No. 537:)**

Int. No. 537

By Council Members Recchia and Cabrera (by request of the Mayor).

**A Local Law in relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand twelve.**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2011 and in relation to the 2012 fiscal year:

1. Notwithstanding any inconsistent provisions of section 248 of the New York city charter, as added by vote of the electors on November 7, 1989, the Mayor shall pursuant to such section issue and publish a ten-year capital strategy as therein described not later than May 5, 2011.

2. Notwithstanding any inconsistent provisions of section 249 of the New York city charter, as added by vote of the electors on November 7, 1989, subdivision a of section 249 as amended by local law number 25 for the year 1998, the Mayor shall pursuant to such section submit a proposed executive budget and budget message as therein described not later than May 5, 2011.

3. Notwithstanding any inconsistent provisions of section 251 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit recommendations in response to the Mayor's executive budget as therein described not later than May 16, 2011.

4. Notwithstanding any inconsistent provisions of section 252 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the executive budget as therein described not later than May 24, 2011.

5. Notwithstanding any inconsistent provisions of section 253 of the New York city charter, as added by vote of the electors on November 7, 1989, the Council shall pursuant to such section hold hearings on the executive budget as therein described, which shall conclude by June 6, 2011.

6. Notwithstanding any inconsistent provisions of subdivision d of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, and subdivision b of section 1516 of the New York city charter, as amended by vote of the electors on November 7, 1989, if an expense budget has not been adopted by June 14, 2011 pursuant to subdivisions a and b of section 254 of the New York city charter, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

7. Notwithstanding any inconsistent provisions of subdivision e of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, if a capital budget and a capital program have not been adopted by June 14, 2011 pursuant to subdivisions a and b of such section, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

8. Notwithstanding any inconsistent provisions of subdivision a of section 1515 of the New York city charter, as amended by vote of the electors on November 7, 1989, the Mayor shall pursuant to such subdivision prepare and submit to the Council an estimate of the probable amount of receipts as therein described not later than June 14, 2011.

9. Notwithstanding any inconsistent provisions of subdivision d of section 1515 of the New York city charter, as added by vote of the electors on November 7, 1989,

any person or organization may pursuant to such subdivision submit an official alternative estimate of revenues as described therein at any time prior to May 24, 2011.

10. Notwithstanding any inconsistent provisions of subdivision a of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if the Council has not fixed the tax rates for the ensuing fiscal year on or before June 14, 2011, the commissioner of finance shall pursuant to such subdivision be authorized to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. The estimated rates shall equal the tax rates for the current fiscal year.

11. Notwithstanding any inconsistent provisions of subdivision b of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if, subsequent to June 14, 2011, the Council shall, pursuant to section 1516 of the New York city charter, fix the tax rates for the ensuing fiscal year at percentages differing from the estimated rates, real estate tax payments shall nevertheless be payable in accordance with subdivision a of section 1516-a of such charter at the estimated rates, where the commissioner of finance has exercised the authority granted by subdivision a of section 1516-a of such charter to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax rates fixed by the Council pursuant to section 1516 of such charter, and an amended bill for the installment or installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

§2. This local law shall take effect immediately.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 6, 2011.

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 537:)**

**THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007**

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

**A LOCAL LAW**

A Local Law in relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand twelve.

Given under my hand and seal this 6<sup>th</sup> day of April, 2011 at City Hall in the City of New York

\_\_\_\_\_  
Michael R. Bloomberg  
Mayor

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Res. No. 714-A

**Report of the Committee on Finance in favor of approving, as amended, a Resolution concerning the establishment of the Atlantic Avenue Business Improvement District in the Borough of Brooklyn and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.**

The Committee on Finance, to which the annexed amended resolution was referred on March 23, 2011 (Minutes, page 812), respectfully

**REPORTS:**

**PROPOSED 714-A:**

This Proposed Resolution is required by Chapter 4 of Title 25 of the New York City Administrative Code, as amended by Local Law 82 of 1990, which authorized the City Council to establish Business Improvement Districts (BIDs).

The main purpose of this Proposed Resolution is to set the public hearing date, time and place for the review of the local law, which would establish the Atlantic Avenue Business Improvement District.

The hearing on the local law and the BID plan will be held on April 28, 2011 at 10:00 a.m. in 16th Floor Committee Room at 250 Broadway to hear all persons interested in the establishment of the District.

This Proposed Resolution also directs that all notices required under the BID law be properly given by the Department of Small Business Services and the Atlantic Avenue BID Steering Committee, respectively.

BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Res. No. 714-A:)**

Res. No. 714-A

**Resolution concerning the establishment of the Atlantic Avenue Business Improvement District in the Borough of Brooklyn and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.**

By Council Members Recchia, Cabrera and James.

**WHEREAS**, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated October 12, 2010, provided for the preparation of a district plan (the "Plan") for the Atlantic Avenue Business Improvement District (the "District") in the Borough of the Brooklyn; and

**WHEREAS**, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission (the "CPC") on October 13, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on October 15, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on October 15, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community board (Brooklyn Community Board Number 2, hereinafter

the "Community Board") for the community district in which the proposed District is located on October 15, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

**WHEREAS**, on November 10, 2010, the Community Board voted to approve the establishment of the District; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the Plan; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the City Council and to the Council Member representing the council district in which the proposed District is located; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on January 5, 2011; and

**WHEREAS**, pursuant to section 25-406 (a) of the Law, a copy of the Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

**WHEREAS**, pursuant to section 25-406 (a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

**WHEREAS**, pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

**WHEREAS**, pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) April 28, 2011 is the date and 10:00 a.m. is the time and the City Council Committee Room, 16th Floor, 250 Broadway is the place for a public hearing (the "Public Hearing") to hear all persons interested in the establishment of the District;

(ii) the Atlantic Avenue BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;

(iii) the Department of Small Business Services shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the Atlantic Avenue BID Steering Committee mails, or the Department of Small Business Services arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 764

**Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

The Committee on Finance, to which the annexed resolution was referred on April 6, 2011, respectfully

**REPORTS:**

**Introduction.** The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

**Analysis.** This Resolution, dated April 6, 2011, amends the description for the Description/Scope of Services for the American-Italian Coalition of Organizations, Inc. (AMICO), an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "ESL/CIVIC Services for Staten Island and parts of Brooklyn." This Resolution now changes the Description/Scope of Services to read: "ESL/Civic Services for Brooklyn."

Also, this Resolution amends the description for the Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To fund Beyond-the-Arc CYO Basketball Camp." This Resolution now changes the Description/Scope of Services to read: "Funding to support the soccer program."

Also, this Resolution amends the description for the Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To fund the Catholic Youth Organization division." This Resolution now changes the Description/Scope of Services to read: "To purchase art supplies for the after-school program."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Midtown Management Group, Inc., an organization receiving local discretionary funding in the amount of \$25,000 within the budget of the Department of Cultural Affairs. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To provide senior center workshop programs at five senior centers in the 28th Council District. Locations: 1) Brooks Senior Center; 2) JSPOA (Rockaway Blvd) Senior Center; 3) JSPOA (South Jamaica) Senior Center; 4) Rochdale Village Senior Center; 5) United Hindu Cultural Center." This Resolution now changes the Description/Scope of Services to read: "To provide senior center workshop programs at Baisley Park Senior Center."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Harlem Community Development Corporation, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Funding to support the Harlem African Burial Ground Task Force." This Resolution now changes the Description/Scope of Services to read: "To support efforts to preserve and memorialize the history of the Harlem African Burial Ground."

Also, this Resolution amends the description for the Description/Scope of Services for the United Senior Citizen Center of Sunset Park, Inc., an organization receiving local discretionary funding in the amount of \$70,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Will be providing services for community networking events co-sponsored with the office of Councilwomen. The population being served come from different

background." This Resolution now changes the Description/Scope of Services to read: "Elevator Project funding." In addition, this Resolution clarifies that on February 16, 2011, the Council passed a Transparency Resolution in which funding in the amount of \$70,000 for the United Senior Citizen Center for Sunset Park, Inc. was removed and provided to the Discipleship Outreach Ministries, Inc. (d/b/a Turning Point), pending a budget modification. The budget modification needed to effectuate this transfer has not occurred and the funding still rests with United Senior Citizen Center for Sunset park Inc. This Resolution, dated April 6, 2011, removes funding in the amount of \$55,000 from the United Senior Citizen Center for Sunset Park, Inc. and provides such amount to the Discipleship Outreach Ministries, Inc. (d/b/a Turning Point), pending a budget modification. Funding in the amount of \$15,000 will remain with the United Senior Citizen Center for Sunset Park, Inc.

Also, this Resolution amends the description for the Description/Scope of Services for the Together We Are, an organization receiving local discretionary funding in the amount of \$16,875 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To provide home delivered meals for postpartum mothers." This Resolution now changes the Description/Scope of Services to read: "To purchase food to be provided to members of the community in need."

Also, this Resolution amends the description for the Description/Scope of Services for the Bobbi and the Strays, Inc. an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To supplement rent and support spay/neutering program for abandoned animals." This Resolution now changes the Description/Scope of Services to read: "Support for educational programs in local schools on animal cruelty. Moreover, this Resolution amends the description for the Description/Scope of Services for the Metropolitan Waterfront Alliance, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Fund Children and Families Activities on July 18, 2010 at Governors Island." This Resolution now changes the Description/Scope of Services to read: "Fund Children and Families Activities on July 24, 2010 at Governors Island. Also, this Resolution amends the description for the Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "The grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in Council District 3. They distribute our publications throughout the city, including many schools, after-school programs and other organizations in Council District 3." This Resolution now changes the Description/Scope of Services to read: "This grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in District 3 currently attending school at City-as-School, Landmark, and at Fashion Industries. We distribute our publications throughout the city, including many schools, after school programs and other organizations in the district 3."

Also, this Resolution amends the description for the Description/Scope of Services for the Notes in Motion, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Arts program in Public School 63M." This Resolution now changes the Description/Scope of Services to read: "After-School Performance and Dance program in Public School 63M. Also, this Resolution amends the description for the Description/Scope of Services for the Our Firefighter's Children's Foundation, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Provide affordable educational art venues to school-age children in Council District 21." This Resolution now changes the Description/Scope of Services to read: "Provide affordable educational art venues to school-age children in Council District 21 with an after school program."

Additionally, this Resolution amends the description for the Description/Scope of Services for the City-ARTS, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "For the youth jazzmobile mural project at the Jackie Robinson park. CITYarts is partnering with the jazz music non-profit organization Jazzmobile to produce a permanent, large-scale mural in Jackie Robinson Park in West Harlem that addresses themes of African-American heritage. This mural will be a unique experience from

previous CITYarts murals, as musicians from Jazzmobile will supplement each day of painting with jazz music performances, thereby enhancing the experience for our youth and community volunteers and perhaps even influencing a more fluid and creative outcome on the actual mural. The rest of our creative process will follow the same general outline as all of our public mural projects: workshops will take place with a professional artist and youth volunteers during June, and painting will take place from July 1, 2010-September 30, 2010." This Resolution now changes the Description/Scope of Services to read: "During the summer of 2010, CITYarts will continue its work with Harlem RBI and professional New York artist, Maria Berrio, to create a large mural with the youth of Harlem. Work will begin with a series of workshops facilitated by Berrio and in collaboration with artist, Jordan Taler. Following these creative exercises, the kids of Harlem RBI will work with Berrio on a large-scale mural project, measuring approximately 10 x 25 feet. Some of the workshops will include poetry writing and drawing portraits; CITYarts is planning to incorporate them in a self-published book." Moreover, this Resolution amends the description for the Description/Scope of Services for the Women's Expressive Theater, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To support WET's Risk Takers Series, a citywide free outreach empowerment program for teenage girls. Risk Takers serves 150 girls from throughout NYC, with 10 attending schools in Christine Quinn's District. The girls come from primarily low income backgrounds and represent all cultural and ethnic backgrounds. The program uses film as a launching pad for important issues including sex, sexuality, drugs, alcohol, peer pressure, domestic violence and more. The girls discuss these subjects under the guidance of volunteer mentors who are women with backgrounds in education and social work. The girls also meet face to face with inspiring women from each film screened - actors, writers and directors. They learn about the challenges these women have faced and how they have taken empowered risks to achieve their dreams. The program builds girls' self-esteem and helps them make healthy empowered choices." This Resolution now changes the Description/Scope of Services to read: "WET mentors young women interested in working in the arts and production, through a comprehensive internship program, which provides women in the beginning of their careers skills in script coverage, sales, marketing, public speaking, grant writing, sponsorship proposals and leadership skills. These internships often culminate with WET suggesting and securing paid positions for the intern in the entertainment industry. This mentorship program helps young women (new college graduates or college students) to gain confidence in themselves as professionals, by apprenticing powerful and experienced women working in leadership positions, who provide inspiration, encouragement and an education needed in today's business world."

Also, this Resolution amends the description for the Description/Scope of Services for the Early Stages Program, Inc., an organization receiving youth discretionary funding in the amount of \$70,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To fund storytelling program in 14 elementary schools in School District 26 and 29." This Resolution now changes the Description/Scope of Services to read: "Fund live theatre programs and related operational costs."

Also, this Resolution amends the description for the Description/Scope of Services for the Central Harlem Senior Citizens Coalition, Inc., an organization receiving aging discretionary funding in the amount of \$28,000 within the budget of the Department for the Aging. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "'Senior Chat' (Telephone Reassurance Program). Volunteers Telephone homebound senior in the community." This Resolution now changes the Description/Scope of Services to read: "For 'Senior Chat' Telephone Reassurance Program and 'Healthy Living for Longer Life' overnight senior retreat providing Healthy Living and Healthy Eating seminars and activities."

Moreover, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. This Resolution also approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of organizations receiving local and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in

Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-7; sets forth new designations and changes in the designation of organizations that will receive local discretionary funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 8; and sets forth new designations and changes in the designation of organizations that will receive youth discretionary funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 9.

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010, or the Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009; name of the organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative in the Fiscal 2011 Expense Budget. Funding in the amount of \$40,000 for the Department of Health and Mental Hygiene within the budget of the Department of Health and Mental Hygiene has been removed, and will be provided to Alianza Dominicana, Inc.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to a Partial PEG Restoration-Senior Closings. As indicated in Chart 5, funding for the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc. in the amount of \$152,540 will be removed, and be provided to the Jewish Association for Services for the Aged (JASA) - Dreiser Senior Center; Regional Aid for Interim Needs, Inc. - Tolentine Zeiser Nutrition Program; Jewish Association for Services for the Aged (JASA) - JASA Holliswood Center; United Jewish Council of the East Side, Inc. - Lillian Wald Senior Center; the United Senior Citizen Center of Sunset Park, Inc.; Emerald Isle Immigration Center; Peter Cardella Senior Citizen Center, Inc.; Queensboro Council for Social Welfare, Inc.; Rabbi Israel Meyer Hachohen Rabbinical Seminary of America, Inc.; Ridgewood Older Adult Center and Services, Inc.; Sacred Heart Seniors Community Guild; and Polonians Organized to Minister Our Community (POMOC), Inc. in various amounts within the budget of the Department for the Aging.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in the Fiscal 2011 Expense Budget. Funding in the amount of \$24,796.08 for the Queens Health Coalition, Inc. within the budget of the Department of Health and Mental Hygiene has been removed, and will be provided to SIDS of PA, Inc. The purpose of funding for this organization will read: "Funding to provide cribs to families in need in Queens."

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/Faith Based Initiative in the Fiscal 2011 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2010 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2010 Expense Budget. As indicated in Chart 9, the fiscal conduit, Bergen Basin Community Development Corporation d/b/a Millennium Development, for the 61st Precinct Explorer Program has been removed.

It is to be noted that organizations identified in the attached Charts with an asterisk (\*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (\*\*) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2011 and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Res. No. 764:)**

Res. No. 764

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Recchia.

**Whereas,** On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the American-Italian Coalition of Organizations, Inc. (AMICO), an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: "ESL/Civic Services for Brooklyn."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "To purchase art supplies for the after-school program."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Midtown Management Group, Inc., an organization receiving local discretionary funding in the amount of \$25,000 within the budget of the Department of Cultural Affairs to read: "To provide senior center workshop programs at Baisley Park Senior Center."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Harlem Community Development Corporation, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development to read: "To support efforts to preserve and memorialize the history of the Harlem African Burial Ground."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the United Senior Citizen Center of Sunset Park, Inc., an organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "Elevator Project funding."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Together We Are, an organization receiving local discretionary funding in the amount of \$16,875 within the budget of the Department of Youth and Community Development to read: "To purchase food to be provided to members of the community in need."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Bobbi and the Strays, Inc. an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: "Support for educational programs in local schools on animal cruelty."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Metropolitan Waterfront Alliance, Inc., an

organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development . The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense to read: "Fund Children and Families Activities on July 24, 2010 at Governors Island."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "This grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in District 3 currently attending school at City-as-School, Landmark, and at Fashion Industries. We distribute our publications throughout the city, including many schools, after school programs and other organizations in the district 3."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Notes in Motion, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "After-School Performance and Dance program in Public School 63M."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Our Firefighter's Children's Foundation, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "Provide affordable educational art venues to school-age children in Council District 21 with an after school program."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Additionally, this Resolution amends the description for the Description/Scope of Services for the City-ARTS, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "During the summer of 2010, CITYarts will continue its work with Harlem RBI and professional New York artist, Maria Berrio, to create a large mural with the youth of Harlem. Work will begin with a series of workshops facilitated by Berrio and in collaboration with artist, Jordan Taler. Following these creative exercises, the kids of Harlem RBI will work with Berrio on a large-scale mural project, measuring approximately 10 x 25 feet. Some of the workshops will include poetry writing and drawing portraits; CITYarts is planning to incorporate them in a self-published book."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Women's Expressive Theater, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "WET mentors young women interested in working in the arts and production, through a comprehensive internship program, which provides women in the beginning of their careers skills in script coverage, sales, marketing, public speaking, grant writing, sponsorship proposals and leadership skills. These internships often culminate with WET suggesting and securing paid positions for the intern in the entertainment industry. This mentorship program helps young women (new college graduates or college students) to gain confidence in themselves as professionals, by apprenticing powerful and experienced women working in leadership positions, who provide inspiration, encouragement and an education needed in today's business world."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Early Stages Program, Inc., an organization receiving youth discretionary funding in the amount of \$70,000 within the budget of the Department of Youth and Community Development to read: "Fund live theatre programs and related operational costs."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Central Harlem Senior Citizens Coalition, Inc., an organization receiving aging discretionary funding in the amount of \$28,000 within the budget of the Department for the Aging to read: "For "Senior Chat" Telephone Reassurance Program and "Healthy Living for Longer Life" overnight senior retreat providing Healthy Living and Healthy Eating seminars and activities."

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance therewith; now, therefore be it

**Resolved,** That the City Council approves the new Description/Scope of Services for the American-Italian Coalition of Organizations, Inc. (AMICO), an organization receiving funding pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic Services for Brooklyn.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To purchase art supplies for the after-school program.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Midtown Management Group, Inc., an organization receiving local discretionary funding in the amount of \$25,000 within the budget of the Department of Cultural Affairs to read: “To provide senior center workshop programs at Baisley Park Senior Center.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Harlem Community Development Corporation, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development to read: “To support efforts to preserve and memorialize the history of the Harlem African Burial Ground.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the United Senior Citizen Center of Sunset Park, Inc., an organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: “Elevator Project funding.”;

**Resolved,** That the City Council approves the new Description/Scope of Services for the Together We Are, an organization receiving local discretionary funding in the amount of \$16,875 within the budget of the Department of Youth and Community Development to read: “To purchase food to be provided to members of the community in need.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Bobbi and the Strays, Inc. an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: “Support for educational programs in local schools on animal cruelty”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Metropolitan Waterfront Alliance, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development . The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense to read: “Fund Children and Families Activities on July 24, 2010 at Governors Island.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “This grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in District 3 currently attending school at City-as-School, Landmark, and at Fashion Industries. We distribute our publications throughout the city, including many schools, after school programs and other organizations in the district 3.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Notes in Motion, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “After-School Performance and Dance program in Public School 63M.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Our Firefighter's Children's Foundation, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “Provide affordable educational art venues to school-age children in Council District 21 with an after school program.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the City-ARTS, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “During the summer of 2010, CITYarts will continue its work with Harlem RBI and professional New York artist, Maria Berrio, to create a large mural with the youth of Harlem. Work will begin with a series of workshops facilitated by Berrio and in collaboration with artist, Jordan Taler. Following these creative exercises, the kids of Harlem RBI will work with Berrio on a large-scale mural project, measuring approximately 10 x 25 feet. Some of the

workshops will include poetry writing and drawing portraits; CITYarts is planning to incorporate them in a self-published book.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic Services for Brooklyn.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Women's Expressive Theater, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “WET mentors young women interested in working in the arts and production, through a comprehensive internship program, which provides women in the beginning of their careers skills in script coverage, sales, marketing, public speaking, grant writing, sponsorship proposals and leadership skills. These internships often culminate with WET suggesting and securing paid positions for the intern in the entertainment industry. This mentorship program helps young women (new college graduates or college students) to gain confidence in themselves as professionals, by apprenticing powerful and experienced women working in leadership positions, who provide inspiration, encouragement and an education needed in today's business world.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Early Stages Program, Inc., an organization receiving youth discretionary funding in the amount of \$70,000 within the budget of the Department of Youth and Community Development to read: “Fund live theatre programs and related operational costs.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Central Harlem Senior Citizens Coalition, Inc., an organization receiving aging discretionary funding in the amount of \$28,000 within the budget of the Department for the Aging to read: “For "Senior Chat" Telephone Reassurance Program and "Healthy Living for Longer Life" overnight senior retreat providing Healthy Living and Healthy Eating seminars and activities.”; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Fiscal 2011 Partial PEG Restoration-Senior Center Closing, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV-Faith Based Initiative, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 9.

ATTACHMENT:

CHART 1: Local Initiatives

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agency #, U/A, Fiscal Conduit/Sponsoring Organization, EIN, Fiscal Conduit. Lists various local initiatives and their funding details.

CHART 1: Local Initiatives (continued)

Continuation of CHART 1 table, listing additional local initiatives and their funding details.

CHART 2: Aging Discretionary

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agency #, U/A, Fiscal Conduit/Sponsoring Organization, EIN, Fiscal Conduit. Lists aging discretionary initiatives.

CHART 3: Youth Discretionary

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agency #, U/A, Fiscal Conduit/Sponsoring Organization, EIN, Fiscal Conduit. Lists youth discretionary initiatives.

\*\*\* Requires a budget modification for the changes to take effect

\*\*\* Requires a budget modification for the changes to take effect

\*\*\* Indicates pending completion of pre-qualification review.

CHART 5: FY2011 Partial PEG Restoration-Senior Center Closings

| Organization   | EIN Number | Agency | Amount         | Agy # | UJA * |
|--|------------|--------|----------------|-------|-------|
| Glenridge Senior Citizen Multi-Service & Advisory Center, Inc.               | 11-2327136 | DFTA   | (\$152,540.00) | 125   | 003   |
| Jewish Association for Services for the Aged (JASA) - Dreiser Senior Center  | 13-2620896 | DFTA   | \$20,447.00    | 125   | 003   |
| Regional Aid for Interim Needs, Inc. - Tolentine Zeiser Nutrition Program    | 13-6213588 | DFTA   | \$19,882.00    | 125   | 003   |
| Jewish Association for Services for the Aged (JASA) - JASA Holliswood Center | 13-2620896 | DFTA   | \$21,211.00    | 125   | 003   |
| United Jewish Council of the East Side, Inc. - Lillian Wald Senior Center    | 13-2735376 | DFTA   | \$20,000.00    | 125   | 003   |
| United Senior Citizen Center of Sunset Park, Inc.                            | 11-2358277 | DFTA   | \$35,000.00    | 125   | 003   |
| Emerald Isle Immigration Center  | 11-2332528 | DFTA   | \$5,000.00     | 125   | 003   |
| Peter Cardella Senior Citizen Center, Inc.                                   | 11-2328536 | DFTA   | \$10,000.00    | 125   | 003   |
| Queensboro Council for Social Welfare, Inc.                                  | 11-1817497 | DFTA   | \$4,000.00     | 125   | 003   |
| Rabbi Israel Meyer Hacohen Rabbinical Seminary of America, Inc.              | 11-1752021 | DFTA   | \$10,000.00    | 125   | 003   |
| Ridgewood Older Adult Center and Services, Inc.                              | 05-0607283 | DFTA   | \$3,000.00     | 125   | 003   |
| Sacred Heart Seniors Community Guild   | 11-1666876 | DFTA   | \$1,000.00     | 125   | 003   |
| Polonians Organized to Minister Our Community (POMOC), Inc.                  | 11-2594500 | DFTA   | \$3,000.00     | 125   | 003   |

\* Indicates pending completion of pre-qualification review.

CHART 4: Mental Health Contracts Initiative

| Organization                            | EIN Number | Agency | Amount        | Agy # | UJA * |
|---|------------|--------|---------------|-------|-------|
| Department of Health and Mental Hygiene | 13-6400434 | DOHMH  | (\$40,000.00) | 816   | 120   |
| Alupza Dominicana, Inc.                 | 13-3402057 | DOHMH  | \$40,000.00   | 816   | 120   |

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 7: HIV/AIDS Faith Based Initiative

| Organization                                  | EIN Number | Agency | Amount       | Agy # | UJA * |
|---|------------|--------|--------------|-------|-------|
| Bedford Stuyvesant Family Health Center, Inc. | 11-2412205 | DOHMH  | (\$6,400.00) | 816   | 112   |
| Powerful Praise Tabernacle                    | 06-1530040 | DOHMH  | \$6,400.00   | 816   | 112   |
| Church of the Open Door                       | 11-1683755 | DOHMH  | (\$6,400.00) | 816   | 112   |
| Judah International Christian Center, Inc.    | 11-3352075 | DOHMH  | \$3,200.00   | 816   | 112   |
| Brooklyn AIDS Task Force, Inc.                | 11-3037208 | DOHMH  | \$3,200.00   | 816   | 112   |

\* Indicates pending completion of pre-qualification review.

CHART 6: Infant Mortality Reduction Initiative

| Organization                  | EIN Number | Agency | Amount        | Agy # | UJA * |
|-------------------------------|------------|--------|---------------|-------|-------|
| Queens Health Coalition, Inc. | 11-3320584 | DOHMH  | (\$24,796.08) | 816   | 113   |
| SIDS of PA, Inc.              | 25-1442806 | DOHMH  | \$24,796.08   | 816   | 113   |

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 8: Local Initiatives-Fiscal 2010

| Member  | Organization                                   | EIN Number | Agency | Amount        | Agcy # | U/A | Fiscal Conduit/Sponsoring Organization | Fiscal Conduit EIN |
|---------|--|------------|--------|---------------|--------|-----|--|--------------------|
| Ignizio | St. Clare's School                             | 13-5595833 | DYCD   | (\$20,000.00) | 260    | 312 |  |                    |
| Recchia | St. Clare's School                             | 13-2690367 | DYCD   | \$20,000.00   | 260    | 312 |  |                    |
| Recchia | Coney Island Generation Gap Reunison Committee | 20-8662533 | DYCD   | (\$11,000.00) | 260    | 312 | South Brooklyn Youth Consortium        | 03-0387372         |
| Recchia | Coney Island Generation Gap Reunison Committee | 20-8662533 | DYCD   | \$11,000.00   | 260    | 312 |  |                    |

\* Indicates pending completion of pre-qualification review.

CHART 9: Youth Discretionary-Fiscal 2010

| Member | Organization                   | EIN Number | Agency | Amount       | Agcy # | U/A | Fiscal Conduit/Sponsoring Organization                                     | Fiscal Conduit EIN |
|--------|--------------------------------|------------|--------|--------------|--------|-----|--|--------------------|
| Fidler | 61st Precinct Explorer Program | 13-5400434 | DYCD   | (\$4,000.00) | 260    | 312 | Bergen Basin Community Development Corporation db/a Millennium Development | 11-3199040         |
| Fidler | 61st Precinct Explorer Program | 13-5400434 | DYCD   | \$4,000.00   | 260    | 312 |  |                    |

\* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES

G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 365

**Report of the Committee on Finance in favor of approving Block 2394, Lot 25, Block 2395, Lot 25, Block 2419, Lot 12, Block 2432, Lot 25, Block 2438, Lot 20, Brooklyn, Council District 34.**

The Committee on Finance, to which the annexed Land Use resolution was referred on April 6, 2011, respectfully

**REPORTS:**

(The following is the text of a Memo sent to the Finance Committee from the Finance Division of the New York City Council:)

April 6, 2011

TO: Hon. Domenic M. Recchia, Jr.  
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of April 6, 2011-Resolution approving tax exemptions for two preconsidered Land Use Items (Council District 34).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: Los Sures I and Los Sures II in Councilmember Reyna's District.

Los Sures I contains two building that provides 42 units of rental housing for persons of low income. The sponsor, Los Sures SIP Housing Development Fund Corporation, will rehabilitate the property with financing from the City and private lenders. In order to keep the project financially viable and provide affordable housing, HPD is requesting a new exemption that is coterminous with the 40-year term of the new HPD regulatory agreement. The value of the tax exemption is projected to be \$71,500 in the first year of the exemption and \$5.3 million over the 40-year period of the exemption.

Los Sures II contains five building that provides 106 units of rental housing for persons of low income. The sponsor, Los Sures SIP Housing Development Fund Corporation, will rehabilitate the property with financing from the City and private lenders. In order to keep the project financially viable and provide affordable housing, HPD is requesting a new exemption that is coterminous with the 40-year term of new the HPD regulatory agreement. The value of the tax exemption is projected to be \$160,000 in the first year of the exemption and \$12.1 million over the 40 year period of the exemption.

This item has the approval of Council Member Reyna.

In connection herewith, Council Member Recchia offered the following resolution:)

Res. No. 769

**Resolution approving an exemption from real property taxes for property located at (Block 2394 Lots 20, Block 2395 Lot 25, Block 2419 Lot 12, Block 2432 Lot 15, Block 2438 Lot 20) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 365).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 7, 2011 that the Council take the following action regarding a housing project to be located at Block 2394 Lots 20, Block 2395 Lot 25, Block 2419 Lot 12, Block 2432 Lot 15, Block 2438 Lot 20) Brooklyn ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

**WHEREAS**, the Council held a hearing on the Project on April 6, 2011;

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption;

**RESOLVED:**

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

- (a) "Effective Date" shall mean the later of (A) the date of conveyance of the Exemption Area from the Original HDFC to the New HDFC, and (B) the date that HPD and the New HDFC enter into the New Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2394, Lot 20, Block 2395, Lot 25, Block 2419, Lot 12, Block 2432, Lot 25 & Block 2438 Lot 20 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "New HDFC" shall mean Los Sures SIP Housing Development Fund Corporation.
- (f) "Original HDFC" shall mean collectively the housing development fund corporations that currently own the Exemption Area.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean the New HDFC or any future owner of the Exemption Area.
- (h) "New Regulatory Agreement" shall mean the regulatory agreement between HPD and the New HDFC, as amended, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

- 3. Notwithstanding any provision hereof to the contrary,
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the New Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
- 4. In consideration of the Exemption, the New HDFC shall (i) execute and record the New Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation except for an exemption and /or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 366

**Report of the Committee on Finance in favor of approving Los Sures, Block 2419, Lots 7 and 9, Brooklyn, Council District 34.**

The Committee on Finance, to which the annexed Land Use resolution was referred on April 6, 2011, respectfully

**REPORTS:**

**(For text of Memo, please see the Report of the Committee on Finance for L.U. No. 365 printed in these Minutes.)**

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Recchia offered the following resolution:)

Res. No. 770

**Resolution approving an exemption from real property taxes for property located at (Block 2419, Lots 7, and 9) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 366).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 7, 2011 that

the Council take the following action regarding a housing project to be located at **(Block 2419, Lots 7, and 9) Brooklyn** ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

**WHEREAS**, the Council held a hearing on the Project on April 6, 2011;

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption;

**RESOLVED:**

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

(a) "Effective Date" shall mean, with respect to each multiple dwelling, the effective date indicated in Exhibit A annexed hereto.

(b) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2419, Lots 7 & 9 on the Tax Map of the City of New York

(d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(e) "New HDFC" shall mean Los Sures SIP Housing Development Fund Corporation.

(f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(g) "Owner" shall mean the New HDFC or any future owner of the Exemption Area.

(h) "New Regulatory Agreement" shall mean the regulatory agreement between HPD and the New HDFC, as amended, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary,

a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the New Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice

is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.

4. In consideration of the Exemption, the New HDFC shall (i) execute and record the New Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation except for an exemption and /or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Housing and Buildings**

Report for Int. No. 341-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to allowing large solar rooftop installations.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on April 6, 2011, respectfully

**REPORTS:**

**BACKGROUND AND ANALYSIS:**

On April 6, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 341-A, a Local Law to amend the Administrative Code of the City of New York and the New York City Building Code, in relation to allowing large solar rooftop installations and Proposed Int. 358-A, a Local Law to amend the Administrative Code of the City of New York and the New York City Building Code, in relation to combined heat and power systems. On October 20, 2010, the Committee heard earlier versions of these bills and received testimony from representatives of the Mayor's Office of Long-Term Planning and Sustainability, the Department of Buildings and other persons interested in the legislation. Amendments to the bills before the Committee today were made following this initial hearing.

**Renewable Energy Background**

Energy shortages are by no means new in the history of modern man<sup>1</sup> but most Americans trace their initial awareness of the issues surrounding fossil fuel consumption to the global oil shortages of the 1970s.<sup>2</sup> It was then that policymakers became attentive to the fact that the limited supplies of imported fossil fuels would not indefinitely meet the rising energy demands of Americans. . Our society and our planet need energy sources that can meet our demands — and the focus should be on sources that are sustainable, affordable and that contribute to energy independence. The Sun has the potential to meet our global energy needs by a factor of 1500.<sup>3</sup> The energy from forty (40) minutes of solar radiation upon the Earth is equivalent to

for the Lower Ma—

<sup>1</sup> Stephen F. Williams, Mandating Solar Hot Water Heating in New Residential Construction By Local Governments: An Energy Policy Perspective on Solar Hot Water Equipment Mandates, 1 UCLA J. Envtl. L. & Pol'y 135 (Spring 1981) (describing attempts by the English Parliament to address shortages and escalating prices of wood).

<sup>2</sup> Sanya Carleyolsen, Tangled in the Wires: An Assessment of the Existing U.S. Renewable Energy Legal Framework, 46 Nat. Resources J. 759, 761 (Summer 2006).

<sup>3</sup> Jessika Ebba Trancik, Photovoltaics—A Niche Market Distraction or a Global Energy Solution?, 11 Geo. Public Pol'y Rev. 69, 71 (Winter 2006).

global energy consumption for a year.<sup>4</sup> The sun's energy is widely distributed and could provide energy independence for a number of countries, in addition to our own, and for isolated areas off or distant from the electrical grid.<sup>5</sup>

Currently, water heating for domestic and industrial use relies heavily on fossil fuels, such as oil and natural gas. Both of these fuels are major sources of global warming pollution and pollutants, like smog, which impair residents' health and cost New York City, according to estimates used by the Clean Air Task Force, more than \$6 billion annually in health-related expenses.<sup>6</sup> With the City's population estimated to grow by more than 1 million residents by 2030, we can expect more buildings and more demand for fossil fuels to heat our water, despite our obligation to decrease emissions and to reduce the impact our energy demands place upon the health and well-being of our residents.

Moreover, as mandated by Local Law 22 of 2008, known as the New York City Climate Protection Act, City operations must decrease its greenhouse gas emissions by 30 percent by 2017 and within the City overall by 30% by 2030. Energy efficiency alone will not allow the City to meet these requirements; the City must increase its use of renewable energy. The Mayor's PlaNYC 2030 ("PlaNYC") estimates that demand will increase by 25 percent by 2030.<sup>7</sup> PlaNYC notes that "with limited land available to build new power plants, our challenge is to find a new approach to improve the City's long-term energy outlook."<sup>8</sup> According to PlaNYC, it is predicted that wholesale energy prices will increase 60 percent between 2005 and 2030.<sup>9</sup> Furthermore, our additional electricity needs are currently projected to be met mostly through the use of more natural gas and petroleum with only a small percent increase in overall renewable energy supply.<sup>10</sup>

If our energy supply does not get cleaner, we can expect dirtier air with the health and well-being problems associated with that condition. According to the Center for Sustainable Energy at Bronx Community College,<sup>11</sup> power plant emissions annually contribute to over one thousand deaths and twenty-five thousand asthma attacks in the metropolitan area. The Center also notes that "the cost of power plant emissions on public health in New York City is estimated to be over \$6 billion each year."<sup>12</sup> According to PlaNYC 2030, in 2000, asthma hospitalization rates for children in New York City were almost twice the national average – in the Bronx, the rate was almost four times the national average. The expected 25 percent increase in electricity demand by 2030 promises to cause significantly more harm to our health, especially to the health of children and the elderly.

Solar energy is considered by many to be very desirable among renewable energy sources because it is almost pollution free<sup>13</sup> and would reduce greenhouse gas emissions. By contrast, our current energy consumption patterns leave us vulnerable to energy instability and the adverse affects of climate change. As its use grows, solar power can also help alleviate electricity supply and demand issues, especially during the City's peak demand periods; summer afternoons. During these times, Con Ed and National Grid often direct almost all of their power supply into the grid – leaving little-to-no room to spare. In this way, beyond the environmental benefits, solar power can help ensure power during these periods. PlaNYC 2030 recognizes that renewable energy has the potential to play a significant role in New York City's energy supply, and of all renewable sources, solar has the greatest potential to generate electricity within the five boroughs. Provisions in the Building Code, however, make it unduly burdensome to install solar power systems and other distributed energy equipment on roofs. The most widely-used methods of converting solar energy into electricity are photovoltaic, solar thermal and combined heat and power technologies.

#### **a. The Photovoltaic Process**

The photovoltaic (PV) process to generate solar power uses individual solar cells aligned together to form a solar panel, covered by a thin sheet of glass, and includes a support structure, a collection system and an inverter to convert the direct current to alternating current. The PV panel rests on a structure, such as a rooftop or telephone pole. The energy that it generates by converting absorbed sunlight into electricity can be used in a wide variety of applications such as providing electricity to the building on which it has been installed, enabling roadside telephones, parking meters, street lights, traffic signals, recharging batteries and powering equipment. Photovoltaic energy is very environmentally friendly as it produces little waste.<sup>14</sup> According to the Center for Responsive Law, PV is "mobile, silent, durable,

for the Lower Ma\_\_\_\_\_

<sup>4</sup>Ken Zweibel, James Mason and Vasilis Fthenakis, A Solar Grand Plan, Scientific American Magazine, January 2008, [www.sciam.com/article.cfm?id=a-solar-grand-plan&page=1](http://www.sciam.com/article.cfm?id=a-solar-grand-plan&page=1).

<sup>5</sup>Jessica Ebba Trancik, Photovoltaics—A Niche Market Distraction or a Global Energy Solution?, 11 Geo. Public Pol'y Rev. 69, 71 (Winter 2006); Ken Zweibel, supra.

<sup>6</sup>The Ctr. For Sustainable Energy at Bronx Cmty. Coll., New York City's Solar Energy Future, Part I: The Market for Solar hot water Systems in New York City (2006).

<sup>7</sup>MAINTAINYC, available at [http://home2.nyc.gov/html/planyc2030/downloads/pdf/maintainyc\\_energy.pdf](http://home2.nyc.gov/html/planyc2030/downloads/pdf/maintainyc_energy.pdf); See also PLANYC, available at [http://home2.nyc.gov/html/planyc2030/downloads/pdf/full\\_report.pdf](http://home2.nyc.gov/html/planyc2030/downloads/pdf/full_report.pdf).

<sup>8</sup>PLANYC, available at [http://home2.nyc.gov/html/planyc2030/html/about/maintainyc\\_energy.shtml](http://home2.nyc.gov/html/planyc2030/html/about/maintainyc_energy.shtml)

<sup>9</sup>New York City Economic Development Corporation, "PlaNYC: A Greener, Greater New York", Oct. 2007.

<sup>10</sup>PAUL CHERNICK ET AL. ENERGY PLAN FOR THE CITY OF NEW YORK 73 (2003), available at [http://resourceinsight.com/work/nyc\\_irp.pdf](http://resourceinsight.com/work/nyc_irp.pdf).

<sup>11</sup>THE CTR. FOR SUSTAINABLE ENERGY AT BRONX CMTY COLL., NEW YORK CITY'S SOLAR ENERGY FUTURE, PART I: THE MARKET FOR PHOTOVOLTAIC INSTALLATIONS IN NEW YORK CITY 7 (2006), available at [http://www.bcc.cuny.edu/InstitutionalDevelopment/CSE/CUNY%20MSR-Market\\_for\\_PV\\_in\\_NYC.pdf](http://www.bcc.cuny.edu/InstitutionalDevelopment/CSE/CUNY%20MSR-Market_for_PV_in_NYC.pdf).

<sup>12</sup>Id.

<sup>13</sup>Ken Zweibel, James Mason and Vasilis Fthenakis, A Solar Grand Plan, Scientific American Magazine, January 2008, [www.sciam.com/article.cfm?id=a-solar-grand-plan&page=1](http://www.sciam.com/article.cfm?id=a-solar-grand-plan&page=1).

<sup>14</sup>Wikipedia. "Photovoltaics." <http://en.wikipedia.org/wiki/Photovoltaics>.

virtually maintenance-free...and easy to install."<sup>15</sup> In fact, PV supplies the electricity for all space satellites, the Mars Rover, and 99 percent of off-shore Coast Guard buoys because of its dependability.<sup>16</sup>

#### **b. Solar Thermal Process**

The solar thermal process requires a device that is designed to receive solar radiation and convert it to thermal energy. Normally, a solar thermal collector includes a frame, glazing, and an absorber, together with appropriate insulation. The heat collected by the solar thermal collector may be used immediately or stored for later use. Solar thermal collectors are used for space heating; domestic hot water heating; and heating swimming pools, hot tubs, or spas. Large-scale solar thermal technology is used to deliver utility electricity. There are various methods used to take advantage of thermal energy, including solar hot water systems ("SHW"), which enable buildings to partly heat its water via the sun. SHW systems release no fossil fuels, thus reducing fossil fuel emissions from building operations. According to the United States Department of Energy ("DOE"), SHW systems are presently one of the most cost-effective renewable energy technologies and that such systems "minimize the expense of electricity or fossil fuel to heat the water and reduces the associated environmental impacts."<sup>17</sup>

#### **c. Combined Heat and Power Systems**

Combined heat and power systems (CHP) include turbines, micro-turbines and fuel cells that generate both electrical power and heat that can be utilized for the heating or cooling of space, domestic water, or building processes. CHP systems consist of a number of individual components, which include a heat engine, generator, heat recovery, and electrical interconnection, configured into an integrated whole.<sup>18</sup> These systems capture wasted heat and use it to regulate a building's temperature or heat water.<sup>19</sup> Substantial fuel savings are realized when a CHP is utilized in larger buildings to produce both electric power and heat.<sup>20</sup> By capturing and utilizing heat that would otherwise be wasted from the production of electricity, combined heat and power systems require less fuel than equivalent separate heat and power systems to produce the same amount of energy.

#### **Proposed Int. No. 341-A**

Section one of the bill provides the Legislative findings and intent. The findings and intent state that growth in the solar power industry is expected to create many jobs in New York City because the City has adequate solar resources to pursue increased solar power installations. With such growth in the industry there will also come the potential to reduce energy costs over time. However, the current Building Code limits the amount of roof space that can be covered by photovoltaic and solar thermal systems without counting such use as an additional height or story of the building.

Bill section two amends section 27-306 of the Administrative Code of the City of New York (Ad. Code) to recognize solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment as permissible rooftop structures. Despite the existence other listed permissible rooftop structures on existing buildings, solar thermal and solar electric photovoltaic collectors and/or panels and their supporting equipment would not be included in calculations determining whether all of the allowed structures exceed 33 and one-third percent of the area of the roof and should therefore be counted as part of the height of a building.

Bill section three amends the Ad. Code to add a new section 27-306.1. This section would provide that notwithstanding any inconsistent provision of section 27-306 of the Ad. Code, solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.

Bill section four amends Section BC 504.3 of the New York City Building Code (Building Code or BC) to provide that in determining the allowable height or number of stories that a building may have, solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment shall be excluded from the list of rooftop structures which in the aggregate cannot exceed thirty-three and one-third (33 1/3%) percent of the roof area of the building to avoid being considered as a story or part of the height of a building. Additionally, this section would create a new exception to provide that solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.

Bill section five provides the enactment clause and states that this bill would take effect immediately.

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<sup>15</sup>Center for Study of Responsive Law, Government Purchasing Project, "Photovoltaics: Striking It Green." available at [http://www.gpp.org/energy\\_ideas/EI.0296/EI.0296.04.html](http://www.gpp.org/energy_ideas/EI.0296/EI.0296.04.html).

<sup>16</sup>The Vote Solar Initiative, *Solar is Reliable*, <http://www.votesolar.org/reliable.html>.

<sup>17</sup>U.S. Department of Energy, "Technologies: Solar Water Heating," available at [http://www1.eere.energy.gov/solar/sh\\_basics\\_water.html](http://www1.eere.energy.gov/solar/sh_basics_water.html).

<sup>18</sup>U.S. Environmental Protection Agency, "Catalog of CHP Technologies," available at <http://www.epa.gov/chp/basic/index.html>.

<sup>19</sup>New York City Department of Buildings, "Installing Natural Gas-Fueled Combined Heat and Power (CHP) Systems," available at [http://www.nyc.gov/html/dob/html/sustainability/green\\_buildings.shtml](http://www.nyc.gov/html/dob/html/sustainability/green_buildings.shtml).

<sup>20</sup>Id.

**Amendments to Int. 341**

- Technical changes were made throughout the bill to correct inaccurate references and to provide clarity of text.
- Title 27 of the Ad. Code was amended. Section 27-306 was revised to provide that solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment shall be excluded from the list of rooftop structures which in the aggregate cannot exceed 33 and one-third percent of the roof area of the building. Additionally, a new section 27-306.1 was added to provide that notwithstanding any inconsistent provision of section 27-306 of the Ad. Code, solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.
- The enactment clause was amended to provide that this local law shall take effect immediately rather than 90 days after its enactment.

**Proposed Int. 358-A**

Bill section one amends section 27-232 of Title 27 of the Ad. Code to add a definition for “combined heat and power systems.” Such term would be defined as “equipment that simultaneously produces electricity and heat from a single fuel source.” Title 27 applies to buildings constructed pursuant to the 1968 Building Code.

Bill section two amends subdivision (b) of section 27-306 of the Ad. Code to add combined heat and power systems to the list of permissible building service equipment.

Bill section three amends Section BC 502 of the 2008 Building Code and adds a definition for the term “combined heat and power systems.” Such term would be defined as “equipment that simultaneously produces electricity and heat from a single fuel source.”

Bill section four amends Section BC 504.3 of the Building Code to add combined heat and power systems to the list of rooftop structures that maybe excluded from height limitations and from being considered an additional story when the combined heat and power system in addition to any other enumerated rooftop structures would in the aggregate occupy no more than 33 and one-third percent of the roof area.

Bill section five provides the enactment clause and states that this bill would take effect immediately.

**Amendments to Int. 358**

- Technical changes were made throughout the bill to correct inaccurate references and to provide clarity of text.
- The Legislative findings and intent was removed.
- A definition for the term “combined heat and power systems” was added to Title 27 of the Ad. Code and the Building Code. Such term would be defined as “equipment that simultaneously produces electricity and heat from a single fuel source.”
- Subdivision (b) of section 27-306 was amended to allowing existing buildings to install combined heat and power systems by adding such systems to the list of permitted building service equipment.
- References to solar thermal and solar electric collectors and/or panels and their supporting equipment was removed from Section BC 504.3 as such equipment is addressed by Proposed Int. 341-A.
- The proposed amendment to Section BC 1509 was removed as permitted obstructions<sup>21</sup> are addressed by the City’s Zoning Resolution.
- The enactment clause was amended to provide that this local law shall take effect immediately rather than 90 days after its enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 341-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. No. 341-A

COMMITTEE: Housing and Buildings

TITLE: To amend the administrative code of the city of New York and the New York city building code, in relation to allowing large solar rooftop installations.

SPONSORS: Council Member Dilan, Barron, Brewer, Cabrera, Chin, Comrie, Fidler, Garodnick, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Nelson, Palma, Rose, Vann, Williams, Rodriguez, Van Bramer and Halloran

SUMMARY OF LEGISLATION: Solar thermal systems and photovoltaic systems collect the sun’s radiation and convert it to energy. This legislation would allow solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment to be excluded completely from height limitations or being considered an additional story. Existing Building Code provisions limit the percentage of the area of a roof that a rooftop installation may occupy without considering such use of the roof as an additional height or story subject to the Building Code and other applicable rules. The legislation would apply to existing buildings and new construction.

EFFECTIVE DATE: The legislation would take effect immediately after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2011

FISCAL IMPACT STATEMENT:

|                  | Effective FY11 | FY Succeeding Effective FY12 | Full Fiscal Impact FY11 |
|------------------|----------------|------------------------------|-------------------------|
| Revenues (+)     | See below      | See below                    | See below               |
| Expenditures (-) | See below      | See below                    | See below               |
| Net              | See below      | See below                    | See below               |

IMPACT ON REVENUES: Solar thermal systems and photovoltaic systems convert the sun’s radiation into energy, resulting in lower building electricity costs. At the time of this writing, however, the potential future energy savings are not unknown.

IMPACT ON EXPENDITURES: There would be no impact on expenditures by the enactment of this legislation. Any increased cost for City buildings as a result of this legislation will be absorbed into the overall cost of building construction and renovation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

Int. 341-A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Latonia McKinney, Deputy Director  
Ralph P. Hernandez, Principal Legislative Financial Analyst  
New York City Council Finance Division

DATE SUBMITTED TO COUNCIL: Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 341 on September 29, 2010. Laid over and hearing held by Committee on October 20, 2010 as Int. No. 341. An amendment has been proposed, and this legislation will be voted by Committee on April 6, 2011 as Proposed Int. No. 341-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 341-A:)

Int. No. 341-A

By Council Members Dilan, Barron, Brewer, Cabrera, Chin, Comrie, Fidler, Garodnick, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Nelson, Palma, Rose, Vann, Williams, Rodriguez, Van Bramer, Halloran, Levin, Lappin, Recchia, Vallone Jr., Crowley, Gennaro, Jackson, Wills, Greenfield, Reyna, Koo and Ulrich.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to allowing large solar rooftop installations.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that solar energy can meet some of New York City’s energy needs, and that it is cleaner, cheaper, more sustainable and provides greater energy security. Growth in the solar power industry is also expected to create many jobs in New York City because the City has adequate solar resources to aggressively pursue increased solar power installations. Growth in the solar industry also has the potential to reduce energy costs over time. However existing Building Code provisions limit the percentage of the area of a roof that photovoltaic and solar thermal panels may cover without counting as additional height or stories making it more costly to install solar power collection and generation systems now. Therefore the Council finds that it is in the best interests of the City to remove these barriers and further incentivize installations of solar thermal and photovoltaic panels by permitting more than one third of the area of the roof to

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<sup>21</sup> A permitted obstruction is a structure or object that may be located within required open space or yards on a zoning lot.

be covered by solar photovoltaic and solar thermal panels without counting as an additional floor.

§2. Section 27-306 of the administrative code of the city of New York is amended to read as follows:

§27-306 **Measurement.** In applying the provisions of this code governing height limits, the following appurtenant structures shall not be included in the height of the building unless the aggregate area of all such structures, *exclusive of any solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment*, exceeds thirty-three and one-third percent of the area of the roof of the building upon which they are erected:

- (a) Roof tanks and their supports.
- (b) Ventilating, air conditioning, and similar building service equipment.
- (c) Roof structures, bulkheads, and penthouses.
- (d) Chimneys.
- (e) Parapet walls four feet or less in height.

§3. Article 7 of subchapter 4 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-306.1 to read as follows:

§27-306.1 *Measurement; solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment. Notwithstanding any inconsistent provision of section 27-306 of this code, solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.*

§4. Section BC 504.3 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**504.3 Rooftop structures.** Rooftop structures including but not limited to roof tanks and their supports, ventilating, air conditioning and similar building service equipment, bulkheads, penthouses, chimneys, and parapet walls 4 feet (1219 mm) or less in height shall not be included in the height of the building or considered an additional story unless the aggregate area of all such structures, *exclusive of any solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment*, exceeds 33 and one-third percent of the area of the roof of the building upon which they are erected. Rooftop structures shall be constructed in accordance with Section 1509.

*Exception: Solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.*

§5. This local law shall take effect immediately.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing and Buildings, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 347-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to roof coating standards.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on September 29, 2010 (Minutes, page 4098), respectfully

#### REPORTS:

#### BACKGROUND AND ANALYSIS:

On April 6, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 347-A, a Local Law to amend the Administrative Code of the City of New York and the New York City Building Code, in relation to roof coating standards. On October 20, 2010, the Committee heard an earlier version of this bill and received testimony from representatives of the Mayor's Office of Long-Term Planning and Sustainability, the Department of Buildings and other persons interested in this legislation. Amendments to the bill before the Committee today were made following this initial hearing.

By enacting Local Law 22 of 2008, New York City committed to reducing its greenhouse gas emissions by 30% by 2017 for government operations and by

30% citywide by 2030.<sup>1</sup> Buildings are responsible for about 80 percent of the City's greenhouse gas emissions.<sup>2</sup> Energy use in buildings (private and city-owned) is the largest contributing sector to the greenhouse gas emissions inventory. In 2007, collectively, energy use in the form of electricity, natural gas, fuel oil, steam, and coal to heat, cool, power, and light City government buildings accounted for 64% of emissions.<sup>3</sup> Due to increasing greenhouse gas emissions and the city's density, the City is experiencing a gradual increase in temperature. According to a 2001 study by the Columbia Earth Institute for the U.S. Global Change Research Program, *Climate Change and a Global City*, there has been an increase of approximately 2°F in the New York region since 1900. New York City is warmer than the surrounding suburbs (average temperatures in the largest cities can range from 5° to 10° warmer)<sup>4</sup> and this phenomenon, known as the Urban Heat Island Effect is caused by large areas of dark absorbent surfaces such as roofs, roadways and parking lots, and a lack of vegetation.

New York City has almost one billion square feet of roof area.<sup>5</sup> Conventional roof surfaces can reach temperatures of up to 185°F on a 90° day during the summer because traditional roofing materials (asphalt, bare metal or metallic) absorb and retain solar energy as heat which contributes not only to a hotter roof but also to warmer air temperatures nearby.<sup>6</sup> A roof's absorption of solar heat sometimes leads to heat gain within the rest of the building, thereby causing discomfort for building inhabitants and increasing local cooling loads—particularly in older buildings, which tend to have less insulation.<sup>7</sup> Because warm building temperatures can lead to high energy demand during the summer months and to address environmental problems like the Urban Heat Island Effect and combined sewer overflows, in recent years there has been growing interest in “cool” (light colored) roofs.

Cool roofs refer to the use of highly reflective and emissive (“emissivity” is the tendency for a material to radiate heat that had been previously absorbed) coating materials which absorb less heat than traditional roofing materials.<sup>8</sup> This coating is applied over a standard asphalt roof. Cool roofs ideally lower rooftop temperatures and therefore lessen the heat load to a building reducing the energy needed to keep the building cool, thus, these types of roofs are viewed as an effective strategy in conserving energy and enhancing a building's sustainability. A cool roof coating also increases the durability of the roof membrane because it is subject to reduced thermal cycling amplitude and UV radiation. The recently revised New York City Building Code (Building Code or BC) requires that for new construction, roof coverings on low-sloped roofs or setbacks to be white in color or meet certain EnergyStar ratings.<sup>9</sup> Recently, the City announced its success in applying reflective white coating to one million square foot of rooftop as part of the NYC CoolRoofs initiative.<sup>10</sup> However, more reflective and emissive roof coating material is currently available than the coating standards required by the Building Code. This legislation is intended to strengthen the current roof asphalt roof coating standards in order to reduce the energy needed to keep a building cool.

#### Proposed Int. No. 347-A

Bill section one provides the bill's statement of findings and purpose. In particular, this section indicates that the Council finds that the use of cool roofs as a mitigation strategy for the urban heat island effect can result in lower energy use, reduced air pollution and greenhouse gas emissions while at the same time improving health and comfort in warm weather. Bill section one also notes that the Council further finds that studies show that North Atlantic states with relatively long heating seasons may benefit and reap net savings from cool roofs because of high electricity costs in places like New York City. Further, on a global level, implementing the proposal will also help combat global warming and to the extent that energy demand is lessened, it can result in fewer air emissions and air quality related environmental diseases. New York City began addressing these issues by incorporating a requirement for white roofs in the last code cycle; however there is a need to strengthen the City's roof coating standards to require the use of more reflective and emissive materials.

Bill section two amends section 28-101.4.3 of the Administrative Code of the City of New York (Ad. Code) by adding a new item 11 to require that alteration of existing buildings (buildings subject to Building Codes in effect prior to the 2008 Building Code) involving the recovering or replacing of an existing roof covering must comply with section 1504.8 of the Building Code unless the area to be recovered or replaced is less than 50% and less than 500 square feet of the roof area.

Bill section three amends section BC 1504.8 (reflectance standards) to require roof coverings on roofs or setbacks with slope equal to or less than two units vertical in 12 units horizontal (17 percent) must have a minimum initial solar reflectance of 0.7 in accordance with ASTM C1549 or ASTM E 1918, and a minimum thermal emittance of 0.75 as determined in accordance with ASTM C1371 or ASTM E 408; or a minimum SRI (standard that incorporates both reflectance and emissivity) of 78 as determined in accordance with ASTM E 1980. The exceptions to such asphalt coating requirements would include: terraces on setbacks comprising less than 25 percent of the area of the largest floor plate in the building; any portion of a roof covered by a green roof system, including such a system with agricultural plantings, in compliance with Section 1507.16; any portion of a roof used as outdoor recreation space by the occupants of the building that is landscaped, covered by wood decking or covered with a walking surface or other protective surface, provided that such walking surface or protective surface has a minimum initial solar reflectance of 0.3 as determined in accordance with ASTM C1549 or ASTM E1918; ballasted roofs, provided that the ballast has a minimum initial solar reflectance of 0.2 as determined in accordance with ASTM C1549 or ASTM E1918; any portion of a roof that is under mechanical equipment, flush mounted solar panels lying directly on the roof surface, duckboarding, decking, platform, roof tank, cooling tower or any other rooftop structure or equipment exempted by rule by the commissioner; any

roof or portion of a roof composed of glass, metal, clay or concrete tile or plastic/rubber intended to simulate clay or concrete tile, wood, or slate; any portion of a roof used by a school or daycare center as a playground for children and any roof, if the amount of rooftop space not subject to the above identified exceptions is in the aggregate less than 100 square feet.

Bill section four amends section BC 1510.1 of the Building Code to provide that the asphalt roof covering reflectance standards identified in Section 1504.8 shall not apply if the area to be recovered or replaced is less than 50% and less than 500 square feet of the roof area.

Bill section five amends Chapter 35 of the Building Code to add certain referenced standards of ASTM International in appropriate numerical order. The new referenced standards are identified as ASTM C1371 - 04a(2010)e1, ASTM C1549 - 09, ASTM E408 – 71(2008), ASTM E1918 - 06, and ASTM E1980 – 11.

Bill section six provides the enactment clause and states that this local law shall take effect on January 1, 2012.

#### Amendments to Int. 347

- Technical changes were made throughout the bill to correct inaccurate references and to provide clarity of text.
- Bill section two now amends section 28-101.4.3 of the Ad. Code to require alterations involving the recovering or replacement of an existing roof must conform to Section 1504.8 of the Building Code unless the area to be recovered or replaced is less than 50% and less than 500 square feet of the roof area.
- The bill no longer amends Section BC 1502.1 of the Building Code.
- Bill section three now provides that roof coverings on roofs or setbacks with slope equal to or less than two units (rather than three units) in 12 units horizontal (17 percent) (rather than 25 percent) must have a minimum initial solar reflectance of 0.7 in accordance with ASTM C1549 or ASTM E 1918, and a minimum thermal emittance of 0.75 as determined in accordance with ASTM C1371 or ASTM E 408; or a minimum SRI of 78 as determined in accordance with ASTM E 1980. The bill previously provided that at least 75 percent of the area of roofs and setbacks, exclusive of skylights, shall have a covering with a minimum solar reflectance index in accordance with proposed Table 1504.8.

Table 1504.8

| Roof or Setback Type | Slope  | Solar Reflectance Index |
|----------------------|--------|-------------------------|
| Low-sloped           | ≤ 2:12 | 78                      |
| Steep-sloped         | ≥ 2:12 | 29                      |

Furthermore, the bill now includes additional exceptions to the covering requirements. These exceptions include: any portion of a roof covered by a green roof system, including such a system with agricultural plantings; any portion of a roof that is landscaped, covered by wood decking or covered with a walking surface or other protective surface, provided that such walking surface or protective surface has a minimum initial solar reflectance of 0.3 as determined in accordance with ASTM C1549 or ASTM E1918; ballasted roofs must now have a minimum initial solar reflectance of 0.2 as determined in accordance with ASTM C1549 or ASTM E1918; any portion of a roof that is under duckboarding, decking, platform, roof tank, cooling tower; any roof or portion of a roof composed of glass, metal, clay or concrete tile or plastic/rubber intended to simulate clay or concrete tile, wood, or slate; any portion of a roof used by a school or daycare center as a playground for children and any roof, if the amount of rooftop space not subject to the above identified exceptions is in the aggregate less than 100 square feet.

- Bill section five now amends Chapter 35 of the Building Code to add certain referenced standards of ASTM International in appropriate numerical order. The new referenced standards are identified as ASTM C1371 - 04a(2010)e1, ASTM C1549 - 09, ASTM E408 – 71(2008), ASTM E1918 - 06, and ASTM E1980 – 11.
- New bill section six provides the enactment clause and states that this local law shall take effect on January 1, 2012 rather than taking effect immediately. This new effective date is intended to allow affected industries and property owners time to become aware of the new standards prior to enforcement by the City.

<sup>1</sup> Recognizing the important role of building performance, Mayor Bloomberg and Speaker Quinn convened the New York City Green Codes Task Force in July of 2008. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies as well as the Mayor's office and the Speaker's office. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining each of New York City's building codes, the Task Force presented 111 recommendations for "greening the codes." The recommended improvements are intended to raise the bar for environmental performance in buildings throughout the City.

<sup>2</sup> Mayor's Office of Long-Term Planning and Sustainability, September 2009. Inventory of New York City Greenhouse Gas Emissions.

<sup>3</sup> Id.

<sup>4</sup> New York City Department of Design & Construction, June 2007. DDC Cool & Green Roofing Manual.

<sup>5</sup> d.

<sup>6</sup> U.S. Environmental Protection Agency Office of Atmospheric Programs. Reducing Urban Heat Islands: Compendium of Strategies, Cool Roofs.

<sup>7</sup> See note 5.

<sup>8</sup> See note 6.

<sup>9</sup> See Section BC 1504.8.

<sup>10</sup> Mayor Bloomberg Coats One Millionth Square Foot of White Rooftop as a Part of NYC Service Cool Roofs Initiative, available at [www.nyc.gov](http://www.nyc.gov).

(The following is the text of the Fiscal Impact Statement for Int. No. 347-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 347-A

COMMITTEE: Housing and Buildings

**TITLE:** To amend the administrative code of the city of New York and the New York city building code, in relation to roof coating standards.

**SPONSORS:** Council Member Garodnick, Brewer, Chin, Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Mark-Viverito, Nelson, Palma, Sanders Jr., Vann, Williams, Rodriguez, Gennaro, Van Bramer and Koo

**SUMMARY OF LEGISLATION:** The proposed legislation would modify requirements for the use of more reflective and emissive materials and would apply to new construction and alterations of roofs in existing buildings where 50 percent or more of the roof area and 500 square feet or more of roofing is being replaced. The legislation would also impose certain requirements on roof coverings on roofs with slope equal to or less than 2 units in 12 units horizontal. Cool roofs refer to the use of highly reflective and emissive materials which not only absorb less heat but also release absorbed heat better than traditional roofing materials. Cool roofs lower rooftop temperatures and lessen the heat load to a building, thus, reducing the energy needed to keep the building cool. These types of roofs are viewed as an effective strategy in conserving energy and enhancing a building's sustainability. New York City incorporated a requirement for white roofs in the 2008 Building Code.

**EFFECTIVE DATE:** This legislation would take effect on January 1, 2012.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2012

#### FISCAL IMPACT STATEMENT:

|                  | Effective FY12 | FY Succeeding Effective FY13 | Full Fiscal Impact FY12 |
|------------------|----------------|------------------------------|-------------------------|
| Revenues (+)     | See below      | See below                    | See below               |
| Expenditures (-) | See below      | See below                    | See below               |
| Net              | See below      | See below                    | See below               |

**IMPACT ON REVENUES:** Because of lower electricity costs, there would be energy savings in the future associated with implementing cool roofs. At the time of this writing, however, the potential energy savings are unknown.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures by the enactment of this legislation. Any increased cost for City buildings as a result of this legislation will be absorbed into the overall cost of building construction and renovation.

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**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Latonia McKinney, Deputy Director  
Ralph P. Hernandez, Principal Legislative Financial Analyst  
New York City Council Finance Division

**DATE SUBMITTED TO COUNCIL:** Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 347 on September 29, 2010. Laid over and hearing held by Committee on October 20, 2010 as Int. No. 347. An amendment has been proposed, and this legislation will be voted by Committee on April 6, 2011 as Proposed Int. No. 347-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 347-A:)

Int. No. 347-A

By Council Member Garodnick, Brewer, Chin, Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Mark-Viverito, Nelson, Palma, Sanders, Vann, Williams, Rodriguez, Gennaro, Van Bramer, Levin, Lappin, Recchia, Vallone, Jr., Crowley, Jackson, Koo, Wills, Barron and Greenfield.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to roof coating standards.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that the use of cool roofs as a mitigation strategy for the "urban heat island effect"-- the tendency of

urban areas to be hotter than their suburban surroundings because of dark absorbent surfaces and a lack of vegetation--can result in lower energy use and reduced air pollution and greenhouse gas emissions, while at the same time improving health and comfort in warm weather. A cool roof transfers less heat to the building below so that the building stays cooler and more comfortable during the summer, resulting in the use of less energy for cooling. A cool roof coating also increases the durability of the roof membrane because it is subject to reduced thermal cycling amplitude and UV radiation. At the same time local climate and site specific factors play a role in the amount of savings achieved. Cool roofs result in energy savings when they are most needed, during very hot summer periods subject to peak electrical demand. The disadvantages over the heating season, known as the "winter penalty", have been found to be minimal in studies of New York City's installations. The Council further finds that studies show that North Atlantic states with relatively long heating seasons may nonetheless benefit and reap net savings from cool roofs because of high electricity costs in places like New York City. On a global level, implementing the proposal will also help combat global warming, because light is reflected into space rather than being turned into heat, which is then trapped in the CO<sub>2</sub> blanket. Further, to the extent that energy demand is lessened, it can result in fewer air emissions and air quality related environmental diseases. New York City began addressing these issues by incorporating a requirement for white roofs in its last code cycle. Therefore, the Council finds that it is in the best interests of New York City to strengthen its roof coating standards to require the use of more reflective and emissive materials.

§2. Section 28-101.4.3 of the administrative code of the city of New York is amended by adding a new item 11 to read as follows:

11. Alterations involving the recovering or replacing of an existing roof covering shall comply with section 1504.8 of the New York city building code unless the area to be recovered or replaced is less than 50 percent of the roof area and less than 500 square feet.

§3. Section BC 1504.8 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**1504.8 Reflectance.** Roof coverings on roofs or setbacks with slope equal to or less than [three] two units vertical in 12 units horizontal ([25] 17 percent) shall [be white in color or EnergyStar rated as highly reflective for at least 75 percent of the area of the roof or setback surface.] have:

1. a minimum initial solar reflectance of 0.7 in accordance with ASTM C1549 or ASTM E 1918, and a minimum thermal emittance of 0.75 as determined in accordance with ASTM C1371 or ASTM E 408; or
2. a minimum SRI of 78 as determined in accordance with ASTM E 1980.

**Exceptions:**

1. Terraces on setbacks comprising less than 25 percent of the area of the largest floor plate in the building.
2. [Green roofs] Any portion of a roof covered by a green roof system, including such a system with agricultural plantings, in compliance with Section 1507.16 [shall be permitted to comprise part or all of the 75 percent required area coverage].
3. [Roofs] Any portion of a roof used as outdoor recreation space by the occupants of the building [shall be permitted to be either] that is landscaped, covered by wood decking or covered with a walking surface or other protective surface, provided that such walking surface or protective surface has [with an albedo of 30 percent or greater] a minimum initial solar reflectance of 0.3 as determined in accordance with ASTM C1549 or ASTM E1918.
4. Ballasted roofs, provided that the ballast has a minimum initial solar reflectance of 0.2 as determined in accordance with ASTM C1549 or ASTM E1918.
5. Any portion of a roof that is under mechanical equipment, flush mounted solar panels lying directly on the roof surface, duckboarding, decking, platform, roof tank, cooling tower or any other rooftop structure or equipment exempted by rule by the commissioner.
6. Any roof or portion of a roof composed of glass, metal, clay or concrete tile or plastic/rubber intended to simulate clay or concrete tile, wood, or slate.
7. Any portion of a roof used by a school or daycare center as a playground for children.
8. Any roof, if the amount of rooftop space not subject to exceptions 1 through 7 is in the aggregate less than 100 square feet.

§4. Section BC 1510.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

1510.1 **General.** Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15.

*Exception: Section 1504.8 shall not apply if the area to be recovered or replaced is less than 50 percent of the roof area and less than 500 square feet.*

§5. The list of referenced standards of ASTM (ASTM International) as set forth in chapter 35 of the New York city building code is amended by adding, in appropriate numerical order, new standards ASTM C1371 - 04a(2010)e1, ASTM C1549 - 09, ASTM E408 - 71(2008), ASTM E1918 - 06, and ASTM E1980 - 11 to read as follows:

| ASTM                      | ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959  |
|---------------------------|--|
| Standard reference number | Title  |
| C 1371                    | -Standard Test Method for Determination of Emittance of Materials  |
| 04a(2010)e1               | CNear Room Temperature Using Portable Emissometers Standard Test   |
| 1549 - 09 E 408           | Method for Determination of Solar Reflectance Near Ambient   |
| - 71(2008)                | ETemperature Using a Portable Solar Reflectometer Standard Test  |
| 1918 - 06                 | Methods for Total Normal Emittance of Surfaces Using Inspection-   |
| E1980 - 11                | Meter Techniques Standard Test Method for Measuring Solar Reflectance of Horizontal and Low-Sloped Surfaces in the Field |
|                           | Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-Sloped Opaque Surfaces                   |

§6. This local law shall take effect on January 1, 2012.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing and Buildings, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 358-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to combined heat and power systems.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on September 29, 2010 (Minutes, page 4129), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 341-A printed in these Minutes)**

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of the Fiscal Impact Statement for Int. No. 358-A:)**



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 358-A

COMMITTEE: Housing and Buildings

TITLE: To amend the administrative code of the city of New York and the New York city building code, in relation to combined heat and power systems.

SPONSORS: Council Member Reyna, Cabrera, Chin, Fidler, Garodnick, Gentile, James, Koppell, Lander, Mark-Viverito, Nelson, Palma, Sanders Jr., Williams, Rodriguez, Van Bramer and Holloran

SUMMARY OF LEGISLATION: The proposed legislation would amend the Building Code to allow co-generation systems to be excluded completely from height limitations or being considered an additional story. Co-generation systems (combined heat and power system) include turbines, micro-turbines and fuel cells that generate both electrical power and heat that can be utilized for the heating or cooling of space, domestic water, or building processes. Co-generation offers substantial fuel savings when utilized in larger buildings to produce both electric power and heat. By capturing and utilizing heat that would otherwise be wasted from the production of electricity, co-generation systems require less fuel than equivalent separate heat and power systems to produce the same amount of energy.

Existing Building Code provisions limit the percentage of the area of a roof that a rooftop installation may occupy without considering such use of the roof as an additional height or story subject to the Building Code and other applicable rules.

EFFECTIVE DATE: This legislation would take effect immediately upon enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2011

FISCAL IMPACT STATEMENT:

|                  | Effective FY11 | FY Succeeding Effective FY12 | Full Fiscal Impact FY11 |
|------------------|----------------|------------------------------|-------------------------|
| Revenues (+)     | See below      | See below                    | See below               |
| Expenditures (-) | See below      | See below                    | See below               |
| Net              | See below      | See below                    | See below               |

IMPACT ON REVENUES: Co-generation systems can offer substantial future fuel savings. At the time of this writing, however, the fuel savings are unknown.

IMPACT ON EXPENDITURES: There would be no impact on expenditures by the enactment of this legislation. Any increased cost for City buildings as a result of this legislation will be absorbed into the overall cost of building construction and renovation.

Int. 358-A

1

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Latonia McKinney, Deputy Director  
Ralph P. Hernandez, Principal Legislative Financial Analyst  
New York City Council Finance Division

DATE SUBMITTED TO COUNCIL: Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 358 on September 29, 2010. Laid over and hearing held by Committee on October 20, 2010 as Int. No. 358. An amendment has been proposed, and this legislation will be voted by Committee on April 6, 2011 as Proposed Int. No. 358-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 358-A:)

Int. No. 358-A

By Council Members Reyna, Cabrera, Chin, Fidler, Garodnick, Gentile, James, Koppell, Lander, Mark-Viverito, Nelson, Palma, Sanders, Williams, Rodriguez, Van Bramer, Lappin, Vallone, Jr., Crowley, Gennaro, Jackson, Brewer, Halloran, Wills, Barron, Greenfield and Koo.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to combined heat and power systems.**

Be it enacted by the Council as follows:

Section 1. Section 27-232 of the administrative code of the city of New York is amended by adding a certain definition to be placed in appropriate alphabetical order to read as follows:

**COMBINED HEAT AND POWER SYSTEMS.** *Equipment that simultaneously produces electricity and heat from a single fuel source.*

§2. Subdivision b of section 27-306 of the administrative code of the city of New York is amended to read as follows:

(b) ventilating, air conditioning, *combined heat and power systems*, and similar building service equipment.

§3. Section BC 502 of the New York city building code, as added by local

law number 33 for the year 2007, is amended by adding a certain definition to be placed in appropriate alphabetical order to read as follows:

**COMBINED HEAT AND POWER SYSTEMS.** *Equipment that simultaneously produces electricity and heat from a single fuel source.*

§4. Section BC 504.3 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**504.3 Rooftop structures.** Rooftop structures including but not limited to roof tanks and their supports, ventilating, air conditioning, *combined heat and power systems* and similar building service equipment, bulkheads, penthouses, chimneys, and parapet walls 4 feet (1219 mm) or less in height shall not be included in the height of the building or considered an additional story unless the aggregate area of all such structures exceeds 33 and one-third percent of the area of the roof of the building upon which they are erected. Rooftop structures shall be constructed in accordance with Section 1509.

§5. This local law shall take effect immediately upon enactment.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing and Buildings, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Land Use**

Report for L.U. No. 296

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110095 HAK, an Urban Development Action Area Designation and Project, located at 37-39 Maujer Street; 33 and 38 Ten Eyck Street; 354-358 Bedford Avenue; 121 South 4th Street, and the disposition of such property, Borough of Brooklyn, Council District no. 34. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 166), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1**

**C 110095 HAK**

City Planning Commission decision approving 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 properties located at 37/39 Maujer Street (Block 2785, Lots 42 and 43), 33 Ten Eyck Street (Block 2791, Lot 37), 37 Ten Eyck Street (Block 2791, Lot 35.), and 354/358 Bedford Avenue (Block 2340, Lots 23, 24, 25 and 28), as an Urban Development Action Area; and
  - 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 to a developer to be selected by HPD.

**INTENT**

To facilitate development of three, four-story buildings and one, five-story building with a total of approximately 59 dwelling units.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the disposition, designation and project, make the findings required by Article 16 of the General Municipal Law and approve the decision of the City Planning Commission.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Levin            | None            | None            |
| Barron           |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

|                      |                 |                 |
|----------------------|-----------------|-----------------|
| <b>In Favor:</b>     | <b>Against:</b> | <b>Abstain:</b> |
| Comrie               | None            | None            |
| Rivera               |                 |                 |
| Reyna                |                 |                 |
| Barron               |                 |                 |
| Jackson              |                 |                 |
| Sanders, Jr.         |                 |                 |
| Seabrook             |                 |                 |
| Vann                 |                 |                 |
| Palma                |                 |                 |
| <b><u>Cont'd</u></b> |                 |                 |
| Arroyo               |                 |                 |
| Dickens              |                 |                 |
| Garodnick            |                 |                 |
| Mendez               |                 |                 |
| Vacca                |                 |                 |
| Lander               |                 |                 |
| Levin                |                 |                 |
| Weprin               |                 |                 |
| Williams             |                 |                 |
| Ignizio              |                 |                 |
| Koo                  |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 771

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 110095 HAK, approving the designation of properties located at 37/39 Maujer Street (Block 2785, Lots 42 and 43), 33 Ten Eyck Street (Block 2791, Lot 37), 37 Ten Eyck Street (Block 2791, Lot 35.), and 354/358 Bedford Avenue (Block 2340, Lots 23, 24, 25 and 28), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 296; C 110095 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted

by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of properties located at 37/39 Maujer Street (Block 2785, Lots 42 and 43), 33 Ten Eyck Street (Block 2791, Lot 37), 37 Ten Eyck Street (Block 2791, Lot 35.), and 354/358 Bedford Avenue (Block 2340, Lots 23, 24, 25 and 28), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of three, four-story buildings and one, five-story building with a total of approximately 59 dwelling units to be developed under the Department of Housing Preservation and Development's Low Income Rental Program (the "Disposition"), Community District 1, Borough of Brooklyn (ULURP No. C 110095 HAK) (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated February 21, 2011 and submitted March 9, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 4, 2011;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Application;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on August 9, 2010 (CEQR No. 10HPD0012K);

**RESOLVED:**

The Council finds that the action described herein shall have no significant impact on the environment.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 110095 HAK) and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).



**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Application;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 23, 2010 (CEQR No. 10HPD025M);

**RESOLVED:**

The Council finds that the action described herein shall have no significant impact on the environment.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 110096 HAM) and incorporated by reference herein, the Council approves the decision of the City Planning Commission (C 110096 HAM).

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 298

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110097 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 6a, Borough of Manhattan, Council District no. 9**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 167), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**C 110097 ZMM**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. changing from an R7-2 District to an R8 District property bounded by the easterly prolongation of the northerly street line of East 132<sup>nd</sup> Street, the easterly street line of Harlem River, East 131<sup>st</sup> Street and its easterly centerline prolongation, and the westerly boundary line of a railroad Right-Of-Way (New York Central Railroad);
2. establishing within the proposed R8 District a C2-4 District bounded by the easterly prolongation of the northerly street line of East 132<sup>nd</sup> Street, a line

100 feet easterly of Park Avenue, a line 100 feet northerly of East 131<sup>st</sup> Street, Harlem River Drive, East 131<sup>st</sup> Street and Park Avenue;

as shown on a diagram (for illustrative purposes only) dated October 12, 2010.

**INTENT**

To facilitate development of three mixed use buildings with a total of approximately 314 dwelling units to be developed under HPD's Low Income Rental Program.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Levin            | None            | None            |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |

**Cont'd**

- Palma
- Arroyo
- Dickens
- Garodnick
- Mendez
- Vacca
- Lander
- Levin
- Weprin
- Williams
- Ignizio
- Koo

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 773

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110097 ZMM, a Zoning Map amendment (L.U. No. 298).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to facilitate the development of 1945-1957 Park Avenue, a mixed-use residential project with commercial, community facility and public and private open space in Community District 11 (ULURP No. C 110097 ZMM) (the "Application");

**WHEREAS**, the Application is related to ULURP Application C 110096 HAM (L.U. No. 297), designation of an Urban Development Action Area and Project and disposition of city-owned property;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 15, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 23, 2010 (CEQR No. 10HPD025M);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110097 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 5c and 6a:

3. changing from an R7-2 District to an R8 District property bounded by the easterly prolongation of the northerly street line of East 132<sup>nd</sup> Street, the easterly street line of Harlem River Drive, East 131<sup>st</sup> Street and its easterly centerline prolongation, and the westerly boundary line of a railroad Right-Of-Way (New York Central Railroad);
4. establishing within the proposed R8 District a C2-4 District bounded by the easterly prolongation of the northerly street line of East 132<sup>nd</sup> Street, a line 100 feet easterly of Park Avenue, a line 100 feet northerly of East 131<sup>st</sup> Street, Harlem River Drive, East 131<sup>st</sup> Street and Park Avenue;

as shown on a diagram (for illustrative purposes only) dated October 12, 2010, Community District 11, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 299

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110101 HAX, an Urban Development Action Area Designation and Project, located at 1157-1167 East 178th Street and 1160 Lebanon Street, and the disposition of such property, Borough of the Bronx, Council District no. 15. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 167), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 6**

**C 110101 HAX**

City Planning Commission decision approving 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 properties located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), as an Urban Development Action Area; and
  - 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 to a developer to be selected by HPD.

**INTENT**

To facilitate development of three mixed-use buildings with a total of approximately 141 dwelling units.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the disposition, designation and project, make the findings required by Article 16 of the General Municipal Law and approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Levin            | None            |                 |
| None             |                 |                 |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| In Favor:    | Against: | Abstain: |
|--------------|----------|----------|
| Comrie       | None     | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Palma        |          |          |

**Cont'd**

Arroyo  
Dickens  
Garodnick  
Mendez  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Koo

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 774

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 110101 HAX, approving the designation of property located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), Borough of the Bronx, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 299; C 110101 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of three mixed use buildings with a total of approximately 141 dwelling units to be developed under the Department of Housing Preservation and Development's Low Income Rental Program (the "Disposition"), Community District 6, Borough of the Bronx (ULURP No. C 110101 HAX) (the "Application");

**WHEREAS**, the Application is related to ULURP Applications C 110100 ZSX (L.U. No. 300), a special permit pursuant to Section 74-681(a) (2) of the Zoning Resolution of the City of New York to allow a portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development (Block 4007, Lot 15), in an M1-1 District; and C 110103 ZSX (L.U. No. 301), a special permit pursuant to Section 74-681(a) (2) of the Zoning Resolution of the City of New York to allow a portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in

the lot area for a proposed mixed-use development (Block 3909, Lot 8), in an M1-1 District;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter submitted March 9, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 4, 2011;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Application;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on August 11, 2010 (CEQR No. 10HPD001X);

**RESOLVED:**

The Council finds that the action described herein shall have no significant impact on the environment.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 110101 HAX) and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 300

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110100 ZSX, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of the Bronx, Council District no. 15 to facilitate a mixed-use development. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 167), respectfully

**REPORTS:****SUBJECT****BRONX CB - 6****C 110100 ZSX**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(2) of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1175 East Tremont Avenue a.k.a. 1160 Lebanon Street (Site A, Block 4007, Lot 15), in an M1-1 District.

**INTENT**

To facilitate development of three mixed use buildings with a total of approximately 141 dwelling units.

**PUBLIC HEARING****DATE:** April 4, 2011**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Levin            | None            | None            |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION****DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |

Weprin  
Williams  
Ignizio  
Koo

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 775

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110100 ZSX (L.U. No. 300), for the grant of a special permit pursuant to Section 74-681(a) (2) of the Zoning Resolution of the City of New York to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1175 East Tremont Avenue a.k.a. 1160 Lebanon Street (Site A, Block 4007, Lot 15), in an M1-1 District, Borough of the Bronx.**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special pursuant to Section 74-681(a)(2) of the Zoning Resolution of the City of New York to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1175 East Tremont Avenue a.k.a. 1160 Lebanon Street (Site A, Block 4007, Lot 15), in an M1-1 District to facilitate the construction of a mixed-use affordable housing development (ULURP No. C 110100 ZSX), Community District 6, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to Application Numbers C 110101 HAX (L.U. No. 299), an urban development action area project designation and project approval pursuant to Article 16 of the General Municipal Law of New York State and disposition of two city-owned properties pursuant to 197-c of the NYC Charter to a developer selected by HPD; and C 110103 ZSX (L.U. No. 301), a special permit pursuant to Section 74-681(a) (2) of the Zoning Resolution of the City of New York to allow a portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development (Block 3909, Lot 8), in an M1-1 District;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on August 11, 2010 (CEQR No. 10HPD001X);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110100 ZSX, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ,

JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 301

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110103 ZSX, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of the Bronx, Council District no. 15 to facilitate a mixed-use development. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 168), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB – 6**

**C 110103 ZSX**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(2) of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1172 East Tremont Avenue (Site B, Block 3909, Lot 8), in an M1-1 District.

**INTENT**

To facilitate development of three mixed use buildings with a total of approximately 141 dwelling units.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Levin            | None            | None            |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 776

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110103 ZSX (L.U. No. 301), for the grant of a special permit pursuant to 74-681 (a)(2) of the Zoning Resolution of the City of New York to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1172 East Tremont Avenue (Site B, Block 3909, Lot 8), in an M1-1 District, Borough of the Bronx.**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to 74-681 (a)(2) of the Zoning Resolution of the City of New York to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1172 East Tremont Avenue (Site B, Block 3909, Lot 8), in an M1-1 District to allow the construction of a mixed-use affordable housing development (ULURP No. C 110103 ZSX), Community District 6, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to Application Numbers C 110101 HAX (L.U. No. 299), an urban development action area project designation and project approval pursuant to Article 16 of the General Municipal Law of New York State and disposition of two city-owned properties pursuant to 197-c of the NYC Charter to a developer selected by HPD; and C 110100 ZSX (L.U. No. 300), a special permit pursuant to Section 74-681(a) (2) of the Zoning Resolution of the City of New York to allow a portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development (Block 4007, Lot 15), in an M1-1 District;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on August 11, 2010 (CEQR No. 10HPD001X);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110103 ZSX, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 309

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100228 MMQ, pursuant to §197-c and §199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code concerning an amendment to the City Map, Borough of Queens, Council District no. 24. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by vote of the Council pursuant to §197-d(b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 289), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 8 C 100228 MMQ**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development, 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, discontinuance and closing of 162nd Street between 86th Avenue and Glenn Avenue; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5011, dated July 9, 2010 and signed by the Borough President.

**INTENT**

To facilitate the disposition of the property for residential development.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Levin            | None            | None            |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 777

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100228 MMQ, an amendment to the City Map (L.U. No. 309).**

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on March 18, 2011 its decision dated March 16, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, 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, discontinuance and closing of 162nd Street between 86th Avenue and Glenn Avenue; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5011, dated July 9, 2010 and signed by the Borough President, (ULURP No. C 100228 MMQ), Community District 8, Borough of the Bronx (the "Application");



selected by the New York City Department of Housing Preservation and Development (L.U. No. 310; C 110229 HAQ).

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 18, 2011 its decision dated March 16, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 161-79 86th Avenue (Block 9774, Lots 165 and 167), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the disposition of the property through HPD's Asset Sales Program (the "Disposition"), Community District 8, Borough of Queens (ULURP No. C 100229 HAQ) (the "Application");

**WHEREAS**, the Application is related to ULURP Application C 100228 MMQ (L.U. No. 309), an application by the New York City Department of Housing Preservation and Development 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;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated March 7, 2011 and submitted March 16, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 4, 2011;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Application;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 10, 2010 (CEQR No. 09HPD029Q);

**RESOLVED:**

The Council finds that the action described herein shall have no significant impact on the environment.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 100229 HAQ) and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S.

WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 311

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110140 HAM, an Urban Development Action Area Designation and Project, located at 9-17 Second Avenue, and the disposition of such property, Borough of Manhattan, Council District no. 1. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 290), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB – 3**

**C 110140 HAM**

City Planning Commission decision approving 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 9, 11-17 Second Avenue (Block 456, Lots 27, 28 and 29) as an Urban Development Action Area; and
  - 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 to a developer to be selected by HPD.

**INTENT**

To facilitate the development of a 12-story mixed-use building with approximately 79 units.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the disposition, designation and project, make the findings required by Article 16 of the General Municipal Law and approve the decision of the City Planning Commission.

**In Favor:**

Levin  
Barron  
Gonzalez  
Dickens

**Against:**

None

**Abstain:**

None

Koo

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b>     | <b>Against:</b> | <b>Abstain:</b> |
|----------------------|-----------------|-----------------|
| Comrie               | None            | None            |
| Rivera               |                 |                 |
| Reyna                |                 |                 |
| Barron               |                 |                 |
| Jackson              |                 |                 |
| Sanders, Jr.         |                 |                 |
| Seabrook             |                 |                 |
| Vann                 |                 |                 |
| <b><u>Cont'd</u></b> |                 |                 |
| Palma                |                 |                 |
| Arroyo               |                 |                 |
| Dickens              |                 |                 |
| Garodnick            |                 |                 |
| Mendez               |                 |                 |
| Vacca                |                 |                 |
| Lander               |                 |                 |
| Levin                |                 |                 |
| Weprin               |                 |                 |
| Williams             |                 |                 |
| Ignizio              |                 |                 |
| Koo                  |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 779

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 110140 HAM, approving the designation of property located at 9, 11-17 Second Avenue (Block 456, Lots 27, 28 and 29), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 311; C 110140 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 9, 11-17 Second Avenue (Block 456, Lots 27, 28 and 29), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the development of a 12-story mixed-use building with approximately 79 units (the "Disposition"), Community District 3, Borough of Manhattan (ULURP No. C 110140 HAM) (the "Application");

**WHEREAS**, the Application is related to Applications C 110141 PQM (L.U. No. 312), an application for acquisition of privately-owned property; and N 110165 ZRM (L.U. No. 349), an amendment to the text of the Zoning Resolution of the City of New York relating to the Inclusionary Housing Program;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated April 4, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 4, 2011;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Application;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on October 20, 2010 (CEQR No. 11HPD004M);

**RESOLVED:**

The Council finds that the action described herein shall have no significant impact on the environment.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 110140 HAM) and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 312

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110141 PQM, pursuant to §197-c and §197-d of the New York City Charter concerning the acquisition of property, located at 9, 11-17 Second Avenue, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by vote of the Council pursuant to §197-d(b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 290), respectfully

**REPORTS:**

**SUBJECT**

MANHATTAN CB - 3

C 110141 PQM

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 9, 11-17 Second Avenue (Block 456, lots 27 and 28).

**INTENT**

To facilitate the development of a 12-story mixed-use building with approximately 79 units.

**PUBLIC HEARING**

DATE: April 4, 2011

Witnesses in Favor: Two

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Levin            | None            | None            |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

DATE: April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 780

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110141 PQM (L.U. No. 312), for the acquisition of privately-owned property located at 9, 11-17 Second Avenue (Block 456, Lots 27 and 28), Borough of Manhattan.**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Housing Preservation and Development, for the acquisition of property located at 9, 11-17 Second Avenue (Block 456, Lots 27 and 28) (the "Site"), Community District 3, (ULURP No. C 110141 PQM) Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to Applications C 110140 HAM (L.U. No. 311), designation of an urban development action area and project, and disposition of city-owned property; and N 110165 ZRM (L.U. No. 349), an amendment to the text of the Zoning Resolution of the City of New York relating to the Inclusionary Housing Program;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on October 20, 2010 (CEQR No. 11HPD004M);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, and based on the environmental determination and consideration described in this report, C 110141 PQM, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 313

**Report of the Committee on Land Use in favor of approving Application no. N 110162 HAX, an Urban Development Action Area Designation and Project, located at 12 East Clarke Place and 27 East 169th Street, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 291), respectfully

REPORTS:

SUBJECT

BRONX CB - 4

N 110162 HAX

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD);

pursuant to Article 16 of the General Municipal Law of New York State for:

- a) the designation of property located at 12 East Clarke Place (Block 2839, Lot 10) and 27 East 169<sup>th</sup> Street (Block 2839, Lot 36) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such an area.

INTENT

To facilitate development of two buildings with approximately 108 dwelling units to be developed under HPD's Low Income Rental Program.

PUBLIC HEARING

DATE: April 4, 2011

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the designation of the area and project and approve the decision of the City Planning Commission.

**In Favor:**

Levin  
Barron  
Gonzalez  
Dickens  
Koo

**Against:**

None

**Abstain:**

None

COMMITTEE ACTION

DATE: April 5, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Seabrook  
Vann  
Palma  
Arroyo  
Dickens  
Garodnick  
Mendez

**Against:**

None

**Abstain:**

None

Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Koo

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 781

**Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development ("HPD"), No. N 110162 HAX, approving the designation of property located at 12 East Clarke Place (Block 2839, Lot 10) and 27 East 169<sup>th</sup> Street (Block 2839, Lot 36), Borough of the Bronx, as an Urban Development Action Area (the "Area"), and approving the project for the area as an Urban Development Action Area Project (L.U. No. 313; N 110162 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 12 East Clarke Place (Block 2839, Lot 10) and 27 East 169<sup>th</sup> Street (Block 2839, Lot 36), as an Urban Development Action Area (the "Area"); and
- b) an Urban Development Action Area Project for such area (the "Project");

to facilitate development of two buildings with approximately 108 dwelling units to be developed under HPD's Low Income Rental Program in Community District 4, Borough of the Bronx (No. N 110162 HAX) (the "Application");

**WHEREAS**, the Application is related to C 870700 PPX;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, the New York City Department of Housing Preservation and Development submitted to the Council its recommendations regarding the Application by letter dated March 21, 2011 and received March 30, 2010;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and Negative Declaration issued on December 1, 2010 (CEQR No. 10HPD020X);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Article 16 of the General Municipal Law, the Council approves the decision of the City Planning Commission (N 110162 HAX).

The Council finds that the present status of the Project Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 319

**Report of the Committee on Land Use in favor of approving Application no. 20115463 HAM, approval of a termination of a prior exemption and the voluntary dissolution of the current owner for property located at Block 1837/Lot 21, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 420), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 7**

**20115463 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for approval of a termination of a prior exemption and the voluntary dissolution of the current owner for property located at 20 West 102nd Street (Block 1837/Lot 21), Council District 8, Borough of Manhattan.

**INTENT**

To facilitate rehabilitation of the property.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Levin            | None            | None            |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 782

**Resolution approving Regulatory Agreement for the approval, a termination of a partial tax exemption, and a voluntary dissolution of the current owner for the project located at 20 West 102<sup>nd</sup> Street (Block 1837, Lot 21), Borough of Manhattan (L.U. No. 319; 20115463 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 4, 2011 its request dated January 24, 2011 that the Council take the following actions regarding the following Project (the "Project") located at 20 West 102<sup>nd</sup> Street (Block 1837, Lot 21), for the approval of a termination of a partial tax exemption, and a voluntary dissolution of the current owner, Community District 7, Council District 8, Borough of Manhattan (the "Regulatory Agreement"):

1. Approve pursuant to Section 125 of the PHFL, the termination of the partial tax exemption of the Exemption Area granted by the Board of Estimate on June 24, 1982 (Cal. No. 4), which termination shall be effective (1) day preceding the date of the conveyance of the Exemption Area from the Current Owner to the New Owner; and
2. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner;

**WHEREAS**, upon due notice the Council held a public hearing on the Project on April 4, 2011;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the project;

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Current Owner" shall mean North Park Associates.
  - (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1837, Lot 21 on the Tax Map of the

City of New York.

- (c) "HDC" shall mean the New York City Housing Development Corporation.
- (d) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (e) "New Owner" shall mean North Park Preservation, L.P.
- (f) "Partial Exemption" shall mean the partial exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on June 24, 21982 (Cal. No. 4).
- (g) "PHFL" shall mean the Private Housing Finance Law.
- (h) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the New Owner providing that, for a term of 40 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.

The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

All of the approvals and consents set forth above shall be null and void and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted if (i) the New Owner does not enter into the Regulatory Agreement, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (A) within one day following the termination of the Prior Exemption, or (B) on the same day as the voluntary dissolution of the Current Owner.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 333

**Report of the Committee on Land Use in favor of approving Application no. N 100339 ZAM, submitted by Columbia University in the City of New York for the grant of an authorization pursuant to Section 62-822 (a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 in connection with a proposed 5-story, approximately 47,700 square foot building, (Block 2244, Lots 1 and 100) in an R7-2 District, Council District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 553), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 12**

**N 100339 ZAM**

City Planning Commission decision approving an application submitted by Columbia University in the City of New York for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); in connection with a proposed 5-story, approximately 47,700 square foot building, on property bounded by the Harlem River, Broadway, West 218<sup>th</sup> Street and Inwood Hill Park, (Block 2244, Lots 1 and 100) in an R7-2 District.

**INTENT**

To facilitate the development of the Campbell Sports Center, a proposed 5-story approximately 47,700 sq. ft. building and renovations at Bakers Field.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Three

**Witnesses Against:** Six

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | Barron          | Lander          |
| Rivera           |                 | Williams        |
| Reyna            |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 783

**Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York to modify the location, area and minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); in connection with a proposed 5-story, approximately 47,700 square foot building, on property bounded by the Harlem River, Broadway, West 218<sup>th</sup> Street and Inwood Hill Park, (Block 2244, Lots 1 and 100) in an R7-2 District, Borough of Manhattan (Non-ULURP No. N 100339 ZAM; L.U. No. 333).**

By Council Members Comrie and Weprin

**WHEREAS**, the City Planning Commission filed with the Council on February 22, 2011 its decision dated February 16, 2011 (the "Decision"), on the application submitted by Columbia University in the City of New York for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS); in connection with a proposed 5-story, approximately 47,700 square foot building, on property bounded by the Harlem River, Broadway, West 218<sup>th</sup> Street and Inwood Hill Park (Block 2244, Lots 1 and 100) in an R7-2 District, to facilitate the development of the Campbell Sports Center, a proposed 5-story, approximately 47,700 square foot building and a new women's softball dugout and press box at Baker Field, Community District 12, Borough of Manhattan (Non-ULURP No. N 100339 ZAM) (the "Application");

**WHEREAS**, the Authorization is subject to review and action by the Council pursuant to Section 62-822 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 15, 2011;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 13, 2010 (CEQR No. 10DCP030M); and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Authorization and Application;

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Authorization and Application, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 335

**Report of the Committee on Land Use in favor of approving Application no. 20115318 HKX (N 110182 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2399) by the Landmarks Preservation Commission of Alderbrook House, located at 4715 Independence Avenue (Block 5926, Lot 76) as a historic landmark, Council District no. 11.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 554), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 8**

**20115318 HKX (N 110182 HKX)**

Designation by the Landmarks Preservation Commission (List No. 436/LP-2399), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Alderbrook House, located at 4715 Independence Avenue (Tax Map Block 5926, Lot 76), as an historic landmark.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 4, 2011

The Subcommittee recommends that the Land Use Committee affirm the designation.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Lander           | None            | None            |
| Sanders, Jr.     |                 |                 |
| Palma            |                 |                 |
| Mendez           |                 |                 |
| Williams         |                 |                 |
| Halloran         |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | Ignizio         | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Lander offered the following resolution:

Res. No. 784

**Resolution affirming the designation by the Landmarks Preservation Commission of the Alderbrook House, located at 4715 Independence Avenue (Tax Map Block 5926, Lot 76), Borough of the Bronx, Designation List No. 436, LP-2399 (L.U. No. 335; 20115318 HKX; N 110182 HKX).**

By Council Members Comrie and Lander

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 23, 2010 a copy of its designation dated December 14, 2010 (the "Designation"), of the Alderbrook House, located at 4715 Independence Avenue, Community District 8, Borough of the Bronx as a landmark, and Tax Map Block 5926, Lot 76, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on February 18, 2011, its report on the Designation dated February 16, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on April 4, 2011; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 349

**Report of the Committee on Land Use in favor of approving Zoning Resolution Amendment application no. N 110165 ZRM, pursuant to Sections 197-d and 201 of the New York City Charter, for an amendment to the Zoning Resolution concerning the Inclusionary Housing Program.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 842), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3 N 110165 ZRM**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the Inclusionary Housing Program.

**INTENT**

To facilitate the development of a 12-story mixed-use building with approximately 79 units.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Levin            | None            | None            |
| Barron           |                 |                 |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 785

**Resolution approving the decision of the City Planning Commission on Application No. N 110165 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning the Inclusionary Housing Program (L.U. No. 349).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of Housing Preservation and Development, for an amendment of the text of the Zoning Resolution of the City of New York, to facilitate the development of 9, 11-17 Second Avenue, a 12-story project with commercial space pursuant to the Inclusionary Housing Program (Application No. N 110165 ZRM), Community District 3, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to Applications C 110140 HAM (L.U. No. 311), designation of an urban development action area and project, and disposition of city-owned property; and C 110141 PQM (L.U. No. 312), an application for acquisition of privately-owned property;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on October 20, 2010 (CEQR No. 11HPD004M);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110165 ZRM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is old, to be deleted;
- Matter within # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**23-962**

**Additional requirements for homeownership affordable housing**

The additional requirements of this Section shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#.

\* \* \*

(f) Optional provisions for certain #new construction homeownership affordable housing#.

In Community District 3, Borough of Manhattan, #HPD# may modify the requirements for #new construction homeownership affordable housing# to facilitate #development# on a site that has been disposed of pursuant to Article 16 of the General Municipal Law as set forth in this paragraph (f), inclusive.

(1) #HPD# may permit a #household# to occupy a #new construction homeownership affordable housing unit# as rental #affordable housing# if:

- (i) no more than 120 days prior to the #regulatory agreement date#, such #household# occupied a #dwelling unit# or #rooming unit# in a #building# located on the #zoning lot# of such #new construction homeownership affordable housing#, pursuant to a lease or occupancy agreement to which one or more members of such #household# was a party or pursuant to a statutory tenancy; and

(ii) no more than 120 days prior to the #regulatory agreement date#, the average rent for all occupied #dwelling units# or #rooming units# in such #building# did not exceed 30 percent of the #low income limit# divided by 12; and

(iii) after the #regulatory agreement date#, such #building# is demolished and replaced with "new construction homeownership affordable housing#.

(2) #HPD# may permit a #household# that is not an #eligible buyer#, but that meets the requirements of paragraph (f)(1) of this section, to purchase a #new construction homeownership affordable housing unit# at #sale#, provided that such #household# is a #low income household#, #moderate income household# or #middle income household#, as applicable.

Where a #new construction homeownership affordable housing unit# is purchased at a nominal price, the #appreciated price# for such #homeownership affordable housing unit# shall be the product of the #initial price# of such #homeownership affordable housing unit# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

(fg) Special requirements for #homeownership preservation affordable housing#

\* \* \*

(gh) Special requirements for #homeownership substantial rehabilitation affordable housing#

\* \* \*

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 350

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110125 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 8c, Borough of Manhattan, Council District no. 3**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 842), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**C 110125 ZMM**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c:

- 1. changing from an M1-5 District to an R8A District property bounded by a line midway between West 53rd Street and West 52nd Street, a line 375 feet easterly of Eleventh Avenue, West 52nd Street, and a line 225 feet easterly of Eleventh Avenue;

as shown on a diagram (for illustrative purposes only) dated November 15, 2010 and revised on February 18, 2010.

**INTENT**

To facilitate development of an eleven story building, tentatively known as Clinton Commons, with approximately 103 dwellings units and commercial space.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Three                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Levin            | Barron          | None            |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | Barron          | Lander          |
| Rivera           |                 | Williams        |
| Reyna            |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 786

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110125 ZMM, a Zoning Map amendment (L.U. No. 350).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to facilitate the development of up to 103 affordable residential units (ULURP No. C 110125 ZMM) (the "Application");

**WHEREAS**, the Application is related to ULURP Application C 110126 HAM (L.U. No. 351), designation of an Urban Development Action Area and Project and disposition of city-owned property;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on August 30, 2010 (CEQR No. 10HPD002M);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110125 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8c, changing from an M1-5 District to an R8A District property bounded by a line midway between West 53<sup>rd</sup> Street and West 52<sup>nd</sup> Street, a line 375 feet easterly of Eleventh Avenue, West 52<sup>nd</sup> Street, and a line 225 feet easterly of Eleventh Avenue, as shown on a diagram (for illustrative purposes only) dated November 15, 2010 and revised on February 18, 2011, Community District 4, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 351

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 110126 HAM, an Urban Development Action Area Designation and Project, located at 533/543 West 52nd Street, and the disposition of such property, Borough of Manhattan, Council District no. 3. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 843), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**C 110126 HAM**

City Planning Commission decision approving 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 533/543 West 52nd Street (Block 1801, part of Lot 1) as an Urban Development Action Area; and
  - 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 to a developer to be selected by HPD.

**INTENT**

To facilitate development of an eleven story building, tentatively known as Clinton Commons, with approximately 103 dwelling units and commercial space.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the designation of the area and the project, approve the disposition and approve the decision of the City Planning Commission.

**In Favor:**

Levin  
Gonzalez  
Dickens  
Koo

**Against:**

Barron

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
Rivera  
Reyna  
Jackson  
Sanders, Jr.  
Seabrook  
Vann  
Palma  
Arroyo  
Dickens

**Against:**

Barron

**Abstain:**

Lander  
Williams

**Cont'd**

Garodnick  
Mendez  
Vacca  
Levin  
Weprin  
Ignizio  
Koo

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 787

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 110126 HAM, approving the designation of property located at 533/543 West 52nd Street (Block 1801, part of Lot 1), Borough of Manhattan, as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 351; C 110126 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 533/543 West 52nd Street (Block 1801, part of Lot 1), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the development of an eleven-story building, tentatively known as Clinton Commons, with approximately 103 dwelling units and commercial space (the "Disposition"), Community District 4, Borough of Manhattan (ULURP No. C 110126 HAM) (the "Application");

**WHEREAS**, the Application is related to Application C 110125 ZMM (L.U. No. 350), an amendment to the Zoning Map, changing from an M1-5 to an R8A zoning district;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated March 7, 2011 and submitted March 14, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 4, 2011;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Application;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on August 30, 2010 (CEQR No. 10HPD002M);

**RESOLVED:**

The Council finds that the action described herein shall have no significant impact on the environment.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 110126 HAM) and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

The Council finds that the present status of the Project Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 353

**Report of the Committee on Land Use in favor of approving Application no. 20115510 HAK, approval of a modification to a plan and project located at 11, 12, 37, 39 Kingston Avenue; 305 Decatur Street; 28, 29, 35, 40 MacDonough Street, Council District no. 36, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 843), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 10**

**20115006 TCK**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Mussels & More, Ltd., d/b/a Mussels & More, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 510 80<sup>th</sup> Street.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

**In Favor:**  
Weprin  
Rivera  
Reyna  
Comrie  
Jackson

**Against:**  
None

**Abstain:**  
None

Seabrook  
Vann  
Garodnick  
Vacca  
Ignizio

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b>     | <b>Against:</b> | <b>Abstain:</b> |
|----------------------|-----------------|-----------------|
| Comrie               | None            | None            |
| Rivera               |                 |                 |
| Reyna                |                 |                 |
| Barron               |                 |                 |
| Jackson              |                 |                 |
| Sanders, Jr.         |                 |                 |
| Seabrook             |                 |                 |
| Vann                 |                 |                 |
| Palma                |                 |                 |
| Arroyo               |                 |                 |
| Dickens              |                 |                 |
| Garodnick            |                 |                 |
| Mendez               |                 |                 |
| <b><u>Cont'd</u></b> |                 |                 |
| Vacca                |                 |                 |
| Lander               |                 |                 |
| Levin                |                 |                 |
| Weprin               |                 |                 |
| Williams             |                 |                 |
| Ignizio              |                 |                 |
| Koo                  |                 |                 |

In connection herewith, Council Members Comrie and Levin. offered the following resolution:

Res. No. 788

**Resolution approving a modification to a Plan and Project located at 11, 12, 37, 39 Kingston Avenue; 305 Decatur Street; 28, 29, 35, 40 MacDonough Street; Borough of Brooklyn (L.U. No. 353; 20115510 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 24, 2011 its request dated February 7, 2011 that the Council take the following actions regarding the following Project (the "New Project") located at 11, 12, 37, 39 Kingston Avenue; 305 Decatur Street; 28, 29, 35, 40 MacDonough Street (the "Development Parcel"), Community District 3, Council District 36, Borough of Brooklyn:

Approve pursuant to Section 115 of the Private Housing Finance Law (PHFL), the deletion of the Development Parcel, Block 1851/Lots 58 and 61, from the Plan and Project;

**WHEREAS**, the original Plan and Project was approved by the Board of Estimate on June 17, 1980 Cal. No. 35);

**WHEREAS**, upon due notice, the Council held a public hearing on the Modification on April 4, 2011;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Modification;

**RESOLVED:**

The Council approves pursuant to Section 115 of the PHFL, the modification to the original Plan and Project consisting of the deletion of the Development Parcel as described in the Modification and Fact Sheet attached hereto and incorporated herein.



On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 355

**Report of the Committee on Land Use in favor of approving Application no. M 900604 (A) ZMX submitted by G.B.G., Inc. for a modification to Restrictive Declaration D-140 (C 900604 ZMX) involving property located at 166-175 Marine Street (Block 5639, Lots 23 and 40, and Block 5640, Lots 90 and 150), within the Special City Island District, Council District 13.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 844), respectfully

**REPORTS:**

SUBJECT

**BRONX CB - 10**

**M 900604(A) ZMX**

City Planning Commission decision approving an application submitted by G.B.G. Inc. for a modification to Restrictive Declaration D-140 (C 900604 ZMX) involving property located at 166-175 Marine Street (Block 5639, Lots 23 and 40, and Block 5640, Lots 90 and 150), within the Special City Island District.

INTENT

To facilitate the development of the Sea Breeze Estates, a 36-unit residential development with an attached marina within the Special City Island District, Bronx.

PUBLIC HEARING

**DATE:** April 4, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

SUBCOMMITTEE RECOMMENDATION

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

COMMITTEE ACTION

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| <b>Cont'd</b>    |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 790

**Resolution approving the decision of the City Planning Commission on ULURP No. M 900604 (A) ZMX, for a modification to Restrictive Declaration D-140 (C 900604 ZMX) involving property located at 166-175 Marine Street (Block 5639, Lots 23 and 40, and Block 5640, Lots 90 and 150), within the Special City Island District (L.U. No. 355).**

By Council Members Comrie and Weprin

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by G.B.G. Inc., for the modification to Restrictive Declaration D-140 (C 900604 ZMX) involving property located at 166-175 Marine Street (Block 5639, Lots 23 and 40; and Block 5640, Lots 90 and 150), within the Special City Island District, to facilitate the development of the Sea Breeze Estates Development, a 36 unit residential development with an attached marina, Community District 10, Borough of the Bronx (ULURP No. M 900604 (A) ZMX) (the "Application");

**WHEREAS**, the Application is related to Application N 070384 ZRX (L.U. No. 356), an amendment of the text of the Zoning Resolution of the City of New York to modify the section relating to Article XI (Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas);

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) and the Technical Memorandum, for which a Notice of Minor Modification was issued on September 10, 2010, which concluded that the action represents a minor modification and does not alter the conclusions of the earlier review. Therefore, the Notice of Completion of the FEIS issued on July 19, 1991 remains valid (CEQR No. 89-040X);

**RESOLVED:**

The Council finds that the application will not result in environmental impacts substantially different from or greater than those described in the

1991 FEIS and would not alter the conclusions of the 1991 FEIS, and that having considered such materials and the 1991 FEIS.

The Council finds that the requirements of the New York State Environmental Quality Review Act and regulations promulgated pursuant thereto have been met, and finds that the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

The Council finds that the 1991 FEIS, the Technical Memorandum and the Notice of Minor Modification dated September 10, 2010 constitutes the written statement of facts that form the basis of the decision.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, M 900604 (A) ZMX, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 356

**Report of the Committee on Land Use in favor of approving Application no. N 070384 ZRX submitted by G.B.G. pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas), Council District 13.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 844), respectfully

#### REPORTS:

#### SUBJECT

**BRONX CB - 10**

**N 070384 ZRX**

City Planning Commission decision approving an application submitted by G.B.G. Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas).

#### INTENT

To facilitate the development of the Sea Breeze Estates, a 36-unit residential development with an attached marina within the Special City Island District, Bronx.

#### PUBLIC HEARING

**DATE:** April 4, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

#### SUBCOMMITTEE RECOMMENDATION

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

#### COMMITTEE ACTION

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b>     | <b>Against:</b> | <b>Abstain:</b> |
|----------------------|-----------------|-----------------|
| Comrie               | None            | None            |
| Rivera               |                 |                 |
| Reyna                |                 |                 |
| Barron               |                 |                 |
| Jackson              |                 |                 |
| Sanders, Jr.         |                 |                 |
| Seabrook             |                 |                 |
| Vann                 |                 |                 |
| Palma                |                 |                 |
| Arroyo               |                 |                 |
| Dickens              |                 |                 |
| Garodnick            |                 |                 |
| <b><u>Cont'd</u></b> |                 |                 |
| Mendez               |                 |                 |
| Vacca                |                 |                 |
| Lander               |                 |                 |
| Levin                |                 |                 |
| Weprin               |                 |                 |
| Williams             |                 |                 |
| Ignizio              |                 |                 |
| Koo                  |                 |                 |

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 791

**Resolution approving the decision of the City Planning Commission on Application No. N 070384 ZRX, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas, Borough of the Bronx (L.U. No. 356).**

By Council Members Comrie and Weprin

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), pursuant to Sections 197-c and 201 of the New York City Charter, regarding an application submitted by G.B.G. Inc., for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A

(Special City Island District – Height Areas, Community District 10, Borough of the Bronx (Application No. N 070384 ZRX), (the "Application");

**WHEREAS**, the Application is related to Application M 900604 (A) ZMX (L.U. No. 355), a modification to amend an existing restrictive declaration;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) and Technical Memorandum, for which a Notice of Minor Modification was issued on September 10, 2010, which concluded that the action represents a minor modification and does not alter the conclusions of the earlier review. Therefore, the Notice of Completion of the FEIS issued on July 19, 1991 remains valid (CEQR No. 89040X);

**RESOLVED:**

The Council finds that the application will not result in environmental impacts substantially different from or greater than those described in the 1991 FEIS and would not alter the conclusions of the 1991 FEIS, and that having considered such materials and the 1991 FEIS.

The Council finds that the requirements of the New York State Environmental Quality Review Act and regulations promulgated pursuant thereto have been met, and finds that the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

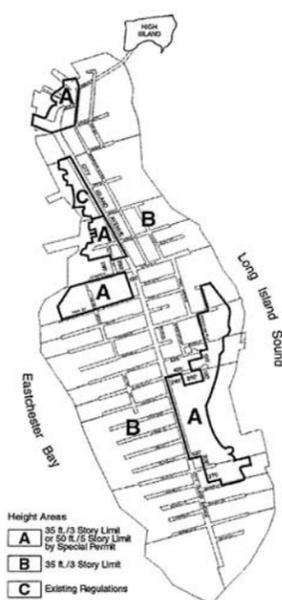
The Council finds that the 1991 FEIS, the Technical Memorandum and the Notice of Minor Modification dated September 10, 2010 constitutes the written statement of facts that form the basis of the decision.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 070384 ZRX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

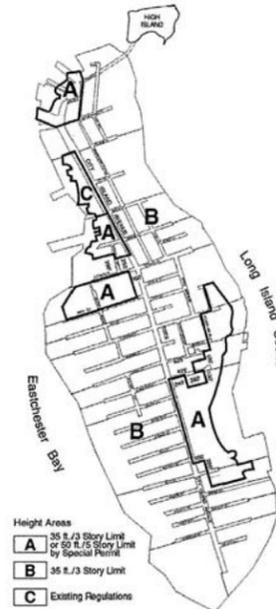
To be deleted:

**Appendix A  
Special City Island District-Height Areas**



To be added:

**Appendix A  
Special City Island District-Height Areas**



LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 357

**Report of the Committee on Land Use in favor of approving Application no. C 100232 ZMK submitted by Kingswood Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an R5B District to an C4-4A District, Section No. 22d, Council District 48.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 845), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 15**

**C 100232 ZMK**

City Planning Commission decision approving an application submitted by Kingswood Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d changing from an R5B District to a C4-4A District property bounded by a line 160 feet southerly of Avenue P, East 15<sup>th</sup> Street, a line 180 feet southerly of Avenue P, and East 14<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated October 25, 2010.

**INTENT**

To bring an existing building into compliance with rear yard regulations at 1630 East 15<sup>th</sup> Street in Brooklyn.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** One

**Witnesses Against:** Two

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b>     | <b>Against:</b> | <b>Abstain:</b> |
|----------------------|-----------------|-----------------|
| Comrie               | None            | None            |
| Rivera               |                 |                 |
| Reyna                |                 |                 |
| Barron               |                 |                 |
| Jackson              |                 |                 |
| Sanders, Jr.         |                 |                 |
| Seabrook             |                 |                 |
| Vann                 |                 |                 |
| Palma                |                 |                 |
| Arroyo               |                 |                 |
| Dickens              |                 |                 |
| Garodnick            |                 |                 |
| Mendez               |                 |                 |
| <b><u>Cont'd</u></b> |                 |                 |
| Vacca                |                 |                 |
| Lander               |                 |                 |
| Levin                |                 |                 |
| Weprin               |                 |                 |
| Williams             |                 |                 |
| Ignizio              |                 |                 |
| Koo                  |                 |                 |

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 792

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100232 ZMK, a Zoning Map amendment (L.U. No. 357).**

By Council Members Comrie and Weprin

**WHEREAS**, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), on the application submitted by Kingswood Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to bring an existing building into compliance with rear yard regulations at 1630 East 15<sup>th</sup> Street in the Kings Highway commercial corridor in Brooklyn, Community District 15, Borough of Brooklyn (ULURP No. C 100232 ZMK) (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Technical Memorandum addressing the potential environment impacts of the proposed action which was issued by the Mayor's Office of Environmental Coordination on September 2, 2010 (CEQR No. 03DME004K);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100232 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22d:

changing from an R5B District to a C4-4A District property bounded by a line 160 feet southerly of Avenue P, East 15<sup>th</sup> Street, a line 180 feet southerly of Avenue P, and East 14<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated October 25, 2010, Community District 15, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 358

**Report of the Committee on Land Use in favor of approving Application no. 20105725 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Corner 47th Restaurant Corp. d.b.a. Pietrasanta, to establish, maintain and operate an unenclosed sidewalk café located at 683 Ninth Avenue, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 845), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**20105725 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Corner 47<sup>th</sup> Restaurant Corp., d/b/a Pietrasanta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 683 Ninth Avenue.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b>     | <b>Against:</b> | <b>Abstain:</b> |
|----------------------|-----------------|-----------------|
| Comrie               | None            | None            |
| Rivera               |                 |                 |
| Reyna                |                 |                 |
| Barron               |                 |                 |
| Jackson              |                 |                 |
| Sanders, Jr.         |                 |                 |
| Seabrook             |                 |                 |
| Vann                 |                 |                 |
| Palma                |                 |                 |
| Arroyo               |                 |                 |
| Dickens              |                 |                 |
| Garodnick            |                 |                 |
| Mendez               |                 |                 |
| Vacca                |                 |                 |
| <b><u>Cont'd</u></b> |                 |                 |
| Lander               |                 |                 |
| Levin                |                 |                 |
| Weprin               |                 |                 |

Williams  
Ignizio  
Koo

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 793

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 683 Ninth Avenue, Borough of Manhattan (20105725 TCM; L.U. No. 358).**

By Council Members Comrie and Weprin

**WHEREAS**, the Department of Consumer Affairs filed with the Council on March 3, 2011 its approval dated March 3, 2011 of the petition of Corner 47<sup>th</sup> Restaurant Corp., d/b/a Pietrasanta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 683 Ninth Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on April 4, 2011; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Petition;

**RESOLVED:**

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 359

**Report of the Committee on Land Use in favor of approving Application no. C 070579 ZMK submitted by the Center for Negative Thinking LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an C8-2 District to an R6A District, and establishing within an R6A District a C2-4 District, Section No. 17b.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 845), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 5**

**C 070579 ZMK**

City Planning Commission decision approving an application submitted by S&H Glazer Bros., Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b:

1. changing from an C8-2 District to an R6A District property bounded by Eastern Parkway Extension, Howard Avenue, and Pitkin Avenue; and
2. establishing within the proposed R6A District an C2-4 District bounded by Eastern Parkway Extension, Howard Avenue, and Pitkin Avenue;

as shown on a diagram (for illustrative purposes only) dated November 15, 2010, and subject to the conditions of CEQR declaration E-260.

**INTENT**

To facilitate the development of a five-story mixed-use building in Ocean Hill, Brooklyn.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b>     | <b>Against:</b> | <b>Abstain:</b> |
|----------------------|-----------------|-----------------|
| Comrie               | None            | None            |
| Rivera               |                 |                 |
| Reyna                |                 |                 |
| Barron               |                 |                 |
| Jackson              |                 |                 |
| Sanders, Jr.         |                 |                 |
| Seabrook             |                 |                 |
| Vann                 |                 |                 |
| Palma                |                 |                 |
| Arroyo               |                 |                 |
| Dickens              |                 |                 |
| Garodnick            |                 |                 |
| Mendez               |                 |                 |
| Vacca                |                 |                 |
| <b><u>Cont'd</u></b> |                 |                 |
| Lander               |                 |                 |
| Levin                |                 |                 |
| Weprin               |                 |                 |
| Williams             |                 |                 |

Ignizio  
Koo

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 794

**Resolution approving the decision of the City Planning Commission on ULURP No. C 070579 ZMK, a Zoning Map amendment (L.U. No. 359).**

By Council Members Comrie and Weprin

**WHEREAS**, the City Planning Commission filed with the Council on March 18, 2011 its decision dated March 16, 2011 (the "Decision"), on the application submitted by S&H Glazer Bros., Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change a C8-2 zoning district to a R6A/C2-4 zoning district on a block bounded by Howard Avenue, Eastern Parkway Extension and Pitkin Avenue, to facilitate the development of a five-story mixed-use building with 7,267 square feet of ground-floor commercial space and 20 dwelling units in the Ocean Hill section of Brooklyn (ULURP No. C 070579 ZMK) (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Conditional Negative Declaration issued on November 10, 2010, which included (E) designation (E-260) that would eliminate the potential for significant adverse impacts related air quality, noise and hazardous materials, and would ensure that appropriate testing, remediation and corrective action (CEQR No. 08DCP017K);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment subject to the following condition:

The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 070579 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17b:

1. changing from an C8-2 District to an R6A District property bounded by Eastern Parkway Extension, Howard Avenue, and Pitkin Avenue; and
2. establishing within the proposed R6A District an C2-4 District bounded by Eastern Parkway Extension, Howard Avenue, and Pitkin Avenue;

as shown on a diagram (for illustrative purposes only) dated November 15, 2010, and subject to the conditions of CEQR declaration E-260, Community District 5, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 362

**Report of the Committee on Land Use in favor of approving Application no. N 110167 ZRM submitted by the Department of City Planning, the Office of the Manhattan Borough President, and Community Board 1, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 111-20 (Special Bulk Provisions for Area A1 through A7) relating to the Special Tribeca Mixed Use District, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 846), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1**

**N 110167 ZRM**

City Planning Commission decision approving an application submitted by the Department of City Planning, the Office of the Manhattan Borough President, and Community Board 1, Manhattan pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 111-20 (Special Bulk Provisions for Area A1 through A7) relating to the Special Tribeca Mixed Use District.

**INTENT**

To modify the maximum building height requirements for properties in Historic Districts designated by the New York City Landmarks Preservation Commission in area A4 of the Special Tribeca Mixed-Use District, Manhattan.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** None

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 5, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |

Garodnick  
Vacca  
Ignizio

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |

**Cont'd**

Mendez  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Koo

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 795

**Resolution approving the decision of the City Planning Commission on Application No. N 110167 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Section 111-20 (Special Bulk Provisions for Area A1 through A7) relating to the Special Tribeca Mixed Use District in Community District 1, Borough of Manhattan (L.U. No. 362).**

By Council Members Comrie and Weprin

**WHEREAS**, the City Planning Commission filed with the Council on March 18, 2011 its decision dated March 16, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, the Office of the Manhattan Borough President, and Community Board 1, Manhattan for an amendment of the Zoning Resolution of the City of New York, concerning Section 111-20 (Special Bulk Provisions for Area A1 through A7) relating to the Special Tribeca Mixed Use District, to modify the maximum building height requirements for properties in Historic Districts designated by the New York City Landmarks Preservation Commission in Area A4 of the Special Tribeca Mixed Use District (Application No. N 110167 ZRM), Community District 1, Borough of Manhattan (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on December 13, 2010 (CEQR No. 11DCP060M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110167 ZRM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

- Matter in underline is new, to be added
Matter in strikethrough is old, to be deleted
Matter within # # is defined in Section 12-10
\*\*\* indicates where unchanged text appears in the Zoning Resolution

\*\*\*

ARTICLE XI: SPECIAL PURPOSE DISTRICTS
CHAPTER 1: SPECIAL TRIBECA MIXED USE DISTRICT

\*\*\*

111-20
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

\*\*\*

d) Areas A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

- (1) Height and setback regulations, as set forth in Section 35-24, shall be modified, as follows:

Table with 4 columns: Area, Minimum Base height (in ft.), Maximum Base height (in ft.), Maximum #building# height (in ft.). Rows include A4, A5, A6, and A7.

For any #building# or portion thereof located within Area A4, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed within Area A4 above the maximum #building# height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

However, for any #building# or portion thereof located both within Area A4 and within an Historic District designated by the Landmarks Preservation Commission, the underlying height and setback regulations of Section 35-24 shall apply, except that the maximum height of such #buildings# or portions thereof shall be 160 feet and the 10 foot penthouse allowance set forth in this paragraph (1) shall not apply.

In Area A4, the provisions of this paragraph, (d) (1), shall not apply to any #building# located in Historic Districts designated by the Landmarks Preservation Commission.

\*\*\*

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 363

Report of the Committee on Land Use in favor of approving Application no. 20115422 HKK (N 110194 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Child's Restaurant Building (List No.437, LP-2410), located at 1208 Surf Avenue, (Block 8694, Lot 18), Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 847), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 20115422 HKK (N 110194 HKK)

Designation by the Landmarks Preservation Commission (List No. 437/LP-2410), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Child's Restaurant Building, located at 1208 Surf Avenue (Block 8694, Lot 18), as a historic landmark.

PUBLIC HEARING

DATE: April 4, 2011

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 4, 2011

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor: Lander, Sanders, Jr., Palma, Mendez, Williams, Halloran
Against: None
Abstain: None

COMMITTEE ACTION

DATE: April 5, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Sanders, Jr., Seabrook
Against: None
Abstain: None

Vann  
 Palma  
 Arroyo  
 Dickens  
 Garodnick  
 Mendez  
 Vacca  
 Lander  
 Levin  
 Weprin  
 Williams  
 Ignizio  
 Koo

In connection herewith, Council Members Comrie and Lander offered the following resolution:

Res. No. 796

**Resolution affirming the designation by the Landmarks Preservation Commission of the Childs Restaurant Building located at 1208 Surf Avenue a.k.a 1202-1212 Surf Avenue, 3002-3014 West 12<sup>th</sup> Street (Tax Map Block 8694, Lot 18), Borough of Brooklyn, Designation List No. 437, LP-2410 (L.U. No. 363; 20115422 HKK; N 110194 HKK).**

By Council Members Comrie and Lander

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 20, 2011 a copy of its designation dated January 11, 2011 (the "Designation"), of the Childs Restaurant Building located at 1208 Surf Avenue a.k.a 1202-1212 Surf Avenue, 3002-3014 West 12<sup>th</sup> Street, Community District 13, Borough of Brooklyn as a landmark, and Tax Map Block 8694, Lot 18, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on March 18, 2011, its report on the Designation dated March 16, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on April 4, 2011; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 364

**Report of the Committee on Land Use in favor of approving Application no. 20115462 HKM (N 110195 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Haskins and Sells Building (List No.437, LP-2417), located at 35 West 39th Street (Block 841, Lot 18), Council District no. 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011 (Minutes, page 847), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5**

**20115462 HKM (N 110195 HKM)**

Designation by the Landmarks Preservation Commission (List No. 437/LP No. 2417), pursuant to Section 3020 of the New York City Charter, of the landmark designation of Haskins and Sells Building, located at 35 West 39th Street (Block 841, Lot 18), as an historic landmark.

**PUBLIC HEARING**

**DATE:** April 4, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 4, 2011

The Subcommittee recommends that the Land Use Committee affirm the designation.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Lander           | None            | None            |
| Sanders, Jr.     |                 |                 |
| Palma            |                 |                 |
| Mendez           |                 |                 |
| Williams         |                 |                 |
| Halloran         |                 |                 |

**COMMITTEE ACTION**

**DATE:** April 5, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Palma            |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Koo              |                 |                 |

In connection herewith, Council Members Comrie and Lander offered the following resolution:

Res. No. 797

**Resolution affirming the designation by the Landmarks Preservation Commission of the Haskins & Sells Building located at 35 West 39<sup>th</sup> Street a.k.a. 35-37 West 39<sup>th</sup> Street (Tax Map Block 841, Lot 18), Borough of Manhattan, Designation List No. 437, LP-2417 (L.U. No. 364; 20115462 HKM; N 110195 HKM).**

By Council Members Comrie and Lander

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 20, 2011 a copy of its designation dated January 11, 2011 (the "Designation"), of the Haskins & Sells Building located at 35 West 39<sup>th</sup> Street a.k.a. 35-37 West 39<sup>th</sup> Street, Community District 5, Borough of Manhattan as a landmark, and Tax Map Block 841, Lot 18, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on March 18, 2011, its report on the Designation dated March 16, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on April 4, 2011; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, April 5, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Public Safety**

Report for Int. No. 498-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the office of emergency management to develop and maintain protocols regarding weather emergencies and report to the mayor and the council.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on March 23, 2011 (Minutes, page 769), respectfully

**REPORTS:**

**Background**

On Wednesday, April 6, 2011, the Committees on Sanitation and Solid Waste Management and Public Safety will hold a joint hearing to vote on Proposed Int. Nos. 498-A (Public Safety), 505-A (Public Safety), 508-A (Sanitation), 511-A (Sanitation), 517-A (Sanitation) and 528-A (Public Safety) and Res. No. 701 (Public Safety). The two committees held a joint first hearing on these bills, in conjunction with the Committee on Transportation, on Wednesday, March 9, 2011.

**Introduction**

On December 26 and 27, 2010, a blizzard hit New York City (the "December blizzard"), overwhelming the City for several days in ways not seen for at least a generation.<sup>1</sup> Snowfall totals for the storm ranged from 14 to 24 inches throughout the five boroughs, and wind gusts were reported to be as strong as 60 miles per hour.<sup>2</sup> As has been well documented, the Department of Sanitation ("DSNY") failed to clear snow in a timely fashion from a significant number of the City's streets.<sup>3</sup> As a result, the blizzard crippled a host of basic and emergency services, most notably the City's transportation and emergency response services, and significantly impacted the daily lives of most New Yorkers.<sup>4</sup> Examples of the breakdown in basic and emergency services included, among other things, the inability of ambulance, fire and police services to function properly, with many emergency vehicles, especially ambulances, becoming stuck in unplowed – or partially plowed – streets;<sup>5</sup> the inability of the 911 and 311 call systems to keep up with and respond to an extremely high volume of calls;<sup>6</sup> and the abandonment of hundreds of vehicles, including approximately 600 MTA buses, on roads throughout the City.<sup>7</sup>

**Joint Council Oversight Hearing**

On January 10, 2011, the Council's committees on Sanitation and Solid Waste Management, Public Safety, Fire and Criminal Justice Services, and Oversight and Investigations held a joint oversight hearing concerning the City's preparation for, and response to, the December blizzard.<sup>8</sup> The following representatives from the Administration testified at that hearing:

- Stephen Goldsmith, Deputy Mayor of Operations;
- John Doherty, Commissioner of Sanitation;
- Joseph Bruno, Commissioner of the Office of Emergency Management;
- Salvatore Cassano, Fire Commissioner.<sup>9</sup>

The Administration's representatives testified on a host of topics relating to the December blizzard and acknowledged a number of factors that contributed to the City's poor preparation for and response to the storm. Among those factors were the following:

- The failure to call some type of public emergency, such as a snow emergency, in order to properly notify the public of the poor travel conditions and catalyze certain actions by City agencies and offices;<sup>10</sup>
- The lack of protocols for opening and operating the Emergency Operations Center ("EOC"), including staffing of EOC by agencies, which contributed to problems with emergency response;<sup>11</sup>
- The failure of the commissioners of Sanitation and OEM to communicate the severity of the storm to the Deputy Mayor and Mayor;<sup>12</sup>
- The lack of knowledge within DSNY of the slow rate of snow removal throughout the five boroughs, which prevented line workers within the Department from properly notifying management and other agencies;<sup>13</sup>
- The City's failure or inability to secure assistance from the State and private contractors who could have assisted the City with snow removal, towing, and emergency services;<sup>14</sup> and
- The City's failure to properly disseminate information to, and receive information from, the public, including community boards and elected officials.<sup>15</sup>

In addition to the Administration's representatives, a number of unions involved in emergency and winter storm management testified at the hearing on January 10<sup>th</sup>, including:

- Harry Nespoli, President, Uniformed Sanitationmen's Association
- Patrick J. Bahnken, President, Uniformed EMTs, Paramedics and Inspectors, New York City Fire Department
- Steve Cassidy, President, Uniformed Firefighters Association
- Patrick Reynolds, Captain, New York City Fire Department
- Vincent Variale, President, Uniformed EMS Officers Union
- Joseph Colangelo, President, SEIU Local 246
- Ryan Gunning, Chairperson, New York State Volunteer Ambulance and Rescue Association, District 4

- Brian Kuntz, President, Uniformed Fire Alarm Dispatchers Benevolent Association
- Multiple representatives from DC 37

Finally, the Council also invited several civic groups to share their experiences at the hearing.

**Council's Oversight Hearing on MTA Blizzard Response**

On January 14, 2011 the Council's Committee on Transportation held an oversight hearing on the MTA's response to the December blizzard. Among those providing testimony at that hearing was Thomas Prendergast, President of New York City Transit. Mr. Prendergast acknowledged many deficiencies in the MTA's response to the blizzard, including that Level 4, the highest level of alert by New York City Transit with regard to weather emergencies, was not called until many hours after a blizzard warning was issued for New York City.<sup>16</sup> He also acknowledged that many actions called for in a 2007 MTA report, including the operation of an Emergency Response Center, were not carried out.

Other notable MTA-related concerns raised at that hearing included: failures that led to more than 600 buses getting stuck in the snow; subway entrances not being shoveled properly; improper communication with the public regarding the

state of the transit system and specific subway and bus lines that were not running; the “A” train that was stranded for 7 hours during and following the storm; and failure to clear snow from bus stops and bus shelters.

#### Administration Action

On January 10, 2011, the Mayor’s Offices of Operations and Citywide Emergency Communications issued a Preliminary Review of the City’s Response to the December 2010 Blizzard (the “Preliminary Review”), setting forth fifteen points to improve snow and emergency response in the future.<sup>17</sup> That report identified six primary problems with the City’s preparation and response to the December blizzard and issued recommendations under the following six categories: 1) declaration of emergencies, 2) accountability tools, 3) rapid deployment of all possible city assets, 4) better prepositioning of private resources, 5) communications, and 6) emergency communications.

In addition to the Preliminary Review, the Administration subsequently released to the Council the Office of Emergency Management’s (“OEM”) New York City Winter Weather Emergency Plan (the “OEM Plan”), most recently updated in December, 2006, which sets forth an administrative plan for winter weather emergencies including hazard overview, decision making protocols and operational strategies. It does not appear that the provisions of the OEM Plan were closely adhered to during the December blizzard and the resultant cleanup.<sup>18</sup>

#### Council Borough-Based Hearings

Following the Council’s joint oversight hearing on January 10, the joint committees held six additional hearings, which took place throughout the five boroughs, to allow members of the public to share their stories and input regarding the December blizzard. In all, the council heard over 20 hours of testimony from more than 100 witnesses. In response to – and as a result of – those hearings, the Council drafted a series of bills aimed at addressing the issues that contributed to the City’s failure to properly respond to the December blizzard, and which are not satisfactorily addressed in the Preliminary Review. These bills were heard at the Council’s March 9<sup>th</sup> hearing. Certain bills heard at that hearing have been consolidated and refined to create the bills that will be voted on today. A brief description of each of the bills follows.

#### Summary of Bills

1. **Proposed Int. No. 498-A (Public Safety): Creation of weather emergency protocols by the Office of Emergency Management** – At the Committees’ hearing on March 9, several bills involving OEM were heard. Proposed Int. No. 498-A combines aspects of several of these bills and would require the Commissioner of OEM to develop protocols regarding (i) what actions the office might take when severe weather conditions are predicted, (ii) when and at what level to activate emergency support functions in the face of such weather conditions, and (iii) the circumstances under which OEM would call upon the State Emergency Management Office or other jurisdictions for assistance, or request mutual aid assistance from the state or other jurisdictions. Additionally, the bill would require the Commissioner to report to the Council on a yearly basis regarding the actions taken by OEM with respect to the protocols.
2. **Proposed Int. No. 505-A (Public Safety): Communication of Changes to Government Services** - This bill would require an agency or agencies designated by the Mayor to notify the public whenever government services are disrupted because of severe weather conditions or other emergencies. The types of service disruptions covered would include suspension of garbage pick-up, changes to subway and bus schedules, suspension of alternate-side parking rules, and school closings or delays. Notification of such service disruptions would be provided in a manner calculated to reach the greatest number of people impacted by the service disruptions, including updates on a dedicated website that would notify the public of service disruptions. Finally, the bill would require an agency or agencies designated by the Mayor to evaluate and determine the feasibility of posting information regarding disruption of services provided by not-for-profit organizations on the dedicated website.
3. **Proposed Int. No. 508-A (Sanitation): Annual Snow Response and Preparedness Report** - This bill would require the Mayor to issue a report on the City’s planning for and response to any snowfall greater than six inches in a period of twenty-four hours during the previous year. Such report would include a list of all City and State agencies and offices involved in the snow preparation and response, an assessment of each City agency’s or office’s performance, and recommendations for improvements to City snow planning, preparation, and response. The following year, and annually thereafter, the Mayor would be required to issue a similar report updating all of the items included in the previous year’s report and would also include an inventory of all city- and privately-owned snow management equipment used during significant snowfalls, including strategies, contracts and agreements to ensure that such equipment was available to the City, and the number of individuals registered to work with the City during any snow event, how such individuals were deployed and overseen by City employees, and strategies, contracts and agreements to ensure that such individuals were available to the City.
4. **Proposed Int. No. 517-A (Sanitation): DSNY Borough-Based Snow Removal Plans** – This bill would incorporate Int. Nos. 512, 514, 520, and 529 into the existing Int. No. 517. Accordingly, Proposed Int. No.

517-A would require DSNY to develop a comprehensive snow removal plan for each borough, which would include, among other items, a plan for the removal of snow and ice from streets, bus stops, curb cuts on primary streets, pedestrian medians at intersections on primary streets, crosswalks and sidewalks adjacent to public parks. In addition, such plan would require DSNY to establish definitions for snow removal priority designation categories and a link to a website on which the priority designations for each street, organized by community district, is viewable. The DSNY Commissioner would be required to identify: (i) a borough chief or chiefs who would be responsible for the implementation of the applicable borough-specific snow plan, (ii) department personnel to report to OEM on a city-wide basis during snow events and who would be directly responsible for communicating between OEM and the Department, and (iii) personnel to communicate on a borough-by-borough basis with Council Members, community boards and the Borough Presidents in order to provide, receive and respond to information from elected officials and community boards regarding snow event conditions. Finally, DSNY would be required to submit a draft plan for comment to council members, community boards and borough presidents no later than October 1 of each year and finalized plans, including any amendments, would be required by November 15 of such year.

5. **Proposed Int. No. 511-A (Sanitation): Registry for Snow Removal Volunteers** - This bill would require DSNY to assist organizations, such as local not-for-profit organizations, civic organizations and community groups, establish registries of volunteers willing to help remove snow on behalf of persons who have difficulty removing snow from abutting sidewalks due to infirmity, illness or physical incapacity. DSNY would also assist such organizations with volunteer recruitment efforts and in their efforts to inform the public about how to request assistance from the volunteers in their registries.
6. **Proposed Int. No. 528-A (Public Safety): Improvements to 311 System** – This bill would require improvements to 311 service, including requiring 311 operators to provide a tracking number to every caller requesting service or filing a complaint with a City agency, and a protocol for responding to high call volume incidents to be created and delivered to the Council by September 30, 2011.
7. **Res. No. 701 (Public Safety): Strengthen Ambulance Response** – A resolution calling on the Regional Emergency Medical Services Council of New York City (“REMSCO”), which is responsible to New York State for coordinating medical services in all five boroughs of New York City, to review and revise its mutual aid mobilization system protocol, in order to enhance the level of participation of ambulance service providers when mutual aid is requested, thereby increasing emergency ambulance service in future large scale emergencies. In general, REMSCO promulgates general operating procedures and protocols that govern the delivery of pre-hospital medical services. Among such protocols is the mutual aid mobilization system, which is meant to help ensure a reliable and safe response by ambulance resources from New York City Emergency Medical Service (“EMS”) agencies to any incident within New York City. During the December 2010 blizzard, ambulance providers attempting to partake in mutual aid encountered obstacles that deterred or prevented them from participating in the mutual aid mobilization.

#### Conclusion

The December blizzard, shut down the City of New York, leading to problems that impacted the very basic needs of its citizens. During the storm, neither the City’s snow removal efforts nor its emergency response and management efforts met the standards of the citizens of New York. The City Council responded to this disaster with a series of fact-finding and oversight hearings that brought to light both the nature of the problems the blizzard caused and some of the potential solutions to those problems. The legislation discussed in this report stems from those hearings and is meant to make sure that such a failed snow removal and emergency response does not happen again.

<sup>1</sup> Liz Robbins “After Blizzard Ends, A Slow Recovery” NY Times, December 26, 2010.

<sup>2</sup> See National Weather Service, Forecast Office New York, NY, “Preliminary Data Report: New York City Blizzard of December 26-27, 2010, (January, 2011). Copies of preliminary report available with Committee staff.

<sup>3</sup> E.g., Sarah Kugler Frazier “Buses, Ambulances Stuck in Unplowed NY Streets” Huffington Post, December 28, 2010.

<sup>4</sup> *Id.*; Robbins, *Supra* at Note 1.

<sup>5</sup> *Id.*; Sharon Otterman and Al Baker “With Ambulances Stuck in Snow, City Resorted to Triage” NY Times, December 28, 2010.

<sup>6</sup> Sharon Otterman “It Was Hell: Dispatchers Tell of Flood of 911 Calls During Storm” NY Times, December 30, 2010.

<sup>7</sup> Jim O’Grady “Claim: MTA’s Technical, Supervisory Failures Led to 600 Snowbound Buses” WNYC Transportation Nation, December 30, 2010.

<sup>8</sup> A complete transcript of the January 10<sup>th</sup> hearing, along with all other Council hearings on this topic, is available on the Council’s website (<http://legistar.council.nyc.gov/Legislation.aspx>).

<sup>9</sup> In addition, the Council heard briefly from Charles Dowd, Deputy Chief of the Police Department and Janette Sadik-Khan, Commissioner of the Department of Transportation, each of whom was called on to answer a question posed by Council Members during the hearing.

<sup>10</sup> *The December Blizzard of 2010: Evaluating the City's Response: Hearing Before the N.Y. City Council Comms. on Sanitation, et. al*, page #31 (January 10, 2011) (statement of Deputy Mayor Stephen Goldsmith).

<sup>11</sup> *The December Blizzard of 2010: Evaluating the City's Response: Hearing Before the N.Y. City Council Comms. on Sanitation, et. al*, page #120 (January 10, 2011) (statement of OEM Commissioner Joseph Bruno).

<sup>12</sup> Goldsmith, *Supra* Note 10 at 126.

<sup>13</sup> *Id* at 34.

<sup>14</sup> Bruno, *Supra* Note 11 at 91-93.

<sup>15</sup> Goldsmith, *Supra* Note 10 at 34.

<sup>16</sup> At the hearing, Mr. Prendergast also stated that the MTA would be implementing in the future a Level 5 of alert, which would be used in the event of severe storms such as the December blizzard.

<sup>17</sup> Available at: [http://www.nyc.gov/html/om/pdf/2011/review\\_of\\_2010\\_blizzard\\_response\\_01-10-11.pdf](http://www.nyc.gov/html/om/pdf/2011/review_of_2010_blizzard_response_01-10-11.pdf).

<sup>18</sup> A copy of the OEM Plan is available with Committee staff.

(The following is the text of the Fiscal Impact Statement for Int. No. 498-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 PRESTON NIBLACK, DIRECTOR  
 FISCAL IMPACT STATEMENT  
  
 PROPOSED INTRO. NO. 498-A  
  
 COMMITTEE: Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the Office of Emergency Management (OEM) to develop and maintain protocols regarding weather emergencies and report to the mayor and the council.

**SPONSORS:** Council Members Crowley, James Vallone Jr., Vacca, Cabrera, Comrie, Ferreras, Fidler, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia Jr., Sanders Jr., Seabrook, Vann, Williams, Halloran III, and Koo

**SUMMARY OF LEGISLATION:** This bill would require the Commissioner of OEM to develop protocols including, but not limited to, (1) the specific actions OEM may take when the National Weather Service (NWS) predicts the occurrence of certain specified weather conditions, as determined by OEM, including the identification of other agencies or offices (city, state or federal) that should be contacted or consulted; (2) after consulting the NWS, whether and at what level to activate emergency support functions; and (3) under what circumstances OEM would call upon the State Emergency Management Office or other jurisdictions for assistance, or request mutual aid assistance from the State or other jurisdictions, pursuant to Article 2-B of the Executive Law. The Commissioner of OEM would also be required to issue a report to the Council setting forth the actions taken by OEM pursuant to the new protocols on or before November 15<sup>th</sup> of each year, beginning on November 15<sup>th</sup>, 2011.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** N/A

**FISCAL IMPACT STATEMENT:**

|                  | Effective FY11 | FY Succeeding Effective FY12 | Full Fiscal Impact FY11 |
|------------------|----------------|------------------------------|-------------------------|
| Revenues (+)     | \$0            | \$0                          | \$0                     |
| Expenditures (-) | \$0            | \$0                          | \$0                     |
| Net              | \$0            | \$0                          | \$0                     |

**IMPACT ON REVENUES:** There would be no impact on revenues by the enactment of this legislation.

**IMPACT ON EXPENDITURES:** This bill would be implemented with the use of existing resources and therefore have no fiscal impact.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
 Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Andy Grossman, Deputy Director, City Council Finance Division  
 Lionel Francois, Legislative Finance Analyst, City Council Finance Division

**HISTORY:** On March 9, 2011, a joint hearing of the Committees on Sanitation and Solid Waste, Public Safety, and Transportation was held on a pre-considered version of this bill, which was laid over. The legislation was subsequently introduced to the full Council on March 23, 2011 as Int. 498 and referred to the Committee on Public Safety. An amended version of the legislation, Proposed Intro. 498-A, will be considered by the Committee on April 6th, 2011.

Accordingly, this Committee recommends the adoption of Int Nos. 498-A, 505-A, 528-A, 508-A, 511-A, 517-A, 528-A, and Res No. 701 (for text of Introductions as well as Fiscal Impact Statements for items other than Int No. 498-A, please see, respectively, the Reports of the Committee on Public Safety for Int No. 505-A and 528-A, and the Reports of the Committee on Sanitation and Solid Waste Management for Int Nos. 508-A, 511-A, and Int No. 517-A; for text of Res No. 701, please see the Report of the Committee on Public Safety for Res No. 701 printed in the voice-vote Resolutions section of these Minutes).

(The following is the text of Int. No. 498-A:)

Int. No. 498-A

By Council Members Crowley, Cabrera, Comrie, Ferreras, Fidler, James, Mendez, Palma, Sanders, Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone, Jr., Gentile, Gennaro, Vacca, Koppell, Koslowitz, Lander, Recchia, Eugene, Halloran, Koo, Jackson, Wills, Mark-Viverito, Barron, Chin and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the office of emergency management to develop and maintain protocols regarding weather emergencies and report to the mayor and the council.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended adding a new title 30 to read as follows:

*Title 30. Emergency Management*

*Chapter 1. Office of Emergency Management*

*§30-101 Definitions.*

*§30-102 Protocols Regarding Weather Emergencies.*

*§30-101 Definitions. As used in this title:*

*a. "Office" shall mean the New York city office of emergency management and shall have the same meaning as set forth in section four hundred ninety-five of the New York city charter.*

*b. "Commissioner" shall mean the commissioner of the New York city office of emergency management.*

*c. "Emergency support functions" shall mean a functional area of response activity established to facilitate coordinated delivery of assistance required to save lives, protect property and health, maintain public safety, and otherwise respond to emergency conditions.*

*§30-102 Protocols regarding weather emergencies. a. The commissioner shall develop protocols that shall include, but need not be limited to, the following: (1) what specific actions the office may take when the national weather service forecasts the occurrence of certain specified severe weather conditions, as determined by the office, including identifying what other agencies or offices of city, state or federal government shall be contacted or consulted; (2) based on the national weather service consultation and inter-agency communications, whether and at what level to activate emergency support functions; and (3) the circumstances under which the office would call upon the state emergency management office or other jurisdictions for assistance, or request mutual aid assistance from the state or other jurisdictions pursuant to article two-B of the executive law.*

*b. On or before November fifteenth, 2011 and every November fifteenth thereafter, the commissioner shall issue a report to the council setting forth the actions taken by the office pursuant to the protocols issued in accordance with subdivision a of this section.*

§2. This local law shall take effect immediately.

PETER F. VALLONE JR., Chairperson; ERIK MARTIN-DILAN, JAMES F. GENNARO, VINCENT J. GENTILE, DANIEL R. GARODNICK, DAVID G. GREENFIELD, Committee on Public Safety, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 505-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring an agency or agencies designated by the mayor to notify the public of the status of government services disrupted due to severe weather conditions or other emergency.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on March 23, 2011 (Minutes, page 787), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 498-A printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 505-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 505-A

COMMITTEE: Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring an agency or agencies designated by the mayor to notify the public of the status of government services disrupted due to severe weather conditions or other emergency.

**SPONSORS:** Council Members Gentile, Cabrera, Chin, Fidler, Foster, James, Koppell, Mendez, Nelson, Palma, Recchia Jr., Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone Jr., Gennaro, and Halloran III

**SUMMARY OF LEGISLATION:** This legislation would require an "agency or agencies designated by the mayor to notify the public of the status of any New York city government services that are suspended or significantly disrupted due to severe weather conditions or other emergency. Such government services [would] include, but not be limited to, collection of solid waste, public transportation, on-street parking, and the operation of educational facilities." This notification would be achieved through "any medium that is reasonably expected to reach a substantial proportion of the community or communities impacted by the suspension or disruption of government services, provided that, in addition to notification by other media, the designated agency or agencies...maintain a dedicated website on which all information regarding the status of disrupted government services [would] be made publicly available."

The legislation would also require that "an agency or agencies designated by the mayor...evaluate and determine the feasibility of posting information regarding the suspension or significant disruption of services provided by not-for-profit organizations, who contract with the city to provide services," on the above-mentioned, dedicated website established pursuant to this legislation.

**EFFECTIVE DATE:** This local law would take effect ninety days after its enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** N/A

**FISCAL IMPACT STATEMENT:**

|                  | Effective FY11 | FY Succeeding Effective FY12 | Full Fiscal Impact FY11 |
|------------------|----------------|------------------------------|-------------------------|
| Revenues (+)     | \$0            | \$0                          | \$0                     |
| Expenditures (-) | \$0            | \$0                          | \$0                     |
| Net              | \$0            | \$0                          | \$0                     |

**IMPACT ON REVENUES:** There would be no impact on revenues by the enactment of this legislation.

**IMPACT ON EXPENDITURES:** This bill would be implemented with the use of existing resources and therefore have no fiscal impact. The Administration intends to meet the requirement for public notice through "any medium that is reasonably expected to reach a substantial proportion of the community or communities impacted by the suspension or disruption of government services" by sending out press alerts to television and

radio news stations that would report the government service disruptions as a public service.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Andy Grossman, Deputy Director, City Council Finance Division  
Lionel Francois, Legislative Finance Analyst, City Council Finance Division

**HISTORY:** On March 9, 2011, a joint hearing of the Committees on Sanitation and Solid Waste, Public Safety, and Transportation was held on a pre-considered version of this bill, which was laid over. The legislation was subsequently introduced to the full Council on March 23, 2011 as Int. 505 and referred to the Committee on Public Safety. An amended version of the legislation, Proposed Intro. 505-A, will be considered by the Committee on April 6<sup>th</sup>, 2011.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 505-A:)**

Int. No. 505-A

By Council Members Gentile, Cabrera, Chin, Fidler, Foster, James, Koppell, Mendez, Nelson, Palma, Recchia, Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone, Jr., Gennaro, Eugene, Halloran, Jackson, Wills, Mark-Viverito and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring an agency or agencies designated by the mayor to notify the public of the status of government services disrupted due to severe weather conditions or other emergency.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-113 to read as follows:

§3-113 *Notification of status of government services during severe weather conditions or other emergency.* a. An agency or agencies designated by the mayor shall notify the public of the status of any New York city government services that are suspended or significantly disrupted due to severe weather conditions or other emergency. Such government services shall include, but not be limited to, collection of solid waste, public transportation, on-street parking, and the operation of educational facilities. The notification shall be through any medium that is reasonably expected to reach a substantial proportion of the community or

communities impacted by the suspension or disruption of government services, provided that, in addition to notification by any other media, the designated agency or agencies shall maintain a dedicated website on which all information regarding the status of disrupted government services shall be made publicly available.

b. An agency or agencies designated by the mayor shall evaluate and determine the feasibility of posting information regarding the suspension or significant disruption of services provided by not-for-profit organizations, who contract with the city to provide such services, on the dedicated website established pursuant to this section.

§2. This local law shall take effect ninety days after its enactment.

PETER F. VALLONE JR., Chairperson; ERIK MARTIN-DILAN, JAMES F. GENNARO, VINCENT J. GENTILE, DANIEL R. GARODNICK, DAVID G. GREENFIELD, Committee on Public Safety, April 6, 2011.

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 505-A:)**

THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

**A LOCAL LAW**

A Local Law to amend the administrative code of the city of New York, in relation to requiring an agency or agencies designated by the mayor to notify the public of the status of government services disrupted due to severe weather conditions or other emergency.

Given under my hand and seal this 6<sup>th</sup> day of April, 2011 at City Hall in the City of New York

Michael R. Bloomberg  
Mayor

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 528-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to improving 311 service during emergencies.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on March 23, 2011 (Minutes, page 838), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Public Safety for Int No. 498-A printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

**(The following is the text of the Fiscal Impact Statement for Int. No. 528-A:)**



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. No. 528-A

COMMITTEE: Public Safety

**TITLE:** To amend the administrative code of the city of New York, in relation to improving 311 service during emergencies.

**SPONSORS:** By Council Members Williams, Cabrera, Chin, Fidler, James, Koppell, Mendez, Van Bramer, Lappin, Recchia, Jr., Vallone, Jr., Gentile, Gennaro, Halloran III, and Koo

**SUMMARY OF LEGISLATION:** This legislation would require that 311 customer service center call takers provide the caller with a unique identifier for such call taker at the beginning of every call and a tracking number for every call that results in a request for service or complaint being filed with a city agency.

The legislation would also require the 311 customer service center to implement a protocol for responding to high call volume which would include, but not be limited to: "(i) a system to efficiently and effectively answer, direct and track all calls; (ii) increased utilization of automated telephone messages, short message services, social media, email alerts, and the city's website to disseminate information and to reduce non-critical information requests; and (iii) a plan to ensure adequate staffing both in anticipation of, and in response to, high call volume incidents."

**EFFECTIVE DATE:** This local law would take effect one hundred eighty days after its enactment, except that the director of the Mayor's Office of Operations would take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2012

**FISCAL IMPACT STATEMENT:**

|                  | Effective FY12 | FY Succeeding Effective FY13 | Full Fiscal Impact FY12 |
|------------------|----------------|------------------------------|-------------------------|
| Revenues (+)     | \$0            | \$0                          | \$0                     |
| Expenditures (-) | \$0            | \$0                          | \$0                     |
| Net              | \$0            | \$0                          | \$0                     |

**IMPACT ON REVENUES:** This local law would generate no additional revenues for the City.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures as a result of this legislation since existing resources could be used to develop new 311 service protocols.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** John Russell, Senior Legislative Financial Analyst  
Andy Grossman, Deputy Director

**HISTORY:** On March 9, 2011, a joint hearing of the Committees on Sanitation and Solid Waste, Public Safety, and Transportation was held on a pre-considered version of this bill, which was laid over. The legislation was subsequently introduced to the full Council on March 23, 2011 as Int. 528 and referred to the Committee on Public Safety. An amended version of the legislation, Proposed Intro. 528-A, will be considered by the Committee on April 6<sup>th</sup>, 2011.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 528-A:)**

Int. No. 528-A

By Council Member Williams, Cabrera, Chin, Fidler, James, Koppell, Mendez, Van Bramer, Lappin, Recchia, Vallone, Jr., Gentile, Gennaro, Eugene, Halloran, Koo, Jackson, Wills, Mark-Viverito, Barron and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to improving 311 service during emergencies.**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 3 to read as follows:

*Chapter 3. NON-EMERGENCY CITY SERVICES*

*§23-301 Tracking Information Provided.*

*§23-302 High Call Volume Protocol.*

*§23-301 Tracking information provided. 311 customer service center call takers shall provide the caller with a unique identifier for such call taker at the beginning of every call and a tracking number for every call that results in a request for service or complaint being filed with a city agency.*

*§23-302 High call volume protocol. a. No later than September 30, 2011, the 311 customer service center shall implement a protocol for responding to high call volume. Such protocol shall include, but not be limited to, (i) a system to efficiently and effectively answer, direct and track all calls; (ii) increased utilization of automated telephone messages, short message services, social media, email alerts, and the city's website to disseminate information and to reduce non-critical information requests; and (iii) a plan to ensure adequate staffing both in anticipation of, and in response to, high call volume incidents.*

*b. A copy of such protocol shall be provided to the council.*

§ 2. This local law shall take effect one hundred eighty days after its enactment, except that the director of the mayor's office of operations shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

PETER F. VALLONE JR., Chairperson; ERIK MARTIN-DILAN, JAMES F. GENNARO, VINCENT J. GENTILE, DANIEL R. GARODNICK, DAVID G. GREENFIELD, Committee on Public Safety, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Sanitation and Solid Waste Management**

Report for Int. No. 508-A

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing an annual snow preparedness and response report.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on March 23, 2011 (Minutes, page 792), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Public Safety for Int No. 498-A printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

**(The following is the text of the Fiscal Impact Statement for Int. No. 508-A:)**



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. No: 508-A

COMMITTEE: Sanitation and Solid Waste Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing an annual snow preparedness and response report.

**SPONSORS:** Council Members James, Cabrera, Chin, Conrie, Fidler, Foster, Koppell, Mark-Viverito, Mendez, Nelson, Palma, Recchia Jr., Seabrook, Vann, Williams, Levin, Van Bramer, Vallone Jr., Gentile, Gennaro, and Crowley

**SUMMARY OF LEGISLATION:** This legislation would amend Chapter 1 of title 30 of the Administrative Code by adding a new section 30-103 entitled "Annual snow preparedness and response report." It would require the Department of Sanitation ("Department") to "submit to the Council and make available to the public on the City's website a report describing the City's preparation for and response to all snow events during the preceding twelve-month period." The report, which would be issued no later than November 15, 2011, and on or before every November fifteenth thereafter, would include, "a list of all snow events during the reporting period; a list of all city and state agencies or offices and private entities that acted on behalf of the City involved in snow event preparation and response, including a description of the responsibilities of each such agency, office or entity... an assessment of the performance of each such agency or office for each snow event during the reporting period, including an assessment of interagency coordination; a list of any snow-related emergency warnings or declarations issued by the city or state during the reporting period and actions taken pursuant to each such warning or declaration; and recommendations for improving the City's snow event preparation and response including, but not limited to, revisions to snow management plans and other relevant protocols of any City agency or office."

Additionally, starting no later than November 15, 2012 and annually thereafter, the Department is to include in the report "an inventory of all City-owned snow management equipment and resources that were used during any snow event; an inventory of privately-owned snow management equipment and resources used by the City during any snow event; an assessment of how such equipment and resources were deployed and overseen by city agencies or offices and strategies, contracts or agreements used to ensure that such snow management equipment and resources were available to the City; and the number of individuals who registered with the City to work during any snow event, and assessment on how such individuals were deployed and overseen by city agencies or offices and strategies, contracts or agreements used to ensure that such individuals were available to the City."

**EFFECTIVE DATE:** This legislation would take effect ninety days after its enactment into law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2012.

**FISCAL IMPACT STATEMENT:**

|              | Effective FY12 | FY Succeeding Effective FY13 | Full Fiscal Impact FY12 |
|--------------|----------------|------------------------------|-------------------------|
| Revenues     | \$0            | \$0                          | \$0                     |
| Expenditures | \$0            | \$0                          | \$0                     |
| Net          | \$0            | \$0                          | \$0                     |

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures resulting from the enactment of this legislation.  
Intro 508-A

Although, the proposed legislation requires the Department to compile an annual snow preparedness and response report, it is presumed that these data compilations would be conducted by existing agency staff.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division  
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director  
Kate Seely-Kirk, Senior Legislative Financial Analyst

HISTORY: On March 9, 2011, a joint hearing of the Committees on Sanitation and Solid Waste, Public Safety, and Transportation was held on a pre-considered version of this bill, which was laid over. The legislation was subsequently introduced to the full Council on March 23, 2011 as Int. 508 and referred to the Committee on Sanitation. An amended version of the legislation, Proposed Intro. 508-A, will be considered by the Committee on April 6<sup>th</sup>, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 508-A:)

Int. No. 508-A

By Council Member James, Cabrera, Chin, Comrie, Fidler, Foster, Koppell, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Seabrook, Vann, Williams, Levin, Van Bramer, Vallone, Jr., Gentile, Gennaro, Crowley, Jackson, Eugene, Wills, Gonzalez, Barron and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing an annual snow preparedness and response report.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-103 to read as follows:

§ 30-103 Annual snow preparedness and response report.

a. For purposes of this subdivision, the term "snow event" shall mean any snowfall equal to or in excess of six inches within a period of twenty-four hours in any of the five boroughs based on the department of sanitation's measurements.

b. No later than November fifteenth, two thousand eleven, and on or before every November fifteenth thereafter, the commissioner shall submit to the council and make available to the public on the city's website a report describing the city's preparation for and response to all snow events during the preceding twelve-month period. Such report shall include but not be limited to the following:

- (1) a list of all snow events during the reporting period;
- (2) a list of all city and state agencies or offices and private entities that acted on behalf of the city that were involved in snow event preparation and response, including a description of the responsibilities of each such agency, office or entity. Such agencies or offices, if involved in such preparation or response, shall include, but need not be limited to, the department of education, office of emergency management, department of environmental protection, fire department, office of the chief medical examiner, department of parks and recreation, police department, department of sanitation, department of transportation and to the extent information is available, the state office of emergency management, New York city housing authority, metropolitan transportation authority and port authority of New York and New Jersey;
- (3) an assessment of the performance of each such agency or office for each snow event during the reporting period, including an assessment of interagency coordination;
- (4) a list of any snow-related emergency warnings or declarations issued by the city or state during the reporting period and actions taken pursuant to each such warning or declaration; and
- (5) recommendations for improving city snow event preparation and response including, but not limited to, revisions to snow management plans and other relevant protocols of any city agency or office.

c. No later than November fifteenth two thousand twelve and every November fifteenth thereafter, the report required pursuant to subdivision b of this section shall include:

- (1) an inventory of all city-owned snow management equipment and resources that were used during any snow event;
- (2) an inventory of privately-owned snow management equipment and resources used by the city during any snow event, an assessment of how such equipment and resources were deployed and overseen by city agencies or offices and strategies, contracts or agreements used to ensure that such snow management equipment and resources were available to the city; and
- (3) the number of individuals who registered with the city to work during any snow event, and assessment on how such individuals were deployed and overseen by city agencies or offices and strategies, contracts or agreements used to ensure that such individuals were available to the city.

§2. This local law shall take effect ninety days after its enactment into law.

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation and Solid Waste Management, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 511-A

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a snow removal volunteer registry.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on March 23, 2011 (Minutes, page 798), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 498-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 511-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 511-A

COMMITTEE: Sanitation and Solid Waste Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a snow removal volunteer registry. SPONSORS: Council Members Koo, Fidler, Koppell, Koslowitz, Recchia Jr., Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone Jr., Gentile, Gennaro, and Halloran III

SUMMARY OF LEGISLATION: This legislation would amend Chapter 1 of title 16 of the Administrative Code by adding a new section 16-135 entitled "Snow removal volunteer registry." It would require the Department of Sanitation ("Department") or such entity as the Commissioner delegates to "assist organizations such as local not-for-profit organizations, civic organizations and community groups to establish registries of volunteers willing to help remove snow on behalf of persons who have difficulty fulfilling their obligations under section 16-123 of this chapter due to infirmity, illness or physical incapacity; assist such organizations with volunteer recruitment efforts; and assist such organizations in their efforts to inform the public about how to request assistance from the volunteers in their registries."

EFFECTIVE DATE: This legislation would take effect ninety days after its enactment into law, except that the Commissioner of Sanitation shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2012.

FISCAL IMPACT STATEMENT:

|              | Effective FY12 | FY Succeeding Effective FY13 | Full Fiscal Impact FY12 |
|--------------|----------------|------------------------------|-------------------------|
| Revenues     | \$0            | \$0                          | \$0                     |
| Expenditures | \$0            | \$0                          | \$0                     |
| Net          | \$0            | \$0                          | \$0                     |

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation. Although, the proposed legislation requires the Department to help entities establish volunteer registries, it is presumed that this work would be conducted by existing agency staff.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division  
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director  
Kate Seely-Kirk, Senior Legislative Financial Analyst

HISTORY: On March 9, 2011, a joint hearing of the Committees on Sanitation and Solid Waste, Public Safety, and Transportation was held on a pre-considered version of this bill, which was laid over. The legislation was subsequently introduced to the full Council on March 23, 2011 as Int. 511 and referred to the Committee on Sanitation. An amended version of the legislation, Proposed Intro. 511-A, will be considered by the Committee on April 6<sup>th</sup>, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 511-A:)

Int. No. 511-A

By Council Members Koo, Fidler, Koppell, Koslowitz, Recchia, Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone, Jr., Gentile, Gennaro, Jackson, Eugene, Halloran, Wills, Mark-Viverito, Gonzalez, Barron, Chin and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a snow removal volunteer registry.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-135 to read as follows:

§16-135 Snow removal volunteer registry. a. The department or such entity as the commissioner delegates, shall:

1. assist organizations such as local not-for-profit organizations, civic organizations and community groups to establish registries of volunteers willing to help remove snow on behalf of persons who have difficulty fulfilling their obligations under section 16-123 of this chapter due to infirmity, illness or physical incapacity;

2. assist such organizations with volunteer recruitment efforts; and

3. assist such organizations in their efforts to inform the public about how to request assistance from the volunteers in their registries.

b. The provisions of this section shall not alter the obligations of any persons under section 16-123 of this chapter.

c. Notwithstanding the provisions of subdivision a of this section, snow removal volunteers shall not be considered employees or volunteers of the city and the city does not guarantee or warranty any of the work performed by snow removal volunteers, nor shall the city indemnify snow removal volunteers for any claims, damages, losses, and expenses arising out of or resulting from any act, conduct, omission, negligence, misconduct or unlawful act performed pursuant to this section.

§ 2. This local law shall take effect ninety days after its enactment, except that the commissioner of sanitation shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation and Solid Waste Management, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 517-A

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing snow plowing and removal plans for each borough.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on March 23, 2011 (Minutes, page 810), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 498-A printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 517-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 517-A

COMMITTEE: Sanitation and Solid Waste Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing snow plowing and removal plans for each borough.

**SPONSORS:** Council Members Palma, Vacca, Koslowitz, Williams, Mealy, Gentile, Brewer, Cabrera, Chin, Comrie, Dromm, Ferreras, Fidler, Foster, James, Koppell, Lander, Mark-Viverito, Mendez, Nelson, Recchia Jr., Sanders Jr., Seabrook, Vann, Vallone Jr., Halloran III and Koo

**SUMMARY OF LEGISLATION:** This legislation would amend Chapter 1 of title 16 of the Administrative Code by adding a new section 16-124 entitled "Borough-based snow plowing and removal plans," and would require the Department of Sanitation ("Department") to make available to the public on the city's website a snow plowing and removal plan for each borough.

The plan, which is to be made available beginning November 15, 2011, and on every November 15 thereafter, would include: "the address of each Department garage and other facility within the borough identified by district or section and the number of uniformed department employees assigned to each such garage or facility for purposes of addressing snow conditions; an inventory by district of the Department-owned snow management equipment and resources and a city-wide inventory of other City-owned snow management equipment and resources that could, if available, be used during a snow event, as determined by City officials and the agency, office, agencies or offices responsible for the deployment of such City-owned snow management equipment and resources; (i) definitions of each of the priority designation categories, including criteria for making such designations and any changes to the previous year's priority designation category and the reasons for such changes; and (ii) a link to a website on which a map of each community district with the priority designation categories for each street in such district is viewable; how the department plans to address the following types of tasks during a snow event: (i) plowing and/or removal of snow and ice from streets within each borough; (ii) plowing and/or removal of snow and ice from curb cuts and pedestrian medians at intersections on primary streets; (iii) plowing and/or removal of snow and ice from crosswalks, sidewalks adjacent to parks and bus stops; and (iv) dispersal of salt, sand or other material applied to roads in icy or snowy conditions."

The bill further requires that, "The Commissioner shall designate and identify the following: (i) the borough chief or chiefs who will be responsible for the implementation of the applicable borough-specific snow plan; (ii) department personnel who will report to the Office of Emergency Management on a City-wide basis during snow events and who will be directly responsible for communicating with such office and the Department; and (iii) personnel from the Department's customer service and government relations offices who will communicate on a borough-by-borough basis with council members, community boards and the Borough Presidents in order to provide, receive and respond to information from such elected officials and community boards regarding snow event conditions."

Additionally, this bill requires that beginning October 1, 2011 and annually thereafter, "the Commissioner shall submit a draft snow plowing and removal plan for each borough for comment to the Council Members, Community Boards and Borough President from that borough. Amendments to the draft plan shall be included in the final snow plowing and removal plan for each borough to be issued no later than November fifteenth of each year."

**EFFECTIVE DATE:** This legislation would take effect ninety days after its enactment into law.

Intro 517-A

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2012.

**FISCAL IMPACT STATEMENT:**

|              | Effective FY12 | FY Succeeding Effective FY13 | Full Fiscal Impact FY12 |
|--------------|----------------|------------------------------|-------------------------|
| Revenues     | \$0            | \$0                          | \$0                     |
| Expenditures | \$0            | \$0                          | \$0                     |
| Net          | \$0            | \$0                          | \$0                     |

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures resulting from the enactment of this legislation. Although, the proposed legislation requires the Department to create snow plowing and removal plans for each borough, it is presumed that it would be compiled by existing agency staff.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

**SOURCE OF INFORMATION:** City Council Finance Division  
Mayor's Office of Legislative Affairs

**ESTIMATE PREPARED BY:** Andy Grossman, Deputy Director  
Kate Seely-Kirk, Senior Legislative Financial Analyst

**HISTORY:** On March 9, 2011, a joint hearing of the Committees on Sanitation and Solid Waste, Public Safety, and Transportation was held on a pre-considered version of this bill, which was laid over. The legislation was subsequently introduced to the full Council on March 23, 2011 as Int. 517 and referred to the Committee on Sanitation. An amended version of the legislation, Proposed Intro. 517-A, will be considered by the Committee on April 6<sup>th</sup>, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 517-A:)

Int. No. 517-A

By Council Members Palma, Cabrera, Comrie, Ferreras, Fidler, Koppel, Koslowitz, Mendez, Recchia, Seabrook, Vallone, Jr., Levin, Van Bramer, Lappin, Gentile, Gennaro, Vacca, Williams, Mealy, Brewer, Chin, Dromm, Foster, James, Lander, Mark-Viverito, Nelson, Sanders Jr., Vann, Jackson, Eugene, Halloran, Koo, Wills, Gonzalez, Barron and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing snow plowing and removal plans for each borough.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.1 to read as follows:

§ 16-124.1 *Borough-based snow plowing and removal plans.* a. *The following terms shall have the following meanings for purposes of this section:*

(1) *The term “bus shelter” shall mean a location that has a cover or ceiling and is intended to be used as shelter for individuals waiting to board a New York city transit authority vehicle, and shall include three feet on any open side of such shelter and to the curb on all portions of the sidewalk covered under this provision.*

(2) *The term “bus stop” shall mean a location that is not a bus shelter, designated by signage for New York city transit authority vehicles to pick up or discharge passengers, which location includes five feet of the sidewalk and the gutter immediately adjacent to the curb for the portion of such curb.*

(3) *The term “curb cut” shall have the same meaning as defined in section 27-480 of the code.*

(4) *The term “pedestrian median” shall mean a direct path between curb cuts on a median strip dividing a roadway or, where no curb cuts exist on such a median strip, the portion of the median strip designed to be traversed by pedestrians in order to cross the roadway that such median strip divides.*

(5) *The term “primary street” shall mean a street that is determined by the department to be of the first priority for purposes of snow plowing and/or removal.*

(6) *The term “snow event” shall mean any snowfall equal to or in excess of six inches within a period of twenty-four hours in any of the five boroughs based on the department of sanitation’s measurements.*

b. *Beginning on November fifteenth, 2011, and on every November fifteenth thereafter, the commissioner shall submit to the council and make available to the public on the city’s website a snow plowing and removal plan for each borough that shall include, but not be limited to, the following:*

(1) *The address of each department garage and other department facility within the borough identified by district or section and the number of uniformed department employees assigned to each such garage or facility for purposes of addressing snow conditions;*

(2) *An inventory by district of department-owned snow management equipment and resources and a city-wide inventory of other city-owned snow management equipment and resources that could, if available, be used during a snow event, as determined by city officials and the agency, office, agencies or offices responsible for the deployment of such city-owned snow management equipment and resources;*

(3) (i) *Definitions of each of the priority designation categories, including criteria for making such designations and any changes to the previous year’s priority designation category and the reasons for such changes; and (ii) a link to a website on which a map of each community district with the priority designation categories for each street in such district is viewable;*

(4) *How the department plans to address the following types of tasks during a snow event: (i) plowing and/or removal of snow and ice from streets within each borough; (ii) plowing and/or removal of snow and ice from curb cuts and pedestrian medians at intersections on primary streets; (iii) plowing and/or removal of snow and ice from crosswalks, sidewalks adjacent to parks and bus stops; and (iv) dispersal of salt, sand or other material applied to roads in icy or snowy conditions; and*

(5) *The commissioner shall designate and identify the following: (i) the borough chief or chiefs who will be responsible for the implementation of the applicable borough-specific snow plan; (ii) department personnel who will report to the office of emergency management on a city-wide basis during snow events and who will be directly responsible for communicating with such office and the department; and (iii) personnel from the department’s customer service and government relations offices who will communicate on a borough-by-borough basis with council members, community boards and the borough presidents in order to provide, receive and respond to information from such elected officials and community boards regarding snow event conditions.*

c. *Beginning on October first, two thousand eleven, and every October first thereafter, the commissioner shall submit a draft snow plowing and removal plan for each borough for comment to the council members, community boards and borough president from that borough. Amendments to the draft plan shall be included in the final snow plowing and removal plan for each borough to be issued no later than November fifteenth of each year pursuant to this section.*

§2. *This local law shall take effect ninety days after its enactment.*

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA DEL CARMEN ARROYO, Committee on Sanitation and Solid Waste Management, April 6, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## GENERAL ORDER CALENDAR

## Resolution approving various persons Commissioners of Deeds

## By the Presiding Officer –

**Resolved**, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

(For the Commissioner of Deeds listings adopted by the Council from the Stated Meeting of June 29, 2010 up to and including this Stated Meeting of April 6, 2011, please refer to the Office of the City Clerk at 141 Worth Street, New York, N.Y. 10013)

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## ROLL CALL ON GENERAL ORDERS FOR THE DAY

## (Items Coupled on General Order Calendar)

- |      |                       |   |
|------|-----------------------|---|
| (1)  | Int 341-A --          | In relation to allowing large solar rooftop installations.  |
| (2)  | Int 347-A --          | In relation to roof coating standards   |
| (3)  | Int 358-A --          | In relation to combined heat and power systems.   |
| (7)  | Int 498-A --          | Requiring the commissioner of the O.E.M to develop and maintain protocols regarding weather emergencies and report to the mayor and the council.  |
| (8)  | Int 505-A --          | Requiring an agency or agencies designated by the mayor to notify the public of the status of government services disrupted due to severe weather conditions or other emergency <b>(with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)</b> . |
| (4)  | Int 508-A --          | Establishing an annual snow preparedness and response report.   |
| (5)  | Int 511-A --          | Establishing a snow removal volunteer registry.   |
| (6)  | Int 517-A --          | Establishing snow plowing and removal plans for each borough.   |
| (9)  | Int 528-A --          | Improving 311 service during emergencies.   |
| (10) | Int 537 --            | Extending executive budget dates <b>(with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)</b> .  |
| (11) | Res 764 --            | Designation of certain organizations <b>(Transparency Resolution, April 6, 2011)</b> .  |
| (12) | L.U. 296 & Res 771 -- | App. C 110095 HAK, 37-39 Maujer Street; 33 and 38 Ten Eyck Street; 354-358 Bedford Avenue; 121 South 4th Street, Council District no. 34.   |
| (13) | L.U. 297 & Res 772 -- | App. C 110096 HAM, 145-1957 Park Avenue, Council District no. 9   |
| (14) | L.U. 298 & Res 773 -- | App. C 110097 ZMM, amendment to the Zoning Map Section no. 6a, Borough of Manhattan, Council District no. 9   |
| (15) | L.U. 299 & Res 774 -- | App. C 110101 HAX, 1157-1167 East 178th Street and 1160 Lebanon Street, Borough of the Bronx, Council District no. 15.  |
| (16) | L.U. 300 & Res 775 -- | App. C 110100 ZSX, special permit under the Zoning Resolution in the Borough of the Bronx, Council District no. 15.   |
| (17) | L.U. 301 & Res 776 -- | App. C 110103 ZSX, special permit   |

(18) L.U. 309 &amp; Res 777 --

(19) L.U. 310 &amp; Res 778 --

(20) L.U. 311 &amp; Res 779 --

(21) L.U. 312 &amp; Res 780 --

(22) L.U. 313 &amp; Res 781 --

(23) L.U. 319 &amp; Res 782 --

(24) L.U. 333 &amp; Res 783 --

(25) L.U. 335 &amp; Res 784 --

(26) L.U. 349 &amp; Res 785 --

(27) L.U. 350 &amp; Res 786 --

(28) L.U. 351 &amp; Res 787 --

(29) L.U. 353 &amp; Res 788 --

(30) L.U. 354 &amp; Res 789 --

(31) L.U. 355 &amp; Res 790 --

(32) L.U. 356 &amp; Res 791 --

(33) L.U. 357 &amp; Res 792 --

(34) L.U. 358 &amp; Res 793 --

(35) L.U. 359 &amp; Res 794 --

(36) L.U. 362 &amp; Res 795 --

under the Zoning Resolution in the Borough of the Bronx, Council District no. 15.

App. C 100228 MMQ, amendment to the City Map, Borough of Queens, Council District no. 24.

App. C 100229 HAQ, 161-79 86th Avenue, Borough of Queens, Council District no. 24.

App. C 110140 HAM, 9-17 Second Avenue, Borough of Manhattan, Council District no. 1.

App. C 110141 PQM, 11-17 Second Avenue, Borough of Manhattan, Council District no. 1.

App. N 110162 HAX, 12 East Clarke Place and 27 East 169th Street, Borough of the Bronx, Council District no. 16.

App. 20115463 HAM, Block 1837/Lot 21, Council District no. 8, Borough of Manhattan.

App. N 100339 ZAM, submitted by Columbia University in the City of New York for the grant of an authorization pursuant to Section 62-822 (a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 in connection with a proposed 5-story, approximately 47,700 square foot building, (Block 2244, Lots 1 and 100) in an R7-2 District, Council District 7.

App. 20115318 HKX (N 110182 HKX), 4715 Independence Avenue (Block 5926, Lot 76) as a historic landmark, Council District no. 11.

App. N 110165 ZRM, amendment to the Zoning Resolution concerning the Inclusionary Housing Program.

App. C 110125 ZMM, amendment to the Zoning Map Section no. 8c, Borough of Manhattan, Council District no. 3

App. C 110126 HAM, 533/543 West 52nd Street, and the disposition of such property, Borough of Manhattan, Council District no. 3.

App. 20115510 HAK, 11, 12, 37, 39 Kingston Avenue; 305 Decatur Street; 28, 29, 35, 40 MacDounough Street, Council District no. 36, Borough of Brooklyn.

App. 20115006 TCK, 510 80th Street, Borough of Brooklyn, Council District no.43.

App. M 900604 (A) ZMX, 166-175 Marine Street (Block 5639, Lots 23 and 40, and Block 5640, Lots 90 and 150), within the Special City Island District, Council District 13.

App. N 070384 ZRX, amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas), Council District 13.

App. C 100232 ZMK, amendment of the Zoning Map, changing from an R5B District to an C4-4A District, Section No. 22d, Council District 48.

App. 20105725 TCM, 683 Ninth Avenue, Borough of Manhattan, Council District no.3.

App. C 070579 ZMK, amendment of the Zoning Map, changing from an C8-2 District to an R6A District, and establishing within an R6A District a C2-4 District, Section No. 17b.

App. N 110167 ZRM, amendment of the Zoning Resolution of the City of New York, concerning Section 111-20 (Special Bulk Provisions for Area A1 through A7) relating to the Special Tribeca Mixed Use District, Community District 1.

- (37) L.U. 363 & Res 796 -- App. Application no. **20115422 HKK** (N 110194 HKK), 1208 Surf Avenue, (Block 8694, Lot 18), Council District no. 3.
- (38) L.U. 364 & Res 797 -- **App. 20115462 HKM (N 110195 HKM)**, 35 West 39th Street (Block 841, Lot 18), Council District no. 1.
- (39) L.U. 365 & Res 769 -- Block 2394, Lot 25, Block 2395, Lot 25, Block 2419, Lot 12, Block 2432, Lot 25, Block 2438, Lot 20, Brooklyn, Council District 34
- (40) L.U. 366 & Res 770 -- Los Sures, Block 2419, Lots 7 and 9, Brooklyn, Council District 34
- (41) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

**The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **LU No. 333 & Res No. 783:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

**Negative** – Barron – **1**.

The following was the vote recorded for **LU No. 335 & Res No. 784:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

**Negative** – Ignizio – **1**.

The following was the vote recorded for **LU No. 350 & Res No. 786** and **LU No. 351 & Res No. 787:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

**Negative** – Barron – **1**.

The following was the vote recorded for **Int No. 498-A:**

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders,

Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

**Abstention** – Brewer – **1**.

The following was the vote recorded for **Int No. 505-A:**

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

**Abstention** – Brewer – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 341-A, 347-A, 358-A, 498-A, 505-A (passed under a Message of Necessity), 508-A, 511-A, 517-A, 528-A, and 537 (passed under a Message of Necessity from the Mayor).*

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

**RESOLUTIONS**

*Presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

Report for voice-vote Res. No. 701

**Report of the Committee on Public Safety in favor of approving a Resolution calling on The Regional Emergency Medical Services Council of New York City to review and revise the New York City Mutual Aid Mobilization System Protocol.**

The Committee on Public Safety, to which the annexed resolution was referred on March 23, 2011 (Minutes, page 810), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Public Safety for Int No. 498-A printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 701:)**

Res. No. 701

**Resolution calling on The Regional Emergency Medical Services Council of New York City to review and revise the New York City Mutual Aid Mobilization System Protocol.**

By Council Members Crowley, Comrie, Fidler, James, Palma, Seabrook, Gentile, Gennaro, Mark-Viverito and Chin.

**Whereas**, On December 26, 2010, New York City experienced one of the most severe blizzards in its history; and

**Whereas**, The storm's significant snowfall, in conjunction with powerful winds, overwhelmed the City's emergency management efforts; and

**Whereas**, During the course of the storm more than 200 ambulances became stuck in the snow; and

**Whereas,** On December 27, 2010, the New York City Fire Department (“FDNY”) reported a 1,300 call backlog of 911 emergency medical calls, while other reports indicated a 3-hour wait for critical medical calls and a 12-hour wait for non-critical medical calls; and

**Whereas,** According to FDNY Commissioner Salvatore Cassano, the City requested mutual aid from city and state ambulance providers in the early morning hours on December 27, 2010; and

**Whereas,** The Regional Emergency Medical Services Council of New York City (“REMSCO”) is responsible to New York State for coordinating medical services in all five boroughs of New York City; and

**Whereas,** REMSCO’s Mutual Aid Mobilization Protocol sets forth a uniform procedure for the request and utilization of the City’s mutual aid partners, which include (i) eighteen voluntary hospitals, (ii) thirty-six community based volunteer ambulance companies, and (iii) fifteen private ambulance companies; and

**Whereas,** The Mutual Aid Mobilization Protocol is meant to help ensure a reliable and safe response by ambulance resources from New York City Emergency Medical Service (“EMS”) agencies to any incident within New York City; and

**Whereas,** According to reports, the City’s response to mutual aid was far from optimal with only a few of the city ambulance providers participating beyond what they are contractually obligated to provide; and

**Whereas,** Some of the ambulance providers who did not participate in the call for mutual aid cited various obstacles that deterred or prevented them from participating in the mutual aid mobilization including: (i) the belief that the FDNY waited too long to call for mutual aid; (ii) the assertion that EMS representatives changed the telephone number required for some ambulance providers to log into the 911 system without notifying providers; (iii) the unwillingness or inability of the City to assist mutual aid partners in freeing their ambulances from the snow; and (iv) the FDNY’s failure to issue radios to ambulance providers prior to significant snow accumulation; and

**Whereas,** REMSCO’s Mutual Aid Mobilization Protocol has remained unrevised since 2002; and

**Whereas,** REMSCO should review and revise its Mutual Aid Mobilization Protocol to foster greater mutual aid participation by city ambulance providers in the event of a large scale emergency by (i) establishing greater certainty regarding the appropriate time to call for mutual aid, (ii) ensuring an effective method is in place for participants to access the 911 system, (iii) requiring the FDNY to issue necessary equipment prior to a large scale emergency, and (iv) assuring the City’s assistance in removing other obstacles that may hinder mutual aid participation; and

**Whereas,** These revisions would assist in enhancing and increasing the level of participation in mutual aid, thereby increasing emergency ambulance service in a large scale emergency; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on The Regional Emergency Medical Services Council of New York City to review and revise the New York City Mutual Aid Mobilization System Protocol.

PETER F. VALLONE JR., Chairperson; ERIK MARTIN-DILAN, JAMES F. GENNARO, VINCENT J. GENTILE, DANIEL R. GARODNICK, DAVID G. GREENFIELD, Committee on Public Safety, April 6, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 701** to be adopted.

Adopted unanimously by the Council by voice vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 530

By Council Members Comrie, Barron, Brewer, James, Reyna, Wills, Mark-Viverito and Jackson.

### **A Local Law to amend the administrative code of the city of New York, in relation to setting nutrition standards for distributing incentive items aimed at children.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 *Incentive items with restaurant food. a. For the purposes of this section, the following term shall be defined as follows:*

1. *“Incentive item” shall mean any toy, game, trading card, admission ticket or other consumer product, whether physical or digital, with particular appeal to children, which is provided directly by the restaurant, or any coupon, voucher,*

*ticket, token, code or password which is provided directly by the restaurant and is redeemable for or grants digital or other access to any toy, game, trading card, admission ticket, or other consumer product with particular appeal to children.*

2. *“Meal” shall mean any combination of food and drink items offered together for a single price.*

3. *“Restaurant” shall mean any coffee shop, cafeteria, luncheonette, sandwich stand, diner, short order café, fast food establishment, soda fountain, and any other eating or beverage establishment, which gives or offers for sale food or beverages to the public, guests, members, or patrons, whether food or beverages are customarily consumed on or off the premises.*

*b. A restaurant may offer an incentive item in combination with the purchase of a meal only if the meal meets the following nutritional standards:*

*i. Less than five hundred calories;*

*ii. Less than six hundred milligrams of sodium;*

*iii. Less than thirty-five percent of total calories from fat, except for fat contained in nuts, seeds, peanut butter, or other nut butter;*

*iv. Less than ten percent of total calories from saturated fats, except for saturated fat contained in nuts, seeds, peanut butter, or other nut butter;*

*v. Less than ten percent of total calories from added sugars and/or caloric sweeteners;*

*vi. Contains one half cup of fruit or vegetables or one serving of whole-grain products; and*

*vii. A beverage, if included, that meets the criteria specified in subsection d.*

*c. A restaurant may offer an incentive item in combination with the purchase of a single food item only if the single food item meets the following nutritional standards:*

*i. Less than two hundred calories;*

*ii. Less than two hundred milligrams of sodium;*

*iii. Less than thirty-five percent of total calories from fat, except for fat contained in nuts, seeds, peanut butter, or other nut butter;*

*iv. Less than ten percent of total calories from saturated fats, except for saturated fat contained in nuts, seeds, peanut butter, or other nut butter;*

*v. Less than ten percent of total calories from added sugars and/or caloric sweeteners; and*

*vi. Contains one half cup of fruit or vegetables or one serving of whole-grain products.*

*d. A restaurant may offer an incentive item in combination with the purchase of a beverage only if the beverage meets the following nutritional standards:*

*i. Less than one hundred fifty calories;*

*ii. Less than thirty five percent of total calories from fat;*

*iii. Less than fifteen percent of total calories from saturated fat;*

*iv. Less than ten percent of total calories from added sugars and/or caloric sweeteners;*

*v. No added non-nutritive sweeteners*

*vi. No caffeine, with the exception of trace amounts of naturally occurring caffeine substances.*

*e. Any person who violates any of the provisions of this section shall be liable for a civil penalty of not less than two hundred dollars nor more than five hundred dollars for a first violation thereof; not less than five hundred dollars nor more than one thousand dollars for a second violation thereof; and not less than one thousand dollars nor more than two thousand five hundred dollars for a third or subsequent violation thereof.*

§2. This local law shall take effect one hundred and twenty days after its enactment into law.

Referred to the Committee on Health.

Res. No. 757

### **Resolution honoring the life and accomplishments of Ms. Geraldine Ferraro.**

By Council Members Comrie, Brewer, Cabrera, Chin, Dickens, Fidler, Garodnick, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Palma, Van Bramer, Vann, Williams, Mark-Viverito and Koo.

**Whereas,** Geraldine Anne Ferraro was the youngest child, and only girl, born to Italian immigrants Dominick and Antonetta Ferraro on August 26, 1935 in Newburgh New York; and

**Whereas,** After Dominick Ferraro died of a heart attack in 1943, Antonetta moved herself and three children to the Bronx; and

**Whereas,** As a child, Geraldine attended Marymount Catholic School in Tarrytown, New York where she excelled academically and accelerated to an early graduation from high school at the age of 16; and

**Whereas,** Ms. Ferraro’s scholastic excellence and hard work earned her an academic scholarship to Marymount College; and

**Whereas,** At Marymount College, Ms. Ferraro majored in English, was editor of the school newspaper and graduated in 1956; and

**Whereas,** During her school years, her family moved again, this time to the borough of Queens which would become her longtime and beloved home; and

**Whereas**, After graduating from Marymount, Ms. Ferraro went on to teach elementary school at P.S. 85 in Astoria, Queens; and

**Whereas**, At a time when women lawyers were still uncommon, and while still teaching, Ms. Ferraro attended Fordham Law School at night and earned her law degree in 1960; and

**Whereas**, On July 16, 1960, several days after taking the New York State Bar exam, Ms. Ferraro married John Zaccaro; and

**Whereas**, The couple went on to have three children, Donna, John and Laura who they raised in Queens; and

**Whereas**, While raising her children, Ms. Ferraro practiced law and took on pro bono cases representing women in need in Family Court; and

**Whereas**, During this time, Ms. Ferraro dabbled in local politics and was elected president of the Queens County Women's Bar Association in 1970; and

**Whereas**, In 1974, Ms. Ferraro started working as an assistant district attorney in the Queens District Attorney's (DA) office; and

**Whereas**, While working at the Queens DA's office, she was put in charge of the Special Victims Bureau and the Confidential Unit, which prosecuted such crimes as rape, sexual assault, child abuse and domestic violence; and

**Whereas**, The work she did within the DA's office had a profound impact upon her worldview, and as she would later say, was the impetus for her originally moderate views becoming more liberal; and

**Whereas**, After working several years in the District Attorney's office, she earned a solid reputation as a tenacious prosecutor and tireless advocate for the victims she represented; and

**Whereas**, In 1978, Ms. Ferraro set sights on an open Congressional seat in her own district, and was elected as United States Representative in the 9<sup>th</sup> Congressional District; and

**Whereas**, Congress Member Ferraro served on various Congressional Committees including the Public Works Committee, the Post Office and Civil Service Committee, the Select Committee on Aging, and the House Budget Committee; and

**Whereas**, While in Congress, Representative Ferraro spearheaded efforts to achieve passage of the Equal Rights Amendment and also sponsored the Women's Economic Equity Act in 1984, which ended pension discrimination against women, provided job options for displaced homemakers, and enabled homemakers to open IRAs; and

**Whereas**, In addition, she was appointed to head the Democratic platform committee for the 1984 Presidential election, which highlighted her strong leadership skills and deep commitment to Democratic values; and

**Whereas**, Representative Ferraro was then tapped by Democratic Presidential candidate Walter Mondale to be the first woman vice presidential candidate for a major party; and

**Whereas**, Ms. Ferraro's nomination electrified politics and served as an historic turning point in the modern women's movement; and

**Whereas**, Her nomination exhilarated women and girls at a time when obstacles to professional success often seemed insurmountable; and

**Whereas**, Ms. Ferraro showed that women did and could continue to make hard-fought gains with perseverance; and

**Whereas**, Geraldine Ferraro's unwavering commitment and advocacy for human rights led to her appointment by President William J. Clinton as a United States Ambassador to the United Nations Human Rights Commission where she was a strong voice for the oppressed; and

**Whereas**, While at this post she was vice chair of the U.S. Delegation to the Fourth World Conference on Women, held in Beijing in September, 1995; and

**Whereas**, Throughout her life, Geraldine A. Ferraro paved her own way using hard work, determination, humility and humor, and through her actions inspired untold numbers of girls and women; and

**Whereas**, Geraldine A. Ferraro was a daughter, wife, mother, grandmother, lawyer, congresswoman, vice presidential candidate, native New Yorker, icon of the modern women's movement and a representative of true American spirit; now, therefore, be it

**Resolved**, That the Council of the City of New York honors the life and accomplishments of Ms. Geraldine Ferraro.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 531

By Council Members Dilan, Barron, Cabrera, Chin, Comrie, Gonzalez, Koppell, Mealy, Mendez, Vann, Williams and Mark-Viverito.

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of window guards.**

*Be it enacted by the Council as follows:*

Section 1. Article 11 of subchapter two of chapter two of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2043.1, to read as follows:

§27-2043.1 *Window guards.* (a) *An owner of a multiple dwelling and an owner*

*of a dwelling unit in a multiple dwelling owned as a condominium shall provide, install, and maintain a window guard of a type that is in accordance with the specifications of the department of health and mental hygiene on each window of each dwelling unit in which a child ten years of age and under resides, and on the windows, if any, in the public halls of a multiple dwelling in which such a child resides.*

*(b) This section shall not apply to a window that gives access to a fire escape or to a window in a dwelling unit on the first floor of a multiple dwelling that is a required means of egress from such dwelling unit. It shall be the duty of each owner to ascertain whether a child ten years of age or under resides therein, in accordance with the notice requirements set forth in section 17-123 of this code.*

*(c) No tenant or occupant of a multiple dwelling unit, or other person, shall obstruct or interfere with the installation of a window guard required by subdivision a of this section nor shall any person remove such window guard.*

*(d) No owner of a multiple dwelling and no owner of a dwelling unit in a multiple dwelling owned as a condominium shall refuse a written request of a tenant or occupant of a dwelling unit to install a window guard regardless of whether such installation is required pursuant to the provisions of subdivision a of this section, except that this section shall not apply to a window giving access to a fire escape or to a window in a dwelling unit on the first floor of a multiple dwelling that is a required means of egress from such dwelling unit.*

*(e) Any person required to install a window guard pursuant to this section who fails to install or maintain a window guard shall be liable for a class C immediately hazardous violation. Notwithstanding any other provision of law to the contrary, the time within which to correct such violation shall be twenty-one days after service of the notice of violation.*

§2. This local law shall take effect thirty days after its enactment.

Referred to the Committee on Housing and Buildings.

Res. No. 758

**Resolution calling upon the New York City Department of Education to implement a curriculum and to acquire textbooks and trade books that include key moments in LGBT history and accurately portray the contributions of LGBT individuals in the history of the United States.**

By Council Members Dromm, Brewer, Dickens, James, Koppell, Koslowitz, Lander, Mendez, Palma, Van Bramer, Williams and Mark-Viverito.

**Whereas**, According to the 2009 National School Climate Survey conducted by the Gay, Lesbian and Straight Education Network (GLSEN), 84.6% of students were verbally harassed at school because of their sexual orientation; and

**Whereas**, The survey further reported that 40.1% of students were physically harassed (e.g. pushed or shoved) at school in the past year because of their sexual orientation and 27.2% because of their gender expression; and

**Whereas**, In addition, 52.9% of Lesbian Gay Bisexual Transgender (LGBT) students were cyber-bullied, or harassed or threatened by their peers via electronic mediums such as text-messages, emails, instant messaging or posting on internet sites; and

**Whereas**, Of the respondents to the survey, 62.4% who were harassed or assaulted did not report the incident to school staff believing that little to no action would be taken and the situation might even become worse if reported; and

**Whereas**, Additionally, 33.8% of students who did report an incident claimed the staff did nothing in response; and

**Whereas**, Many advocates argue that the high rates of harassment and assault are often exacerbated by school staff not adequately responding or intervening on behalf of LGBT students; and

**Whereas**, Studies have shown that teaching LGBT history in the classroom leads to fewer instances of harassment at school and can lead to a greater feeling of safety among all students regardless of sexual orientation or gender expression; and

**Whereas**, New York City should enlighten its students about the role and contributions of LGBT Americans to our city, state and nation in the course of history; and

**Whereas**, The history of the United States could be considered incomplete and inaccurate without the inclusion of the social, political and artistic contributions of notable LGBT individuals such as Bayard Rustin, Harvey Milk, Stephen Sondheim, Truman Capote, James Baldwin and Gertrude Stein; and

**Whereas**, In addition, the history of our nation should include key events and organizations who have been in the forefront of the LGBT American movement for equality; and

**Whereas**, The Daughters of Bilitis, the Mattachine Society, the Stonewall Rebellion, the HIV/AIDS crisis, *Bowers v. Hardwick*, *Lawrence v. Texas* and "Don't Ask Don't Tell" and the struggle for the recognition of LGBT families are all important and should be included in American history; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to implement a curriculum and to acquire textbooks and trade books that include key moments in LGBT history and accurately portray the contributions of LGBT individuals in the history of the United States.

Referred to the Committee on Education.

Res. No. 759

**Resolution calling on the United States Congress to pass H.R. 1116/S.598, the Respect for Marriage Act of 2011.**

By Council Member Dromm, the Speaker (Council Member Quinn) and Council Members Van Bramer, Mendez, Brewer, Chin, James, Koppell, Koslowitz, Lander, Palma, Seabrook and Mark-Viverito.

**Whereas**, Civil marriage confers upon couples a legal structure unlike any other that honors and protects a relationship, supports a family and its children, and provides couples with the advantage of a single legal, social and financial unit; and

**Whereas**, Marriage is the most intimate, private and personal relationship, and one of the most important elective relationships in life; and

**Whereas**, The choice of whom to marry must be recognized as a fundamental civil right; and

**Whereas**, Only civil marriage conveys the full weight of societal acceptance, a trait sadly lacking from civil union or domestic partnership structures that, in their very distinction from marriage, reinforce a second-class status; and

**Whereas**, Absent marriage rights, gay and lesbian Americans have to fight and spend large sums of money on legal services to secure basic guarantees that are automatically bestowed upon heterosexual couples when they wed; and

**Whereas**, In 1996, President Bill Clinton signed into law the Defense of Marriage Act (DOMA), which precludes recognition of legally married same-sex couples for purposes of federal law and which purports to allow states to refuse to recognize marriages between same-sex partners performed in other jurisdictions; and

**Whereas**, Although marriages between same-sex partners were not being performed or recognized by any state at the time that DOMA was signed into law, such marriages are now performed and recognized in Massachusetts, Connecticut, Iowa, New Hampshire, Vermont and the District of Columbia, with other states, including New York, recognizing marriages between same-sex partners performed by sister states; and

**Whereas**, DOMA denies legally married same-sex couples over 1,100 federal benefits associated with marriage, including the ability to file taxes jointly, sponsor one's spouse for immigration purposes, receive a spouse's healthcare and retirement benefits, and the right to visit a spouse who has been hospitalized; and

**Whereas**, Since DOMA's passage, both President Clinton and DOMA's sponsor, former Representative Bob Barr, have changed their positions, coming out against the law and calling for its repeal; and

**Whereas**, On March 16, 2011, Senator Diane Feinstein (D-CA) and Congressman Jerrold Nadler (D-NY) introduced H.R. 1116/S.598, the Respect for Marriage Act of 2011, which would repeal DOMA and allow legally married same-sex couples to receive all the federal benefits associated with marriage; and

**Whereas**, If passed, the Respect for Marriage Act would repeal Section 2 of DOMA, which purports to allow states to refuse recognition of same-sex marriages legally performed in other states, as well as Section 3, which defines marriage for purpose of federal law as between "one man and one woman as husband and wife"; and

**Whereas**, If passed, the Respect for Marriage Act would also require, for purposes of federal law, respect for marriages valid under the law of the state where performed, thereby ensuring a uniform national policy of stability and preventing subsequent invalidation or disregard of lawful marriages for purposes of federal responsibilities and rights; and

**Whereas**, The repeal of Section 2 would allow states to decide whether to recognize a marriage for purposes of state law based on longstanding principles of full faith and credit and comity, and would not compel any person, religious organization, city or state to perform marriages for same-sex couples or to recognize such marriages performed elsewhere; and

**Whereas**, By repealing Section 3 of DOMA, and requiring respect for marriages valid under the law of the state where performed for purposes of federal law, the Respect for Marriage Act would ensure that legally married same-sex couples enjoy the same myriad rights and responsibilities that are currently afforded opposite sex married couples under federal law; and

**Whereas**, In a country where citizens are supposed to have the inalienable rights to life, liberty and the pursuit of happiness, it is inappropriate that there should exist any law that would limit one's full exercise of them; now, therefore, be it

**Resolved:** That the Council of the City of New York calls upon the United States Congress to pass H.R. 1116/S.598, the Respect for Marriage Act of 2011.

Referred to the Committee on Civil Rights.

Res. No. 760

**Resolution calling upon the 112th Congress to pass, and the President to sign, H.R. 398 which would amend the Immigration and Nationality Act to suspend the filing period for removing conditional immigration status for individuals in active duty service outside of the United States.**

By Council Members Dromm, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, Fidler, James, Koppell, Lander, Mendez, Palma, Seabrook, Van Bramer, Williams and Mark-Viverito.

**Whereas**, Thousands of military service members have close relatives who are illegal immigrants; and

**Whereas**, U.S. Citizenship & Immigration Services (USCIS) states that when a non-citizen becomes a lawful permanent resident through marriage to a U.S. citizen, conditions are placed on the residency status if the marriage is less than two years old at the time of the non-citizen's entry to the United States; and

**Whereas**, USCIS requires that following the marriage, the U.S. citizen must petition for legal immigration status and file an application of conditional permanent residence on behalf of the non-citizen spouse; and

**Whereas**, Ninety days before the second anniversary of the non-citizen spouse's grant of conditional permanent residence status, the couple must apply together to remove the condition on the residence status; and

**Whereas**, Permanent residence status is approved after the couple has successfully completed an interview process showing their marriage is in good faith and not fraudulent; and

**Whereas**, Meeting the requirements mentioned above can be impossible if the non-citizen's spouse is in active-duty services outside of the United States; and

**Whereas**, Failing to pursue permanent residence status could result in deportation for the non-citizen spouse, years of separation for family members, and exposure to extreme economic and emotional hardship; and

**Whereas**, According to the Department of Defense, approximately 29,000 non-citizens serve in the Armed Forces; about 8,000 legal permanent residents enlist in the Armed Forces every year and, since 2001, nearly 43,000 members of the Armed Forces have become U.S. citizens while in service; and

**Whereas**, The men and women defending this great country have a huge task on their hands and must be focused on the important jobs they are doing; and

**Whereas**, Active duty soldiers with close relatives who do not have legal immigration status should be provided with some relief; and

**Whereas**, Allowing military families more time to file for the removal of conditional immigration status will alleviate the fear of being deported and preserve family unity for all active-duty soldiers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the 112th Congress to pass, and the President to sign, H.R. 398 which would amend the Immigration and Nationality Act to suspend the filing period for removing conditional immigration status for individuals in active duty service outside of the United States.

Referred to the Committee on Immigration.

Res. No. 761

**Resolution urging the U.S. Department of Justice, Executive Office of Immigration Review, to implement a comprehensive hiring plan for immigration judges that includes increasing the number of judges appointed, drawing judges from more diverse backgrounds, requiring judges to have some degree of knowledge of immigration law, instituting training in cultural competence upon hiring, and providing immigration judges with the necessary resources to make competent and just decisions, and for the 112<sup>th</sup> Congress to allocate the necessary funds to accomplish these goals.**

By Council Members Dromm, Barron, Brewer, Cabrera, Chin, James, Lander, Mendez, Palma, Recchia, Seabrook, Williams, Mark-Viverito and Koo.

**Whereas**, When the federal Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was signed into law in 1996, immigration enforcement by the Department of Homeland Security grew, which caused a vast increase of immigration cases and a backlog in the immigration courts; and

**Whereas**, The passage of IIRIRA established new grounds for deportation, eliminated relief from deportation, altered waivers of exclusion, eliminated judicial review for persons convicted of certain crimes, provided for mandatory detention, eliminated the automatic stay pending appeal and redefined aggravated felonies; and

**Whereas**, IIRIRA resulted in an increase of immigration cases and cut administrative assistance to immigration judges as well as law clerk assistance, which is causing an enormous burden on immigration judges; and

**Whereas**, According to the Department of Justice, at the end of 2010 there were 270 immigration judges in 59 immigration court locations in 29 states; and

**Whereas**, A Syracuse University TRAC report found that in 2010, immigration cases were pending for 439 days with a national backlog of 261,083 cases and that there were almost 1,100 cases for every immigration judge, and in

2011 the TRAC report states that New York has 43,992 pending cases; and

**Whereas,** According to the U.S. Department of Justice FY 2010 Statistical Year Book, New York City, which is home to over three million immigrants, has only two immigration courts, which are the busiest immigration courts in the country and have received over 23,000 cases in 2010; and

**Whereas,** As their caseloads increase, immigration judges are being given inadequate resources; and

**Whereas,** According to the 2010 American Bar Association report, *Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Cases* (“The Report”), there is approximately one law clerk for every four immigration judges; and

**Whereas,** This poor ratio contributes to the heavy caseloads for each immigration judge and the lack of sufficient time for immigration judges to properly consider each case before them; and

**Whereas,** The Report indicates that the lack of sufficient time is causing immigration judges to fail to properly consider the evidence, formulate well-reasoned opinions in each case, and issue written decisions; and

**Whereas,** An increase in the hiring of additional qualified immigration judges and sufficient law clerks is the only way to relieve some of the heavy caseloads immigration judges endure; and

**Whereas,** Additional resources will also allow more time for immigration judges to decide each case and provide formal, clear written decisions that can be understood by non-citizens and their counsel; and

**Whereas,** The Report noted insufficient resources also contribute to inadequate opportunities for judicial training and professional development; and

**Whereas,** The United States Congress should provide sufficient funding to permit all judges to participate in regular, in-person trainings on a wide range of topics on immigration law; and

**Whereas,** The Report recommends that immigration judges participate in training in the assessment of credibility, identification of fraud, and cultural sensitivity and awareness; and

**Whereas,** According to the Department of Justice, Spanish language cases made up 66% of total cases in 2010, meaning the majority of defendants in immigration courts have either limited English proficiency or do not speak English at all; and

**Whereas,** Immigration judges face a difficult language barrier to overcome in these circumstances, and with limited resources, such as interpreters, available to defendants and immigration judges this barrier can greatly affect the outcome of these cases; and

**Whereas,** The Report acknowledges that immigration judges additionally suffer from a lack of appropriate feedback mechanism such as performance reviews; and

**Whereas,** According to the Department of Justice, Assistant Chief Immigration Judges provide overall program direction, articulate policy and procedure, establish priorities and supervise the 270 immigration judges spread throughout the United States; and

**Whereas,** Currently there are only nine Assistant Chief Immigration Judges (ACIJ) to assist all 270 immigration judges; and

**Whereas,** The Report states that having only nine ACIJ to assist 270 immigration judges is simply not adequate and more need to be hired; and

**Whereas,** The United States Attorney General appoints all immigration judges, and according to the Report, the standards in hiring immigration judges are vague and open positions are not quickly filled; and

**Whereas,** The Report notes immigration judges who are appointed often lack adequate experience in immigration law and cultural competence and more needs to be done during the vetting process to ensure that immigration judges have both cultural understanding and a full understanding of immigration law; and

**Whereas,** The United States Congress and the Department of Justice must increase efforts to alleviate some of the problems immigration judges face, increase the quantity of and qualifications for immigration judges, provide training and increase transparency, functionality and fairness; now, therefore, be it

**Resolved,** That the Council of the City of New York urges the U.S. Department of Justice, Executive Office of Immigration Review, to implement a comprehensive hiring plan for immigration judges that includes increasing the number of judges appointed, drawing judges from more diverse backgrounds, requiring judges to have some degree of knowledge of immigration law, instituting training in cultural competence upon hiring, and providing immigration judges with the necessary resources to make competent and just decisions, and for the 112th Congress to allocate the necessary funds to accomplish these goals.

Referred to the Committee on Immigration.

Res. No. 762

**Resolution calling upon the United Nations to either cancel or relocate the Durban III conference, currently scheduled to convene in New York City in September, 2011 and if the conference does occur calling upon President Obama to boycott.**

By Council Members Fidler, Nelson, Van Bramer, Mark-Viverito, Greenfield, Comrie, Arroyo, Chin, Dickens, Dilan, Recchia, Weprin, Oddo, Mendez, Rivera, Vacca, Vallone, Jr., Foster, Ferreras, Eugene, Brewer, James, Jackson, Koslowitz, Lander, Koppell, Levin, Reyna, Ulrich, Koo, Dromm, Ignizio, Halloran, Gentile, Gonzalez, Gennaro, Crowley, and Rose

**Whereas,** The United Nations has held a series of conferences under the name of the “World Conference Against Racism” since the 1970s, including one in Durban, South Africa, in 2001, since referred to as Durban I; and

**Whereas,** The Durban I conference was meant to deal with issues regarding racism in a positive manner, but quickly degenerated to other, more hateful, purposes through the circulation of the notorious anti-Semitic forgery “The Protocols of the Elders of Zion” by a Palestinian-sympathetic group, the equation of Zionism with racism in a draft document and the proposal that Israel’s Palestinian policies be referred to as “ethnic cleansing,” amongst other acts displaying a clear turn to anti-Israeli biases in the conference; and

**Whereas,** The United States, appropriately, pulled out of the Durban I conference; and

**Whereas,** In 2009, a “Durban Review Conference,” dubbed Durban II, was held in Switzerland; and

**Whereas,** The United States, along with Australia, Canada, and many other Western countries, appropriately, boycotted the Durban II conference; and

**Whereas,** Iranian President Mahmoud Ahmadinejad, the only head of state to actually attend the Durban II conference, used the forum to describe Israel as a racist state and to criticize its creation, causing dozens of delegates to walk out; and

**Whereas,** In an earlier version of his speech, President Ahmadinejad stated that Israel was created “on the pretext of Jewish sufferings and the ambiguous and dubious question of the holocaust;” and

**Whereas,** President Ahmadinejad’s deliberately antagonistic comments demonstrate a refusal to live in a world of tolerance and mutual respect for other cultures and religions and exhibit a desire to thwart the original purpose of the Durban conferences; and

**Whereas,** The United Nations, following a 2009 resolution and subsequent vote on December 24, 2010, has decided to commemorate the ten year anniversary of the Durban I conference; and

**Whereas,** This commemoration, known as “Durban III,” is currently scheduled to be held in New York City on September 21, 2011; and

**Whereas,** Although Durban III is meant to be a one day meeting for heads of state, Canada and Israel have already declared their intention to boycott; and

**Whereas,** Canadian Immigration Minister Jason Kenney described his country’s decision to boycott by saying, “Canada will not participate in this charade. We will not lend our good name to this Durban hatefest...Despite the fact that the Durban declaration and its follow-up have served, frankly, to fuel bigotry, the General Assembly has chosen to repeat and even augment the mistakes of the past;” and

**Whereas,** Despite whatever intentions the originators of the Durban series of conferences may have had and despite the noble goal of combating racism, the Durban conferences have been repeatedly hijacked and abused as a forum to promote racism, xenophobia, anti-Semitism and anti-Israeli agendas; and

**Whereas,** The commemoration of the Durban I conference, that was twisted by hateful purposes, has no place in New York City, a home to diverse ethnicities, cultures and religions; and

**Whereas,** The close proximity, in both geography and time, of the Durban III conference to the commemoration of the ten year anniversary of the events of 9/11 is an affront to both this City and to our fellow citizens who lost their lives that day because of other hateful agendas; and

**Whereas,** U.S. Senators Charles Schumer (D-NY) and Kirsten Gillibrand (D-NY) have urged the United States to boycott the Durban III conference, now, therefore, be it

**Resolved:** That the Council of the City of New York calls upon the United Nations to either cancel or relocate the Durban III conference, currently scheduled to convene in New York City in September, 2011 and if the conference does occur calling upon President Obama to boycott.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 532

By Council Members Garodnick, Cabrera, Fidler, Gentile, James, Mendez, Palma, Van Bramer, Vann, Williams, Mark-Viverito, Sanders and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Landmarks Preservation Commission to maintain a publicly available database for Requests for Evaluation.**

*Be it enacted by the Council as follows:*

Section 1 Section 25-320 of title 25 of the administrative code of the City of New York is amended by adding a new subdivision b, to read as follows:

*b. The commission shall create and maintain at its offices and online on its*

website a publicly available database listing all requests from the public for the evaluation of the architectural, historical or cultural significance of properties in the City of New York, including the name of the person or organization requesting the evaluation, the address of the property to be evaluated, the current status of the request and its resolution.

§ 2. This local law shall take effect sixty days after it shall have become a law.

Referred to the Committee on Land Use.

Int. No. 533

By Council Members Garodnick, Barron, Cabrera, Chin, Fidler, James, Mendez, Nelson, Palma, Seabrook, Van Bramer, Vann, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Landmarks Preservation Commission to make available a list of energy-efficient windows.**

*Be it enacted by the Council as follows:*

Section 1. Section 25-310 of title 25 of the administrative code of the City of New York is amended by adding a new subdivision f, to read as follows:

*f. The commission shall make available, including on its website, a list of energy-efficient windows that will be deemed acceptable for use in landmarked buildings and in historic districts and which, if proposed for use, will not be deemed to change, destroy or affect an exterior architectural feature located on a landmark site or in an historic district.*

§ 2. This local law shall take effect sixty days after it shall have become a law.

Referred to the Committee on Land Use.

Int. No. 534

By Council Members Gennaro, Barron, Brewer, Cabrera, Fidler, James, Koppell, Koslowitz, Lander, Palma, Seabrook, Van Bramer, Vann, Williams, Mark-Viverito and Koo.

**A Local Law to amend the administrative code of the city of New York in relation to requiring the department of environmental protection to undertake an assessment of the electricity generation capability of the City's water supply, wastewater treatment and bodies of water within the City's jurisdiction.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that the City of New York has a substantial interest in determining the inherent power generation potential of the City's water systems. The City's water supply system, a wonder of modern-day engineering, relies nearly entirely on gravity to transport water from our upstate reservoirs to the City. This means of delivery has the potential to generate energy in a manner that does not harm water quality. A system that harnesses this water flow could provide the City with emissions-free energy, which would reduce the City's greenhouse gas emissions-as the City is obliged to do under Local law 22 of 2008, the New York City Climate Protection Act,-and provide our electricity grid with consistent, day-long energy. Power generated by our water supply system would not require costly, and environmentally-damaging, dams to be constructed; instead, it would most likely only need to take advantage of existing infrastructure, pressure line reducers and flow control needs of the system by utilizing in-conduit hydropower technologies to capture energy and derive cost savings that are currently allowed to escape. Ideally, energy generated would be used on site.

The City of Boulder, Colorado has already begun to capture these resources. Like New York City, Boulder's water supply is delivered by gravity from its reservoirs. Boulder has been able to take advantage of the naturally-occurring energy production:

"Because of the high pressure resulting from the long drop, pressure reducers are needed in the supply lines. The turbine-generators were installed to bypass the pressure-reducing valves... The environmental impact of the project was minimal, since the water-supply infrastructure was already in place... The hydro project has been so successful that the city is continuing to explore additional hydro potential."

According to Boulder's water resources coordinator, "[w]e've not only made money that offsets the cost of the water supply system for our citizens, but we've also offset an awful lot of coal burning." In light of Boulder's experience, it is in the interest of New York City to study the potential for energy production from our water supply system as well.

Moreover, the City's sewers and wastewater treatment centers could also generate a useful energy supply. According to calculations by United States Department of Energy, the City's wastewater treatment plants alone could generate almost 40 megawatts of electricity - enough electricity to power nearly 4,000 homes.

Currently, we do not know how much energy could be produced by the City's entire water supply distribution, wastewater treatment plants and bodies of water within the City's jurisdiction. This local law directs the Department of Environmental Protection, whose Commissioner already has the authority to utilize the systems for this purpose, to undertake a water resources assessment that will enable the City to develop a policy to take advantage of this clean energy generation potential.

Accordingly the Council finds that it is in the best interests of the City to study the potential to generate clean energy using hydropower from our water supply and disposal infrastructure systems.

§2. Section 24-364 of the administrative code of the city of New York is amended to read as follows:

*b. The department shall commence an assessment of the city's water supply and wastewater treatment systems and the bodies of water within the city's jurisdiction to determine the potential of these systems and bodies of water to be used to generate electricity. In performing such assessment the department shall examine, but not be limited to examining, rivers, aqueducts, pipelines and other man-made water conveyance systems, the means for transmitting the electricity generated, the need to construct and operate generation-related infrastructure, grid-connection issues, generation system installation and maintenance costs, and the availability of federal or state funds for planning or installing an electric generation system.*

*c. In addition to an assessment of suitable hydropower technologies for the department's water and wastewater systems, the department shall also conduct a technological review of in-conduit and free-flow hydropower technologies through the implementation of no less than three demonstration projects. The pilot demonstration projects shall assess the costs and benefits associated with various in-conduit and free-flow hydropower generation technologies.*

*d. The assessment and demonstration projects shall be completed within eighteen months of the effective date of this subdivision. Within three months of completing the assessment of demonstration projects the department shall report its findings to the mayor and the council along with recommendations with respect to implementing these findings. Each year thereafter, the department shall report to the mayor and the council which measures were taken to implement those recommendations during the preceding year and steps taken with respect to the projects required pursuant to subdivision e of this section.*

*e. Upon completion of the assessment and demonstration projects, the department shall implement hydropower projects for electricity generation at such sites as the assessment determines have a cost benefit ratio of 0.75 or better.*

§ 3. This local law shall take effect one hundred eighty days after its enactment, except that the department of environmental protection shall take such measures necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 535

By Council Members Greenfield, Cabrera, Chin, James, Koslowitz, Mealy, Palma, Seabrook, Vann, Sanders, and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to a speed limit in residential areas on residential streets.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-177 of the administrative code of the city of New York is amended by adding thereto a new subdivision d to read as follows:

*d. Notwithstanding the aforementioned provisions, speed limits not exceeding twenty miles per hour shall be established on all streets fewer than sixty feet wide in areas zoned for residential purposes and shall be indicated on speed limit signs posted at all appropriate locations as determined by the department.*

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 536

By Council Members Lander, Chin, Fidler, James, Koppell, Mealy, Mendez, Van Bramer, Mark-Viverito and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the registration, inspection and mitigation of stalled construction sites.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-105.9 of the administrative code of the city of New York, is amended to read as follows:

§28-105.9 Expiration. a. All permits issued by the commissioner shall expire by limitation and become invalid if the permitted work or use is not commenced within 12 months from the date of issuance of the permit or, if commenced, is suspended or abandoned for a period of 12 months thereafter. All permits for work in an area of special flood hazard pursuant to Appendix G of the New York city building code shall expire if the actual start of permanent construction has not occurred within 180 days from the date on which such permit is issued. The commissioner may, however, upon good cause shown, reinstate a work permit at any time within a period of two years from the date of issuance of the original permit, provided that the work shall comply with all the requirements of this code and other applicable laws and rules in effect at the time application for reinstatement is made, and provided further that the applicant shall pay all reinstatement fees as required by article 112. The permit shall automatically expire upon the expiration of required insurance or if the applicant holds a license issued by the department upon the expiration or revocation of such license during the term of the permit.

b. *Stalled construction site registry. The commissioner shall establish the stalled construction site registry to identify and maintain the safety of stalled construction sites. Stalled construction sites are construction sites for which a permit has expired or no construction activity is visible on the site on two consecutive inspections by the department within a thirty day period, where such inspections occur between Monday and Friday, during the hours of 8:00 am to 3:00 pm, not including a major holiday, or work is temporarily suspended for more than sixty continuous days or has not commenced within sixty days from the date of issuance of the permit.*

1. *The owner of a stalled construction site not included in the program described in subdivision c of this section and any stalled construction site removed from said program by the commissioner for failure to comply with the requirements and conditions of the program shall register such site with the department.*

2. *The department shall notify the owner of a stalled construction site of inspection results by immediately posting the results at the construction site and mailing the inspection results by the next business day to the registered address of the owner.*

3. *The department shall classify the condition of the inspected stalled construction site as “no immediate threat”, “no immediate threat but deteriorating” or “unsafe” and require that the owner mitigate any hazard in a time frame determined by the commissioner.*

4. *The owner of a stalled construction site shall, no later than ten days following March 31, June 30, September 30 and December 31 respectively, pay twenty-five percent of the annual stalled site inspection fee, to be determined by the department.*

5. *(i) The department may waive the stalled site inspection fee for the most recent quarter in which a site inspection fee is due upon a demonstration by the owner that (a) permitted work is scheduled to begin within thirty days of the due date for the most recent quarterly inspection fee deadline; (b) the owner has a signed written agreement with a not-for-profit organization permitting such organization the lawful, beneficial and public use of the site for purposes to include, but not be limited to, a community garden, a playground, a public art garden or a temporary storefront premise; (c) The owner enters an agreement with the department of housing preservation and development to develop on such site affordable housing where no less than 20% of the floor area and no less than 20% of the total number of dwelling units are allocated for families or individuals whose incomes are at or below 80 percent of the area median income; (ii) An owner requesting a waiver of the stalled site inspection fee based upon the owner’s representation to the department that permitted work is scheduled to begin within thirty days of the due date for the most recent quarterly inspection fee deadline shall, no later than ten days prior to the next upcoming due date for the stalled site inspection fee, deliver to the department a certified check or money order, made payable to the department, in the amount of such inspection fee. The department shall retain the certified check or money order until confirmation is obtained that the owner has begun permitted work within thirty days of the date such fee was due. Upon such confirmation, the department shall forthwith return the certified check or money order to the owner. If the department determines that permitted work has not begun within the specified time, the fee shall be retained by the department. In addition, an owner’s failure to begin permitted work within the specified time shall constitute a major violation.*

6. *The owner may appeal the department’s determination that the construction site is a stalled site to the environmental control board and upon satisfactory proof that the construction site did not qualify as a stalled site at the time of the department’s determination, all assessed fees occurring when the site was not a stalled site shall be waived or refunded.*

c. *Exception: The commissioner may establish a program to maintain the safety of construction sites where permitted work is temporarily suspended or has not commenced. The owner of such a construction site may apply to the commissioner for inclusion in such program upon such terms and conditions as the commissioner shall determine but which shall, at a minimum,*

include a requirement that the owner of such a construction site notify the commissioner when permitted work will be suspended and when it will be resumed or commenced, and a requirement that the owner submit to the commissioner for the commissioner’s approval a detailed plan for maintaining the safety of the construction site during the period when permitted work will be suspended or not commenced. Such plan shall contain proposed measures for securing the site from access by unauthorized persons; the maintenance of construction fencing with view panels including the posting of work permits and removal of any unlawful flyers or posters; installation of proper shoring of excavated sites or backfilling; the placement on the site of equipment in a manner that will minimize the risk of harm to members of the public and schedules for inspecting the equipment remaining on such site; the removal of snow and ice on sidewalks abutting the site and snow and ice on the site that poses a potential danger to members of the public; the maintenance of any installed fire suppression and detection systems; the removal of any volatile gases and liquids; the removal of any stagnant water from any excavation sites; the removal of any construction debris or rubbish; the removal of any excess vegetation and graffiti; the monitoring of all such measures; the correction of any adjudicated and outstanding violations issued with respect to such site; the payment of any unpaid fines or civil penalties resulting from the adjudication of any violations issued with respect to such site; and such other provisions as the commissioner shall require, including, but not limited to, a schedule for restoring safe access to areas, such as public sidewalks, to which public access was restricted as a result of the issuance of such permits. Prior to approval by the commissioner of any such proposed plan and inclusion of a site in the program, the owner of such construction site shall also correct any adjudicated and outstanding immediately hazardous violations issued with respect to such site. Where the commissioner includes a site in the program, work permits issued for such construction site that would otherwise expire because of the suspension of work or failure to commence work at the site shall remain in effect until the end of the term for which they were issued and may be renewed for up to two additional terms consistent with section 28-105.8.1 of this code so long as the site is in good standing under the program. The commissioner may remove a site from the program for failure to comply with the requirements and conditions of the program. All such permits shall expire by operation of law upon the removal of the site from the program. The commissioner shall post on the department’s website a list of the sites that have entered the program and indicate whether such sites have been removed from the program due to noncompliance or because work has resumed or commenced. The list shall be updated at least weekly and may also be included on the department’s building information system.

§2. This local law shall take effect ninety days after its enactment except that the commissioner of buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 763

**Resolution commemorating the 150<sup>th</sup> Anniversary of the American Civil War.**

By Council Members Lappin, Cabrera, Gentile, Koslowitz, Nelson, Recchia, Seabrook, Williams and Koo.

**Whereas**, The economics and state rights debate over slavery in the territories polarized the nation and divided political parties; and

**Whereas**, On April 12, 1861 the American Civil War began with the first battle at Fort Sumter in South Carolina after years of simmering strife and debate; and

**Whereas**, Tragically, the war split and divided the country; and

**Whereas**, After four years of war, the Confederate forces surrendered on April 9, 1865 and the American Civil War ended, marking the beginning of an era of reconstruction; and

**Whereas**, The Reconstruction Era is known for national unity and civil rights through reorganization of government; and

**Whereas**, The first of the three Reconstruction Amendments was the Thirteenth Amendment to the United States Constitution expanding the Emancipation Proclamation, which freed slaves, by officially abolishing and prohibiting slavery; and

**Whereas**, The Fourteenth Amendment granted citizenship to all persons born or naturalized in the United States including former slaves, forbidding states from denying any person of life, liberty or property without due process of law, and requiring each state to provide equal protection of the law to all people within its jurisdiction; and

**Whereas**, The Fifteenth Amendment established that no state shall deny a citizen the right to vote based on race, color, or previous condition of servitude; and

**Whereas**, The American Civil War and the aftermath helped to establish a stronger government designed to protect civil rights that are the foundation of this country; now, therefore, be it

**Resolved:** That the Council of the City of New York commemorates the 150<sup>th</sup> Anniversary of the American Civil War.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 537

By Council Members Recchia and Cabrera (by request of the Mayor)

**A Local Law in relation to the date of issuance and publication by the Mayor of a ten-year capital strategy, the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand twelve.**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2011 and in relation to the 2012 fiscal year:

1. Notwithstanding any inconsistent provisions of section 248 of the New York city charter, as added by vote of the electors on November 7, 1989, the Mayor shall pursuant to such section issue and publish a ten-year capital strategy as therein described not later than May 5, 2011.

2. Notwithstanding any inconsistent provisions of section 249 of the New York city charter, as added by vote of the electors on November 7, 1989, subdivision a of section 249 as amended by local law number 25 for the year 1998, the Mayor shall pursuant to such section submit a proposed executive budget and budget message as therein described not later than May 5, 2011.

3. Notwithstanding any inconsistent provisions of section 251 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit recommendations in response to the Mayor's executive budget as therein described not later than May 16, 2011.

4. Notwithstanding any inconsistent provisions of section 252 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the executive budget as therein described not later than May 24, 2011.

5. Notwithstanding any inconsistent provisions of section 253 of the New York city charter, as added by vote of the electors on November 7, 1989, the Council shall pursuant to such section hold hearings on the executive budget as therein described, which shall conclude by June 6, 2011.

6. Notwithstanding any inconsistent provisions of subdivision d of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, and subdivision b of section 1516 of the New York city charter, as amended by vote of the electors on November 7, 1989, if an expense budget has not been adopted by June 14, 2011 pursuant to subdivisions a and b of section 254 of the New York city charter, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

7. Notwithstanding any inconsistent provisions of subdivision e of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, if a capital budget and a capital program have not been adopted by June 14, 2011 pursuant to subdivisions a and b of such section, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

8. Notwithstanding any inconsistent provisions of subdivision a of section 1515 of the New York city charter, as amended by vote of the electors on November 7, 1989, the Mayor shall pursuant to such subdivision prepare and submit to the Council an estimate of the probable amount of receipts as therein described not later than June 14, 2011.

9. Notwithstanding any inconsistent provisions of subdivision d of section 1515 of the New York city charter, as added by vote of the electors on November 7, 1989, any person or organization may pursuant to such subdivision submit an official alternative estimate of revenues as described therein at any time prior to May 24, 2011.

10. Notwithstanding any inconsistent provisions of subdivision a of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if the Council has not fixed the tax rates for the ensuing fiscal year on or before June 14, 2011, the commissioner of finance shall pursuant to such subdivision be authorized to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. The estimated rates shall equal the tax rates for the current fiscal year.

11. Notwithstanding any inconsistent provisions of subdivision b of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if, subsequent to June 14, 2011, the Council shall, pursuant to section 1516 of the New York city charter, fix the tax rates for the ensuing fiscal year at percentages differing from the estimated rates, real estate tax payments shall nevertheless be payable in accordance with subdivision a of section 1516-a of such charter at the estimated rates, where the commissioner of finance has exercised the authority granted by subdivision a of section 1516-a of such charter to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax rates fixed by the Council pursuant to section 1516 of such charter, and an amended bill for the installment or installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

§2. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 764

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Members Recchia and Cabrera.

**Whereas**, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the American-Italian Coalition of Organizations, Inc. (AMICO), an organization receiving funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: "ESL/Civic Services for Brooklyn."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "To purchase art supplies for the after-school program."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Midtown Management Group, Inc., an organization receiving local discretionary funding in the amount of \$25,000 within the budget of the Department of Cultural Affairs to read: "To provide senior center workshop programs at Baisley Park Senior Center."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Harlem Community Development Corporation, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development to read: "To support efforts to preserve and memorialize the history of the Harlem African Burial Ground."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the United Senior Citizen Center of Sunset Park, Inc., an organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "Elevator Project funding."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Together We Are, an organization receiving local discretionary funding in the amount of \$16,875 within the budget of the Department of Youth and Community Development to read: "To purchase food to be provided to members of the community in need."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Bobbi and the Strays, Inc. an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: "Support for

educational programs in local schools on animal cruelty.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Metropolitan Waterfront Alliance, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development . The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense to read: “Fund Children and Families Activities on July 24, 2010 at Governors Island.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “This grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in District 3 currently attending school at City-as-School, Landmark, and at Fashion Industries. We distribute our publications throughout the city, including many schools, after school programs and other organizations in the district 3.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Notes in Motion, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “After-School Performance and Dance program in Public School 63M.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Our Firefighter’s Children’s Foundation, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “Provide affordable educational art venues to school-age children in Council District 21 with an after school program.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Additionally, this Resolution amends the description for the Description/Scope of Services for the City-ARTS, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “During the summer of 2010, CITYarts will continue its work with Harlem RBI and professional New York artist, Maria Berrio, to create a large mural with the youth of Harlem. Work will begin with a series of workshops facilitated by Berrio and in collaboration with artist, Jordan Taler. Following these creative exercises, the kids of Harlem RBI will work with Berrio on a large-scale mural project, measuring approximately 10 x 25 feet. Some of the workshops will include poetry writing and drawing portraits; CITYarts is planning to incorporate them in a self-published book.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Women’s Expressive Theater, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “WET mentors young women interested in working in the arts and production, through a comprehensive internship program, which provides women in the beginning of their careers skills in script coverage, sales, marketing, public speaking, grant writing, sponsorship proposals and leadership skills. These internships often culminate with WET suggesting and securing paid positions for the intern in the entertainment industry. This mentorship program helps young women (new college graduates or college students) to gain confidence in themselves as professionals, by apprenticing powerful and experienced women working in leadership positions, who provide inspiration, encouragement and an education needed in today’s business world.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Early Stages Program, Inc., an organization receiving youth discretionary funding in the amount of \$70,000 within the budget of the Department of Youth and Community Development to read: “Fund live theatre programs and related operational costs.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Central Harlem Senior Citizens Coalition, Inc., an organization receiving aging discretionary funding in the amount of \$28,000 within the budget of the Department for the Aging to read: “For "Senior Chat" Telephone Reassurance Program and "Healthy Living for Longer Life" overnight senior retreat providing Healthy Living and Healthy Eating seminars and activities.”

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the

appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance therewith; now, therefore be it

**Resolved**, That the City Council approves the new Description/Scope of Services for the

American-Italian Coalition of Organizations, Inc. (AMICO), an organization receiving funding pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic Services for Brooklyn.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Catholic Charities Community Services, Archdiocese of New York, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To purchase art supplies for the after-school program.”; and be it further

**Resolved**: That the City Council approves the new Description/Scope of Services for the Midtown Management Group, Inc., an organization receiving local discretionary funding in the amount of \$25,000 within the budget of the Department of Cultural Affairs to read: “To provide senior center workshop programs at Baisley Park Senior Center.”; and be it further

**Resolved**: That the City Council approves the new Description/Scope of Services for the Harlem Community Development Corporation, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development to read: “To support efforts to preserve and memorialize the history of the Harlem African Burial Ground.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the United Senior Citizen Center of Sunset Park, Inc., an organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: “Elevator Project funding.”;

**Resolved**, That the City Council approves the new Description/Scope of Services for the Together We Are, an organization receiving local discretionary funding in the amount of \$16,875 within the budget of the Department of Youth and Community Development to read: “To purchase food to be provided to members of the community in need.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Bobbi and the Strays, Inc. an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: “Support for educational programs in local schools on animal cruelty”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Metropolitan Waterfront Alliance, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development . The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense to read: “Fund Children and Families Activities on July 24, 2010 at Governors Island.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “This grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in District 3 currently attending school at City-as-School, Landmark, and at Fashion Industries. We distribute our publications throughout the city, including many schools, after school programs and other organizations in the district 3.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Notes in Motion, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “After-School Performance and Dance program in Public School 63M.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Our Firefighter’s Children’s Foundation, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “Provide affordable educational art venues to school-age children in Council District 21 with an after school program.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the City-ARTS, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “During the summer of 2010, CITYarts will continue its work with Harlem RBI and professional New York artist, Maria Berrio, to create a large mural with the youth of Harlem. Work will begin with a series of workshops facilitated by Berrio and in collaboration with artist, Jordan Taler.

Following these creative exercises, the kids of Harlem RBI will work with Berrio on a large-scale mural project, measuring approximately 10 x 25 feet. Some of the workshops will include poetry writing and drawing portraits; CITYarts is planning to incorporate them in a self-published book.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic funding in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative to read: “ESL/Civic Services for Brooklyn.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Women’s Expressive Theater, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: “WET mentors young women interested in working in the arts and production, through a comprehensive internship program, which provides women in the beginning of their careers skills in script coverage, sales, marketing, public speaking, grant writing, sponsorship proposals and leadership skills. These internships often culminate with WET suggesting and securing paid positions for the intern in the entertainment industry. This mentorship program helps young women (new college graduates or college students) to gain confidence in themselves as professionals, by apprenticing powerful and experienced women working in leadership positions, who provide inspiration, encouragement and an education needed in today’s business world.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Early Stages Program, Inc., an organization receiving youth discretionary funding in the amount of \$70,000 within the budget of the Department of Youth and Community Development to read: “Fund live theatre programs and related operational costs.”; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Central Harlem Senior Citizens Coalition, Inc., an organization receiving aging discretionary funding in the amount of \$28,000 within the budget of the Department for the Aging to read: “For “Senior Chat” Telephone Reassurance Program and “Healthy Living for Longer Life” overnight senior retreat providing Healthy Living and Healthy Eating seminars and activities.”; and be it further

**Resolved:** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

**Resolved:** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Fiscal 2011 Partial PEG Restoration-Senior Center Closing, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV-Faith Based Initiative, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 9.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to the resolution following the Report of the Committee on Finance for Rs No. 764 printed in these Minutes).

Res. No. 765

**Resolution calling on the New York City Department of Education and the United States Environmental Protection Agency to commence immediate, comprehensive testing in New York City public schools for polychlorinated biphenyls (PCBs) and undertake remediation efforts where they are found.**

By Council Members Rodriguez, Cabrera, Chin, Fidler, Gentile, Lander, Mendez, Nelson, Recchia, Vann, Williams and Sanders.

**Whereas,** In August 2010, the New York City Department of Education issued the results of a pilot study of five schools which found that in three of the five schools some areas contained levels of polychlorinated biphenyls (PCBs) significantly above the United States Environmental Protection Agency’s (EPA) recommended levels; and

**Whereas,** PCBs are man-made organic chemicals that were used for a variety of commercial and industrial purposes; and

**Whereas,** PCBs were manufactured in the United States from 1929 until 1979 when their use and manufacture were banned pursuant to the Toxic Substances Control Act; and

**Whereas,** In spite of the ban, PCBs can still be found in products and/or materials produced prior to 1979, which include, but are not limited to, items such as caulking, plastics, and adhesives; and

**Whereas,** At least 740 schools were built and/or renovated in the City prior to the 1979 ban of PCBs; and

**Whereas,** Many community members feel the Department of Education’s pilot study was not sufficient, and that there is a significant need to immediately test the 740 schools at risk citywide, including sampling of light ballasts, soil, paint, air, and caulking; and

**Whereas,** EPA has rejected the City’s ten-year plan to identify and replace school building lighting ballasts containing PCBs and is pushing for a shorter time frame; and

**Whereas,** New York City and EPA continue to differ over the urgency of identifying and removing school lighting fixtures that contain PCBs; and

**Whereas,** The Department of Education should involve the community in the testing and remediation process for PCBs by (1) developing and implementing an emergency protocol for the testing and safe removal of PCB-containing light ballasts, (2) publishing a community-wide report on the citywide testing plan and protocol for light ballast removal so that parents, school maintenance workers, and teachers can participate meaningfully in the design of the remediation process, (3) repair ventilation systems at all schools at risk for PCB contamination, (4) make available to the public all laboratory analyses concerning PCBs in New York City public schools, and (5) hold meaningfully timed information sessions throughout the year to maximize the opportunity of school communities to have a voice in policy; now, therefore, be it

**Resolved:** That the Council of the City of New York calls upon the New York City Department of Education and the United States Environmental Protection Agency to commence immediate, comprehensive testing in New York City public schools for polychlorinated biphenyls (PCBs) and undertake remediation efforts where they are found.

Referred to the Committee on Education.

Int. No. 538

By Council Members Vacca, Cabrera, Koppell, Koslowitz, Mealy, Williams, Dromm and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the fine associated with consuming alcoholic beverages in public places within one hundred feet of a school.**

*Be it enacted by the Council as follows:*

Section 1. Findings and Intent. Section 10-125 of the Administrative Code prohibits the consumption of alcoholic beverages in public places and punishes offenders with a fine of not more than twenty-five dollars or five days in jail, or both. The Council finds, however, that in cases where the consumption of alcoholic beverages in public places also occurs within one hundred feet of a school, a more severe punishment should apply so as to deter activity that is detrimental to schoolchildren and clear school grounds of empty alcohol containers, broken glass and other debris associated with alcohol consumption.

§2. Section 10-125 of the administrative code of the city of New York is amended by adding new paragraphs 3 and 4 to subdivision a, amending subdivisions b and e, and adding a new subdivision f to read as follows:

§10-125 Consumption of alcohol on streets prohibited. a. Definitions. Whenever used in this section, the following terms are defined as follows:

1. Alcoholic beverage. Any liquid intended for human consumption containing more than one-half of one percent (.005) of alcohol by volume.

2. Public place. A place to which the public or a substantial group of persons has access including, but not limited to, any highway, street, road, sidewalk, parking area, shopping area, place of amusement, playground, park or beach located within the city except that the definition of a public place shall not include those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within their own private property. Such public place shall also include the interior of

any stationary motor vehicle which is on any highway, street, road, parking area, shopping area, playground, park or beach located within the city.

3. *School.* Any buildings, grounds, facilities, property, or portion thereof under the jurisdiction of the New York city department of education or any nonpublic school that provides educational instruction to students at or below the twelfth grade level.

4. *School entrance.* A door of a school regularly used to give ingress to students, employees, or guests of a school, except that where a school is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurements shall be taken from the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door that has no exterior hardware, or that is used solely as an emergency or fire exit, or for maintenance purposes, or that leads directly to a part of the building not regularly used by students, employees or guests of the school, is not deemed a "school entrance".

b. No person shall drink or consume an alcoholic beverage, or possess, with intent to drink or consume, an open container containing an alcoholic beverage in any public place within one hundred (100) feet of a school or in any other public place except at a block party, feast or similar function for which a permit has been obtained.

c. Possession of an open container containing an alcoholic beverage by any person shall create a rebuttable presumption that such person did intend to consume the contents thereof in violation of this section.

d. Nothing in this section shall be deemed to prohibit the consumption of an alcoholic beverage in any duly licensed establishment whose certificate of occupancy extends upon a street.

e. Any person who shall be found to have violated [any of] the provisions of this section shall be punished by a fine of not more than twenty-five dollars (\$25) or imprisonment of up to five (5) days, or both, or pursuant to the provisions of the family court act of the state of New York where applicable[.], provided, however, that any person who shall be found to have violated the provisions of this section in any public place that is within one hundred (100) feet of a school, except at a block party, feast or similar function for which a permit has been obtained, shall be punished by a fine of not more than one hundred dollars (\$100) or imprisonment of up to ten (10) days, or both, or pursuant to the provisions of the family court act of the state of New York where applicable.

f. The measurement in subdivisions b and e of this section shall be taken in a straight line from the center of the nearest school entrance.

§3. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 539

By Council Members Vallone, Jr., Cabrera, Chin, Lander, Mendez, Vann and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of electronic cigarettes to minors and prohibiting electronic cigarettes from being used in certain public areas.**

Be it enacted by the Council as follows:

Section 1. Chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

**SUBCHAPTER 3**

**REGULATION OF ELECTRONIC CIGARETTES**

§ 17-719 Definitions.

§ 17-720 Sale of electronic cigarettes.

§ 17-721 Prohibitions on electronic cigarettes.

§ 17-722 Violations.

§ 17-723 Enforcement.

§17-719 Definitions. For purposes of this subchapter, the following definitions shall apply:

a. "Electronic cigarettes" means a battery-operated device that contains cartridges filled with nicotine, flavor and other chemicals that are turned into vapor which is inhaled by the user.

b. "Person" means any natural person, firm, partnership, joint venture, corporation or association.

§ 17-720 Sale of electronic cigarettes. It shall be unlawful for any person to sell or offer for sale electronic cigarettes to an individual under eighteen years of age.

§ 17-721 Prohibitions on electronic cigarettes. It shall be unlawful for any person to use an electronic cigarette in any area enumerated in section 17-503 of the code.

§17-722 Violations. a. 1. Any person who violates section 17-720 of this subchapter shall be liable for a civil penalty of not more than five hundred dollars for the first violation, and not more than five hundred dollars for each additional violation found on that day; and not more than one thousand dollars for the second violation at the same place of business within a two-year period, and not more than

one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the third and all subsequent violations at the same place of business within a two-year period.

2. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a two-year period, any person who engages in business as a retail dealer, as such term is defined in section 20-201 of the code, shall be subject to the mandatory suspension of his or her cigarette license, issued pursuant to section 20-202 of the code, for such place of business, for a period not to exceed one year. A cigarette license shall be suspended at the same hearing at which a retail dealer is found liable for a third violation or subsequent violations at the same place of business within a two-year period.

b. Any person who violates section 17-721 of this subchapter shall be liable under the provisions of section 17-508 of the code.

§17-723 Enforcement. a. The department and the department of consumer affairs shall enforce the provisions of this subchapter. A proceeding to recover any civil penalty authorized pursuant to section 17-720 of this subchapter shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health where the department issues such a notice or to the adjudication division of the department of consumer affairs where such department issues such a notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. Such notice shall contain a statement that any hearing for a third violation or subsequent violation of section 17-720 of this subchapter at the same place of business within a two-year period shall also constitute a hearing for the suspension of a retail dealer's cigarette license where the retail dealer is found to be in violation of such section. The administrative tribunal of the board of health and the adjudication division of the department of consumer affairs shall have the power to render decisions and to impose the remedies and penalties provided for in section 17-722 of this subchapter, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings. The department and the department of consumer affairs shall notify each other within thirty days of finding that a retail dealer has been found liable for any section of this subchapter.

b. Any violation of section 17-721 of this subchapter shall be enforced by those entities enumerated under subdivision a of section 17-507 of the code.

§ 2. This local law shall take effect one hundred twenty days after enactment; provided, however, that the commissioner shall take such actions, including the promulgations of rules, as are necessary for timely implementation of this local law.

Referred to the Committee on Health.

Int. No. 540

By Council Members Vallone, Jr., Cabrera, Chin, Fidler, Garodnick, Gentile, Koppell, Lander, Mendez, Seabrook, Vann, Williams, Sanders and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to make crime statistics at each housing development operated by the New York City Housing Authority available through its web site, as well as to make other crime information at such housing developments available to the Council.**

Be it enacted by the Council as follows:

Section 1. Paragraph four of subdivision a of section 14-150 of the administrative code of the city of New York is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct as well as a subset of complaints for each housing development operated by the new york city housing authority; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of major felony crime complaints for the twenty largest parks, as determined by acreage, under the jurisdiction of the department of parks and recreation. In addition, the department shall submit to the council, subject to the availability of resources and the introduction of the necessary technology, the total number of major felony crime complaints, pursuant to the following timetable, for parks under the jurisdiction of

the department of parks and recreation:

1. By one year after enactment of this law, the one hundred largest parks, as determined by acreage;
2. By two years after enactment of this law, the two hundred largest parks, as determined by acreage; and
3. By three years after enactment of this law, all parks one acre or greater in size.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-153, to read as follows:

§14-153. *Crime Data by Housing Development To Be Placed on the World Wide Web. The department shall make available to the public, through its web site, crime data for each housing development operated by the new york city housing authority. Crime data, as used in this section, refers to the crime data that the police department places on its web site for each precinct and patrol borough.*

§3. This local law shall take effect ninety days after it shall have been enacted into law.

Referred to the Committee on Public Safety.

Res. No. 766

**Resolution supporting President Obama's proposal to seek legislation that would allow for lengthy interrogations of terrorism suspects without requiring Miranda warnings and to permit such statements to be legally admissible.**

By Council Members Vallone, Jr., Nelson and Koo.

**Whereas**, In May 2010, the Obama Administration announced that it would call on Congress to introduce legislation that would allow investigators to interrogate terrorism suspects prior to such suspects being given Miranda warnings; and

**Whereas**, In *Miranda v. Arizona*, decided in 1966, the United States Supreme Court held that statements obtained from defendants who were not advised of their constitutional rights are inadmissible as having been obtained in violation of the Fifth Amendment privilege against self-incrimination; and

**Whereas**, Establishing what became to be known as Miranda rights, the Court found that prior to a police interrogation, a "person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed;" and

**Whereas**, In the 1984 case *New York v. Quarles*, the United States Supreme Court examined whether certain circumstances exist in which law enforcement officers are justified in failing to inform suspects of their Miranda rights; and

**Whereas**, The *Quarles* case involved a police officer conducting a frisk in which he discovered that the suspect was wearing an empty shoulder holster; prior to informing the suspect of his Miranda rights, the suspect replied "the gun is over there" when asked for the location of the gun and the gun itself; and

**Whereas**, In *Quarles*, the United States Supreme Court established a public safety exception to the rule that a suspect's statements and evidence derived from those statements may be admitted into evidence only if the suspect was given Miranda warnings prior to making such statements; and

**Whereas**, The public safety exception allows law enforcement officials to interrogate suspects immediately in order to secure their own safety or the safety of the public and legally admit into evidence any information gathered; and

**Whereas**, In its ruling, the United States Supreme Court, however, did not establish the length of time a suspect may be questioned without being given his or her Miranda warnings; and

**Whereas**, In May 2010, Attorney General Eric Holder brought attention to this issue when he stated that "we're now dealing with international terrorists...we have to think about perhaps modifying the rules that interrogators have..." and

**Whereas**, The May 2010 attempted car bombing in Times Square, New York, demonstrates the United States' continued vulnerability to terrorist attacks; and

**Whereas**, In order to protect the public from terrorist attacks, Congress should introduce legislation that would allow investigators to interrogate terrorism suspects for as long as necessary without giving the suspect Miranda warnings; and

**Whereas**, Congress should also amend the United States Code in order to ensure that the statements terrorism suspects make during these interrogations are admissible in court as evidence; and

**Whereas**, Additionally, Congress should establish a procedure that investigators must follow to ensure that such evidence is properly gathered; and

**Whereas**, This piece of legislation is necessary to gain critical intelligence information from terrorism suspects; now, therefore, be it

**Resolved**, That the Council of the City of New York supports President Obama's proposal to seek legislation that would allow for lengthy interrogations of terrorism suspects without requiring Miranda warnings and to permit such statements to be legally admissible.

Referred to the Committee on Public Safety.

Res. No. 767

**Resolution calling on federal and state lawmakers to pass stricter regulations that ensure ammunition designed to penetrate body armor and bullet proof vests is not accessible within the United States.**

By Council Members Vallone, Jr., Cabrera, Chin, Fidler, Gentile, Koppell, Lander, Recchia, Seabrook, Vann, Williams, Dromm and Koo.

**Whereas**, Law enforcement officers encounter many dangerous situations on the job, not the least of which are bullets capable of penetrating Kevlar body armor, bulletproof vests and helmets; and

**Whereas**, For example, Fabrique Nationale (FN) Herstal, a Belgium based manufacturing company, designed the 5.7x28mm ammunition, and boasts of its armor piercing capabilities; and

**Whereas**, To help protect law enforcement officials from these lethal bullets, the federal government prohibits the manufacturing, importation, sale or delivery of armor-piercing ammunition based on its content and weight; and

**Whereas**, FNH USA's website, a subsidiary of FN Herstal, indicates that some of these bullets are sold only for military and law enforcement purposes; and

**Whereas**, Despite efforts to restrict its use, a few online gun distributors indicate on their websites that they sell this banned ammunition; and

**Whereas**, On November 19, 2009, many gun violence prevention organizations co-wrote a letter to President Obama calling attention to this issue and stating, "we strongly urge your Administration to act today to prohibit the importation of the FN Five-sevenN [sic] handgun as well as any 5.7X28mm ammunition that has armor-piercing capabilities (whether or not that ammunition meets the standard of the weak federal armor-piercing ammunition ban);" and

**Whereas**, Federal and state lawmakers should ensure that this ammunition does not cause any more harm; now, therefore, be it

**Resolved**: That the Council of the City of New York calls on federal and state lawmakers to pass stricter regulations that ensure ammunition designed to penetrate body armor and bullet proof vests is not accessible within the United States.

Referred to the Committee on Public Safety.

Res. No. 768

**Resolution calling upon the United States Department of Agriculture to authorize New York City to add certain sugary drinks to the list of prohibited goods for City residents who receive Food Stamp assistance.**

By Council Members Vallone Jr. and Koo.

**Whereas**, According to the New York City Department of Health and Mental Hygiene (DOHMH) Commissioner Thomas Farley and the late New York State Health Commissioner Richard F. Daines, medical researchers have increasingly associated the consumption of sugar-sweetened beverages with weight gain, obesity, and the development of diabetes and in the City of New York, diabetes is already an epidemic; and

**Whereas**, Dating back to President Kennedy's efforts in 1961, the aim of the USDA's Food Stamp Program, now technically called the Supplemental Nutrition Assistance Program (SNAP), was "to provide for improved levels of nutrition among low-income households;" and

**Whereas**, The Food and Nutrition Act of 2008 reinforced this goal, declaring it to be "the policy of Congress, in order to promote the general welfare, to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households;" and

**Whereas**, New York City and New York State are seeking permission from the USDA to modify the list of allowable food items that can be purchased with SNAP benefits in New York City, to bar the purchase of certain sugary drinks with Food Stamps; and

**Whereas**, This provision would not apply to milk, milk substitutes, or fruit juices with no added sugar; and

**Whereas**, According to Commissioners Farley and Daines, some 57 percent of adults in New York City and 40 percent of children in New York City public schools are overweight or obese, with the numbers being especially high in low-income neighborhoods; and

**Whereas**, The DOHMH further advises that in the past 10 years, the number of people with diabetes in NYC has more than doubled; and

**Whereas**, DOHMH reports that although an estimated 530,000 adult New Yorkers know they have diabetes, for every two people who have diabetes, there is another person who has it and doesn't yet know it, suggesting that there are likely another 265,000 New Yorkers with diabetes; and

**Whereas**, According to Dr. Leonid Poretsky, Division Chief of New York's Beth Israel Medical Center Division of Endocrinology, and other health experts, the

diabetes epidemic is sweeping the modern world, affecting close to 246 million people world-wide, including 23.6 million in the United States, and some 500,000 to 800,000 New Yorkers; and

**Whereas**, According to research presented in the Journal of the American Dietetic Association, many studies have attributed the rising rates of obesity and diabetes to increased caloric consumption, much of which comes from sweetened beverages; and

**Whereas**, The USDA has already set a precedent for defining sweetened beverages as a food with “minimal nutritional value” in their National School Lunch guidelines, and accordingly a USDA denial of the City and State’s request would be in contradiction to its own explicitly stated and implemented policy in the School Lunch and Breakfast Programs; and

**Whereas**, National organizations that have supported measures to reduce our overall sugar consumption include the American Academy of Pediatrics, American Heart Association, American Cancer Society, Save the Children, and the National Association of County and City Health Officials; and

**Whereas**, By reducing access to sweetened beverages, the City’s proposal is consistent with the City of New York’s comprehensive efforts to improve the nutrition of all New Yorkers, including low-income households; now, therefore, be it

**Resolved**, That the Council of the City Of New York calls upon the United States Department of Agriculture to authorize New York City to add certain sugary drinks to the list of prohibited goods for City residents who receive Food Stamp assistance.

Referred to the Committee on Health.

Int. No. 541

By Council Members Wills, Barron, Cabrera, Dickens, Fidler, Gentile, Koppell, Koslowitz, Mealy, Seabrook, Williams and Sanders.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of expired over-the-counter medication.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 17 to read as follows:

*SUBCHAPTER 17*

*PROHIBITION ON THE SALE OF EXPIRED OVER-THE-COUNTER MEDICATION*

- § 20-812 Definitions.*
- § 20-813 Prohibited conduct.*
- § 20-814 Violations.*
- § 20-815 Enforcement.*

*§20-812 Definitions. For purposes of this subchapter, the following definitions shall apply:*

*a. “Over-the-counter medication” means a drug, as defined by section 71.03(b) of the New York city health code, which does not require a prescription.*

*b. “Person” means any natural person, firm, partnership, joint venture, corporation or association.*

*§ 20-813 Prohibited conduct. It shall be unlawful to knowingly sell or offer for sale, any over-the-counter medication, later than the date, if any, marked upon the label as indicative of the date beyond which the contents cannot be expected, beyond reasonable doubt, to be safe and effective.*

*§20-814 Violations. A person violating section 20-813 of this subchapter shall be guilty of a class B misdemeanor punishable by a fine not to exceed two hundred fifty dollars or by imprisonment of not more than three months, or both. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than one hundred dollars nor more than two hundred fifty dollars. For purposes of this section, each group of identical over-the-counter medication subject to this subchapter marked with the same date shall constitute a single violation. However, where the expired over-the-counter medication is sold to a person, each sale shall constitute a separate violation under this section.*

*§20-815 Enforcement. The department, and other agencies designated by the commissioner, including, but not limited to, the police department, shall enforce the provisions of this subchapter.*

**§ 2.** This local law shall take effect ninety days after enactment; provided, however, that the commissioner shall take such actions, including the promulgations of rules, as are necessary for timely implementation of this local law.

Referred to the Committee on Consumer Affairs.

L.U. No. 365

By Council Member Recchia:

**Block 2394, Lot 25, Block 2395, Lot 25, Block 2419, Lot 12, Block 2432, Lot 25, Block 2438, Lot 20, Brooklyn, Council District 34**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 366

By Council Member Recchia:

**Los Sures, Block 2419, Lots 7 and 9, Brooklyn, Council District 34**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 367

By Council Member Comrie:

**Application no. 20115439 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Pizza To Go Bronx, Inc. d.b.a. Goodfellas, to establish, maintain and operate an unenclosed sidewalk café located at 3661 Waldo Avenue, Borough of the Bronx, Council District no.11. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 368

By Council Member Comrie:

**Application no. 20115380 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 2888 Broadway LLC d.b.a. Campo, to continue to maintain and operate an unenclosed sidewalk café located at 2888 Broadway, Borough of Manhattan, Council District no.9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 369

By Council Member Comrie:

**Application no. 20115473 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 1207 Amsterdam Corp. d.b.a. Amsterdam Café , to continue to maintain and operate an unenclosed sidewalk café located at 1207 Amsterdam Avenue, Borough of Manhattan, Council District no.9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 370

By Council Member Comrie:

Application no. 20115485 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Bier International LLC d.b.a. Bier International Harlem , to establish, maintain and operate an unenclosed sidewalk café located at 2099 Frederick Douglass Boulevard, Borough of Manhattan, Council District no.9. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Thursday, April 7, 2011**

★ *Addition*

10:00 a.m. Education Committee – Emigrant Savings Bank ~ 49-51 Chambers Street  
 10:00 a.m. Department of Education (Expense)  
 12:00 p.m. Public

Committee on **IMMIGRATION** jointly with the  
 Committee on **SMALL BUSINESS** ..... **1:00 P.M.**  
 Oversight: Immigrant Entrepreneurs  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Daniel Dromm, Chairperson  
 ..... Diana Reyna, Chairperson

**Monday, April 11, 2011**

Committee on **AGING** jointly with the  
 Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES** and the  
 Subcommittee on **SENIOR CENTERS** ..... **10:00 A.M.**  
 Oversight – Provision of Mental Health Services in Senior Centers  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Jessica Lappin, Chairperson  
 ..... Oliver Koppell, Chairperson  
 ..... David G. Greenfield, Chairperson

Committee on **CONTRACTS** jointly with the  
 Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**  
 Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Darlene Mealy, Chairperson  
 ..... James Sanders, Chairperson

Committee on **HEALTH**..... **1:00 p.m.**  
 Oversight: HIV/AIDS-Hepatitis Co-Infection: Education, Prevention and Treatment  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
 ..... Maria del Carmen Arroyo, Chairperson

**Tuesday, April 12, 2011**

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**  
 See Land Use Calendar Available Thursday, April 7, 2011  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Mark Weprin, Chairperson

★ *Deferred*

Committee on **PUBLIC HOUSING**..... **10:00 A.M.**  
 Oversight – NYCHA’s Use of the Mixed Finance Model to Fund Modernization Plans.  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Rosie Mendez, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** **11:00 A.M.**

See Land Use Calendar Available Thursday, April 7, 2011  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Stephen Levin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** **1:00 P.M.**

See Land Use Calendar Available Thursday, April 7, 2011  
 Committee Room– 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

★ *Deferred*

Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**  
 Oversight: Examining the NYC Workforce Reform Taskforce Report and Recommendations  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... James Sanders, Chairperson

**Wednesday, April 13, 2011**

★ *Deferred*

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
 ..... Elizabeth Crowley, Chairperson

Committee on **GENERAL WELFARE** jointly with the  
 Committee on **PUBLIC SAFETY** and the  
 Committee on **YOUTH SERVICES** ..... **10:00 A.M.**  
 Oversight: Children of Incarcerated Parents  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Annabel Palma, Chairperson  
 ..... Peter Vallone, Chairperson  
 ..... Lewis A. Fidler, Chairperson

Committee on **EDUCATION** jointly with the  
 Committee on **ENVIRONMENTAL PROTECTION** ..... **1:00 P.M.**  
 Oversight: DOE's Comprehensive Plan to Increase Energy Efficiency and Environmental Quality  
 at Schools, Including Through the Removal of PCBs.  
 Emigrant Savings Bank – 49-51 Chambers Street  
 ..... Robert Jackson, Chairperson  
 ..... James Gennaro, Chairperson

★ *Deferred*

Committee on **CONSUMER AFFAIRS** ..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Daniel Garodnick, Chairperson

**Thursday, April 14, 2011**

Committee on **LAND USE**..... **10:00 A.M.**  
 All items reported out of the subcommittees  
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

★ *Note Topic Addition*

Committee on **ECONOMIC DEVELOPMENT**..... **10:00 A.M.**  
 Oversight - Should New York City consider developing a convention center outside of Manhattan?  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Karen Koslowitz, Chairperson

★ *Note Topic Addition*

Committee on **HIGHER EDUCATION**..... **10:00 A.M.**  
 Oversight - Examining the impact of changing the New York State TAP eligibility requirement from 12 to 15 credits for full-time students.  
 Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Ydanis Rodriguez, Chairperson

★ *Note Topic Addition*

Committee on **HOUSING AND BUILDINGS** ..... **1:00 P.M.**  
 Int. 494 - By Council Members Lander, Comrie, Fidler, Vann, Williams, Brewer, Cabrera, Chin, Dickens, Dromm, Gentile, James, Jackson, Mark-Viverito, Mendez, Rose, Rivera, Ferreras, Foster, Gonzalez, Van Bramer, Wills, Eugene, Levin, Rodriguez, Sanders Jr., Seabrook, Vacca, Palma, Nelson, Halloran and Koo - A Local Law to amend the administrative code of the city of New York, in relation to

requiring the posting of a bond to ensure compliance with building and maintenance requirements by holders of mortgages commencing foreclosure actions.

Int. 500 - By Council Members Dilan, Cabrera, Comrie, James, Lander, Mendez, Palma, Seabrook, Vann and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to the responsibilities of a mortgagee commencing an action to recover residential real property.

Int. 501- By Council Members Dilan, Cabrera, Comrie, James, Lander, Mendez, Palma and Vann - A Local Law to amend the administrative code of the city of New York, in relation to registration by a mortgagee commencing an action to recover residential real property.

Int. 531 - By Council Member Dilan - A Local Law to amend the administrative code of the city of New York, in relation to the installation of window guards.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Erik Martin-Dilan, Chairperson

★ Note Topic and Committee Additions

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**..... **1:00 P.M.**

Jointly with the Committee on Immigration and the Select Committee on Libraries

Oversight - Library Programs and Services: Increasing Access to Immigrants and Limited English Proficient New Yorkers.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

..... James Van Bramer, Chairperson

..... Daniel Dromm, Chairperson

..... Vincent J. Gentile, Chairperson

**Friday, April 15, 2011**

★ Note Topic Change

Committee on **CONSUMER AFFAIRS** ..... **10:00 A.M.**

Oversight - Used Car Dealerships in New York City: Are we being taken for a ride?

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

..... Daniel Garodnick, Chairperson

★ Note Topic Addition

Committee on **TECHNOLOGY**..... **1:00 P.M.**

Oversight - Establishing Citywide IT Strategy

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

..... Fernando Cabrera, Chairperson

**Wednesday, April 27, 2011**

Committee on **TRANSPORTATION** ..... **1:00 P.M.**

Int. 521 - By Council Members Vacca, Rose (by request of the Mayor), Comrie, James, Seabrook and Williams - A Local Law to amend the administrative code of the city of New York, in relation to mandatory penalties for taxicab and other drivers.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Vacca, Chairperson

Committee on **PARKS AND RECREATION** ..... **1:00 P.M.**

**AGENDA TO BE ANNOUNCED**

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor

..... Melissa Mark-Viverito, Chairperson

★ Addition

Committee on **GOVERNMENTAL OPERATIONS** ..... **1:00 P.M.**

Int. 486 - By Council Member Brewer, Dromm, Fidler, Williams and Halloran (by request of the Mayor) - A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the transfer of functions from the department of records and information services to the department of citywide administrative services, and to repeal chapter 72 of the charter concerning the department of records and information services.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

**Thursday, April 28, 2011**

★ Note Topic Change

Committee on **FINANCE**..... **10:00 A.M.**

Int 518 - By Council Member Recchia (by request of the Mayor), James and Vann - A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Atlantic Avenue business improvement district.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

..... Domenic M. Recchia, Chairperson

*Stated Council Meeting*..... *Ceremonial Tributes – 1:00 p.m.*

..... *Agenda – 1:30 p.m.*

*Location*..... *~ Emigrant Savings Bank ~ 49-51 Chambers Street.....*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Thursday, April 28, 2011.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council









