SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL — STATED MEETING OF

TUESDAY, MAY 25, 2010

THE COUNCIL

Minutes of the
STATED MEETING
of
Tuesday, May 25, 2010, 3:00 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo
Charles Barron
Gale A. Brewer
Fernando Cabrera
Margaret S. Chin
Leroy G. Comrie, Jr.
Elizabeth S. Crowley
Inez E. Dickens
Erik Martin Dilan
Daniel Dromm
Mathieu Eugene
Julissa Ferreras
Lewis A. Fidler
Helen D. Foster
Daniel R. Garodnick

James F. Gennaro
Vincent J. Gentile
Sara M. Gonzalez
David G. Greenfield
Daniel J. Halloran III
Vincent M. Ignizio
Robert Jackson
G. Oliver Koppell
Karen Koslowitz
Bradford S. Lander
Jessica S. Lappin
Stephen T. Levin
Melissa Mark-Viverito
Rosie Mendez

Michael Nelson
James S. Oddo
Annabel Palma
Domenic M. Recchia, Jr.
Diana Reyna
Joel Rivera
Ydanis A. Rodriguez
Deborah L. Rose
James Sanders, Jr.
Eric A. Ulrich
James Vacca
Peter F. Vallone, Jr.
Mark S. Weprin

Excused: Council Members James, Mealy, Seabrook, and White.

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.

INVOCATION

The Invocation was delivered by Council Member and Pastor Fernando Cabrera of the New Life Outreach International of the Bronx, N.Y.

Let's bow our heads.
Father, we thank You for the opportunity to serve You.
We ask You for Your wisdom and for Your courage
to do the right thing before You

and for Your people.
In Your mighty name we pray
and everyone says.
Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of Nellie James, 90, mother of Council Member Letitia James, who passed away in May 2010 after a long illness. Ms. James was born in Martinsville, Virginia in 1919, lived in Brooklyn for a number of years, and worked for AT&T for 25 years. She was a member of Calvary Baptist Church in Council Member’s district.

Also during the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Quinn) asked everyone to keep Alison Cordero in their thoughts and prayers. Ms. Cordero, recovering from a stroke, is a long-time housing and tenants organizer at St. Nicholas in Council Member Comrie’s district in Brooklyn.

ADOPTION OF MINUTES

Council Member Lander moved that the Minutes of the Stated Meeting of March 25, 2010 be adopted as printed.

LAND USE CALL UPS

M-101

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 100156 ZSK, a special permit, shall be subject to Council review. This application is related to application no. C 100155 HAK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Roll Call

LAND USE CALL UP VOTE

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

The Committee on Finance, to which the annexed resolution was referred on May 25, 2010, respectfully

REPORTS OF THE STANDING COMMITTEES

Report 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 Res. No. 246

Report of the Committee on Finance in favor of approving and adopting a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.

The Committee on Finance, to which the annexed resolution was referred on May 25, 2010, 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 9, 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 May 25, 2010, amends the description for the Description/Scope of Services for the NYC Managed Care Consumer Assistance Program-Community Service Society. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intra-city transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided." This Resolution now changes the Description/Scope of Services to read: "This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intra-city transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided. This allocation plus State and federal matching funds will total $4 million."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Department of Education-District 31, Region 7 organization receiving local discretionary funding in the amount of $27,000 within the budget of the Department of Education. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "Projects to be determined for schools in the 59th CD." This Resolution now changes the Description/Scope of Services to read: "For various school projects, $14,250 for Air Conditioning units at Public School 41R; $5,000 for summer books and training for E-Chalk at Public School 60R; $4,843.16 for a 77 inch Smartboard (SB600GEN3W-UNIF) Wall Mounted Projection System at Public School 39R; and $3,500 for general supplies at Intermediate School 2R." Also, this Resolution amends the description for the Description/Scope of Services for the Greater Woodhaven Development Corporation organization receiving local discretionary funding in the amount of $15,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "Funds will provide Youth, R.O.T.C. and IT Programs at Franklin K Lane 11.S. and P.S. 97 affecting nearly 1,000 students." This Resolution now changes the Description/Scope of Services to read: ",$70,000 will provide Youth, R.O.T.C. and IT Programs at Franklin K Lane H.S. and P.S. 97 affecting nearly 1,000 students. $8,000 to support GWDC, funds will be used to pay annual operating expenses." 

Also, this Resolution adds a description for the Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding within the budget of the Department of Mental Health and Hygiene in the amount of $5,000 to read: "The Early Childhood Direction Center (ECDc) of Staten Island University Hospital is an information and referral service for parents of children between the ages of birth through five years with suspected or diagnosed developmental disabilities. The ECDc helps families and professionals on Staten Island with information and training sessions on child development, early intervention, special education services and kindergarten readiness, in English, Spanish, and other non-English languages."

Moreover, this Resolution approves new designations and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. Additionally, this Resolution approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in 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 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 Expense Budget.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of youth discretionary funding, as described in Chart 2, attached hereto as Exhibit B; and sets fund changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Charts 3-11, attached hereto as reflected in Exhibits C-K.

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 of 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 in accordance with the Fiscal 2010 Expense Budget. It is to be noted that funding for various organizations, as identified by 2 asterisks in Chart 1, will be implemented upon the passage of a budget modification.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 2, organizations receiving funding pursuant to the Health Aging initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 3, the Wayside Out-Reach Development, Inc. will be used as a fiscal conduit for the Cypress Hills Fountain Avenue and Spring Creek Senior Partners, Inc. organizations.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 4, funding in the amount of $5,000 provided each to the Queens Jewish Community Council, Inc., the St. Albans Baptist Church, and the Family Life Development Center, Inc. will be removed. Funding in the same amount will be used to fund the City Harvest, Inc.- Queens Jewish Community Council, Inc., City Harvest, Inc. - St. Albans Baptist Church, and the City Harvest, Inc.- Family Life Development Center, Inc.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 5, funding in the amount of $20,000 will be removed from Man Up!, Inc.-Junior High School 166/George Gershwin (K166) and be provided to Man Up!, Inc.-Public School 116K.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Transportation-Operating Costs Initiative in accordance with the Fiscal 2010 Expense Budget. Chart 6 indicates an EIN correction. The correct EIN for the Young Israel Programs, Inc. Young Israel of Midwood Senior Center is 03-0381957.
Charter 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 8, funding in the amount of $48,540.00, $36,369.14, and $25,888.10, totaling $101,797.24 collectively, provided to the Bronx Community Pride Center, Inc.; HE L/P/PSI, Inc., and the Life Force: Women Fighting AIDS, Inc., respectively, will be removed and be provided to various organizations in various amounts within the budget of the Department of Health and Mental Hygiene.

Charter 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 9, funding in the amount of $99,828.81 for the Brownsville Youth Association will be removed. This funding will be used to provide funding in the amount of $8,164.41 and $8,164.40 to the Church Avenue Merchants Block Association (CAMBA) and the Greater Brooklyn Health Coalition, Inc., respectively.

Charter 9 sets forth changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 9, funding in the amount of $15,000 will be removed from St. Barnabas Hospital within the budget for the Department of Mental Health and Hygiene.

Charter 10 sets forth the new designation of St. Barnabas Hospital receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 10, funding in the amount of $15,000 will be provided to St. Barnabas Hospital.

Charter 11 indicates an Initiative Fund Transfer to effectuate the provisions set forth in Charts 9 and 10.

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

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 2010 Expense Budget. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 246)

Res. No. 246 Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.

By Council Member Recchia.

Whereas, On June 19, 2009 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the NYC Managed Care Consumer Assistance Program within the budget of the Department of Health and Mental Hygiene; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding in the amount of $15,000 within the budget of the Department of Health and Mental Hygiene; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of $5,000 within the budget of the Department of Health and Mental Hygiene; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Department of Health and Mental Hygiene to read: “The Early Childhood Direction Center (ECDC) at Franklin K Lane H.S. and P.S. 97 affecting nearly 1,000 students. $8,000 to support GWDC, funds will be used to pay annual operating expenses.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding to read: “For various school projects. $14,250 for Air Conditioning units at Public School 41R; $5,000 for summer books and training for E-Chalk at Public School 60R; $4,843.16 for a 77 inch Smartboard (S68600GENW-UNIF) Wall Mounted Project System at Public School 39R; and $3,500 for general supplies at Intermediate School 2R.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of $5,000 within the budget of the Department of Mental Health and Hygiene to read: “The Early Childhood Direction Center (ECDC) at Staten Island University Hospital is an information and referral service for parents of children between the ages of birth through five years with suspected or diagnosed developmental disabilities. The ECDC helps families and professionals on Staten Island with information and training sessions on child development, early intervention, special education services and kindergarten readiness, in English, Spanish, and other non-English languages.”; 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 as set forth in Chart 1, attached hereto as Exhibit A; 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 as set forth in Chart 2, attached hereto as Exhibit B; 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 Healthy Aging Initiative as set forth in Chart 3, attached hereto as Exhibit C; 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 Food Pantries Initiative, as set forth in Chart 4, attached hereto as Exhibit D; 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 Cultural After School Adventure Initiative, as set forth in Chart 5, attached hereto as Exhibit E; 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 Transportation-Operating Costs Initiative, as set forth in Chart 6, attached hereto as Exhibit F; 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/AIDS Communities of Color Initiative, as set forth in Chart 7, attached hereto as Exhibit G; 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 8, attached hereto as Exhibit H; 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 Cultural After School Adventure Initiative, as set forth in Chart 5, attached hereto as Exhibit E; and be it further
Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation of St. Barnabas Hospital receiving funding pursuant to the Geriatric Mental Health Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

Resolved, That the City Council approves the Initiative Funding transfer, as set forth in Chart 11, attached hereto as Exhibit K.

ATTACHMENT:

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D
### CHART 4: Food Pantries

| Service            | Organization                                      | EIN Number | Agency  | Amount  | Approval
|--------------------|---------------------------------------------------|------------|---------|---------|----------
| Queens             | Queens Jewish Community Council, Inc.             | 95-4070012 | FY12    | 15,000.00 | 100%     |
| Queens             | St. Alban's Episcopal Church                      | 94-3323270 | FY12    | 8,000.00  | 100%     |
| Hudson             | Family Life Development Center                    | 71-4501202 | FY12    | 9,000.00  | 100%     |
| Queens             | City View, Inc., Queen's Jewish Community Council | 95-4070012 | FY12    | 8,000.00  | 100%     |
| Queens             | City View, Inc., St. Alban's Episcopal Church    | 94-3323270 | FY12    | 8,000.00  | 100%     |
| Hudson             | City View, Inc., Family Life Development Center  | 71-4501202 | FY12    | 9,000.00  | 100%     |

* Indicates pending completion of pre-qualification reviews.

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 Health

Report for Int. No. 206

Report of the Committee on Health in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.

The Committee on Health, to which the annexed proposed local law was referred on May 12, 2010 (Minutes, page 1666), respectfully

REPORTS:

INTRODUCTION

On May 24, 2010, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing on Int. No. 206, a local law that would make technical changes to certain provisions of Title 17 of the Administrative Code and repeal Subchapters 1 and 5 of Chapter 3 of Title 17 concerning permits for the sale or transfer of milk and milk products and medical records, respectively. The Committee heard testimony on the legislation on May 5, 2010.

INT. NO. 206

Section 1 of Int. No. 206 would renumber the Section 17-123 of Chapter 1 of Title 17 of the Administrative Code of the City of New York entitled “Aliens” as Section 17-124. There are currently two sections numbered 17-123.

Section 2 of Int. No. 206 would renumber the Section 17-185 of Chapter 1 of Title 17 that was as added by local law number 2 for the year 2004 as Section 17-196. There are currently two sections numbered 17-185.

Section 3 of Int. No. 206 would amend the heading of Section 17-190 of Chapter 1 of Title 17 to read “Deaths of homeless persons and homeless shelter residents; report.” Section 17-190 currently has no heading.

Section 4 of Int. No. 206 would repeal Subchapter 1 of Chapter 3 of Title 17. Subchapter 1 concerns applications for permits for the sale and transfer of milk and milk products. Subchapter 1 details information that must be furnished with an application for a permit for the sale or transfer of milk and milk products, allows the commissioner of health and mental hygiene to promulgate regulations and provides penalties for noncompliance with the requirements of the subchapter. The milk-related permits referred to in Subchapter 1 currently are included in Article 111 of the New York City Health Code. The Department of Health and Mental Hygiene (DOHMH) testified that it is proposing that the Board of Health repeal Article 111 and the Department does not appear to provide any Article 111 permits at this time. The sale of milk products is regulated by the New York State Department of Agriculture and Markets.

Section 5 of Int. No. 206 would repeal Subchapter 5 of Chapter 3 of Title 17. Subchapter 5 requires any business that assumes control of the records of a medical facility that is closing is monitored by the State. A section of Int. No. 206 would add a new section to Subchapter 5 requiring any business that assumes control of the records of a medical facility that is closing to submit a yearly report about such businesses to the City Council. The storage of records of a medical facility that is closing is monitored by the State. A medical facility cannot close without first obtaining the (State health commissioner’s) written approval of a plan for the maintenance, storage and safekeeping of its patients’ medical records. The plan shall provide adequate safeguards for these records, make them accessible to the patients and their physicians, and may provide for their ultimate disposition.1 In addition, it does not appear that the DOHMH is currently issuing the licenses described in Subchapter 5.

Section 6 of Int. No. 206 would make the local law effective ninety days after its enactment into law.

The following is from the text of the Fiscal Impact Statement for Int. No. 206:

**FISCAL IMPACT STATEMENT:**

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<th>Effective FY 10</th>
<th>FY Succeeding FY 11</th>
<th>Full Fiscal Impact FY 12</th>
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<tr>
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<tr>
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<td>Net</td>
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**IMPACT ON REVENUES:** There would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on expenses resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Latonia McKinney, Deputy Director

**Rocco D’Angelo, Assistant Director**

**HISTORY:** On May 5, 2010, the Committee on Health held a hearing on the legislation, which was considered as a preconsidered introduction, and the item was laid over. This legislation was introduced by the Council and referred to the Committee on Health on May 12, 2010 as Int. 206. On May 24, 2010 the Committee on Health will consider the legislation as Int. 206.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 206:)

By Council Members Arroyo, Comrie, Fidler, White and Jackson.

A Local Law to amend the administrative code of the city of New York, in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.

Be it enacted by the Council as follows:

Section 1. Section 17-123 of chapter 1 of title 17 of the administrative code of the city of New York is amended to read as follows:

§17-123 Aliens. The commissioner may send to such place as he or she may direct, all aliens and other persons in the city, not residents thereof, who shall be sick of any communicable disease. The expense of the support of such aliens or other persons shall be defrayed by the city, unless such aliens or other persons shall be entitled to support from the commissioner of immigration and naturalization of the United States.

§2. Section 17-185 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 2004, is renumbered section 17-196.

§3. The heading of section 17-190 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 63 for the year 2005, is added to read as follows:

§17-190 Deaths of homeless persons and homeless shelter residents; report.

§4. Subchapter 1 of chapter 3 of title 17 of the administrative code of the city of New York is REPEALED.

§5. Subchapter 5 of chapter 3 of title 17 of the administrative code of the city of New York is REPEALED.

§6. This local law shall take effect ninety days after its enactment into law.

(For the Lower Manhattan)
FROM THE ENACTMENT OF THIS LEGISLATION.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA HELEN D. FOSTER, PETER F. VALLONE JR., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, May 24, 2010.

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:

INTRODUCTION

ON MAY 24, 2010, THE COMMITTEE ON HEALTH, CHAIRMED BY COUNCIL MEMBER MARIA DEL CARMEN ARROYO, WILL HOLD A HEARING ON INT. NO. 207, A LOCAL LAW THAT WOULD REPEAL AND REENACT SECTION 17-337 RELATING TO AIR QUALITY STANDARDS FOR COMPRESSED AIR IN UNDERWATER BREATHING TANKS.

THE COMMITTEE ON HEALTH, TO WHICH THE ANNEXED PROPOSED LOCAL LAW WAS REFERRED ON MAY 12, 2010 (MINUTES, PAGE 1666), RESPECTFULLY

FISCAL IMPACT STATEMENT:

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IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenses resulting from the enactm<ment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Latonia McKinney, Deputy Director

Rocco D’Angelo, Assistant Director

HISTORY: On May 5, 2010, the Committee on Health held a hearing on the legislation, which was considered as a preconsidered introduction, and the item was laid over. This legislation was introduced by the Council and referred to the Committee on Health on May 12, 2010 as Int. 207. On May 24, 2010 the Committee on Health will consider the legislation as Int. 207.

ACCORDINGLY, THIS COMMITTEE RECOMMENDS ITS ADOPTION.

THE FOLLOWING IS THE TEXT OF INT. NO. 207:

A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, TO REPEAL AND REENACT SECTION 17-337 RELATING TO AIR QUALITY STANDARDS FOR COMPRESSED AIR IN UNDERWATER BREATHING TANKS.

BE IT ENACTED BY THE COUNCIL AS FOLLOWS:

SECTION 1. Section 17-337 of chapter 3 of title 17 of the administrative code of the city of New York, as added by local law number 14 for the year 1966 is REPEALED and REENACTED to read as follows:

§ 17-337 Air quality standards for compressed air in underwater breathing tanks. Compressed air to be used in tanks for underwater breathing that are offered for sale, sold, or distributed in the city of New York, shall, at a minimum, meet the air quality standards for grade e air of the compressed gas association publication “G-7.1-2004, commodity specification for air,” or a more stringent standard as may be determined by the department.

§ 2. This local law shall take effect ninety days after its enactment into law.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA HELEN D. FOSTER, PETER F. VALLONE JR., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, May 24, 2010.

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:

INTRODUCTION

ON MAY 24, 2010, THE COMMITTEE ON HEALTH, CHAIRMED BY COUNCIL MEMBER MARIA DEL CARMEN ARROYO, WILL HOLD A HEARING ON PROPOSED INT. NO. 226-A, A LOCAL LAW THAT WOULD AMEND THE ADMINISTRATIVE CODE CONCERNING THE DEFINITIONS OF TERMS RELATED TO THE PROVISION OF INFORMATION ON CHILD CARE SERVICES AND TO REPORTING ON CHILD CARE PROGRAMS AND TO REPEAL CERTAIN RELATED PROVISIONS OF THE ADMINISTRATIVE CODE.

THE COMMITTEE ON HEALTH, TO WHICH THE ANNEXED AMENDED PROPOSED LOCAL LAW WAS REFERRED ON MAY 12, 2010 (MINUTES, PAGE 1697), RESPECTFULLY

PROPOSED INT. NO. 226-A

SECTION 1 OF PROPOSED INT. NO. 226-A WOULD REPEAL AND REENACT SECTION 17-918 OF THE ADMINISTRATIVE CODE. BEFORE IT EXPIRED IN 2008, THIS SECTION REQUIRED THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DOHMH) TO REPORT REGULARLY TO THE SPEAKER OF THE CITY COUNCIL ON CHILD CARE FACILITIES IN NEW YORK CITY.

SECTION 2 OF PROPOSED INT. NO. 226-A WOULD REPEAL CHAPTER 10 OF TITLE 17 AS CHAPTER 13. IT WOULD ALSO RENUMBER SECTIONS 17-914, 17-915, 17-916, 17-917, 17-918 AND 17-919 AS 17-1301, 17-1302, 17-1303, 17-1304, 17-1305 AND 17-1306, RESPECTIVELY. IN GENERAL, EXCEPT WHEN REFERRING TO SPECIFIC TYPES OF STATE-REGULATED DAY CARE (E.G., FAMILY DAY CARE HOMES), THE LEGISLATION REPLACES THE TERM “DAY CARE” WITH THE TERM “CHILD CARE” IN ORDER TO COMPLY WITH THE NEW YORK CITY HEALTH CODE.

IN SUBDIVISION A OF RENUMBERED SECTION 17-1301, THE LEGISLATION WOULD...
replace the term “day care service” with the term “child care service,” replace the phrase “group day” with the word “child” and the phrase “rules and regulations of the department” with the phrase “article 47 of the New York city health code.” In subdivision b, the legislation would replace the term “day care service permittee” with the term “child care service permittee” and replace the word “day” with the word “child.” In subdivision c, the term “department” would be deleted and replaced with the term “permit,” which would be defined as “an authorization to operate a child care service issued by the commissioner in accordance with article 47 of the New York city health code.” Subdivisions d, e, and f, respectively, of the legislation would be renumbered and replaced with the following:

Subdivision d would state that within 45 days after the end of each calendar year, the DOHMH shall publish and make available on its website an annual report containing the information in Subdivision a of Section 17-307 for the prior calendar year.

Section 4 of Proposed Int. No. 226-A would make the local law effective ninety days after its enactment into law, except that Section 17-1307 of the Administrative Code which contains the reporting requirement would expire and be deemed repealed four years after it becomes law.

The following is from the text of the Fiscal Impact Statement for Int. No. 226-A:

**FISCAL IMPACT STATEMENT:**

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<thead>
<tr>
<th>Effective FY 10</th>
<th>FY Succeeding Effective FY 11</th>
<th>Full Fiscal Impact FY 11</th>
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<td>$0</td>
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<td>Net</td>
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**IMPACT ON REVENUES:** There would be no impact on revenue resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** The Department of Health and Mental Hygiene will be able to enforce the provisions of this bill using existing resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Latonia McKinney, Deputy Director

**HISTORY:** On May 5, 2010, the Committee on Health held a hearing on the legislation, which was considered as a preconsidered introduction, and the item was laid over. This legislation was introduced by the Council and referred to the Committee on Health on May 12, 2010 as Int. 226.

An amendment has been proposed and the Committee on Health will reconsider the legislation as Proposed Int. 226-A on May 24, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(There is no need to include the Fiscal Impact Statement in the meeting notes.)
over the past three years; and
whether a [day] specified in the [day] article 5 and at 47 of title 24 of the rules of the city of New York.
[e]d. “Serious injury” means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.
[f]. “Summary [day] child care service inspection report” is a report that includes, at a minimum, the following information:
(1) the name of the [day] child care service;
(2) the name of the [day] child care service permittee;
(3) the [day] child care service permit number and expiration date;
(4) the address of the [day] child care service;
(5) the date of the most recent inspection;
(6) the number of children authorized to be present at any one time as specified in the [day] child care service permit;
(7) any violations identified by the department during inspections conducted over the past three years; and
(8) whether a permit has been ordered suspended or revoked in the past twelve months; whether a [day] child care service has, during the past three years, been ordered closed because its continued operation represented a danger to the health or safety of children; and the terms and conditions, if any, under which such [day] child care service has been allowed to reopen and is authorized to operate.
[g]. “Violation” means a citation issued by the department which alleges that a [day] child care service has failed to comply with a provision of applicable law, rule or regulation.
§17-1302 Access to summary [day] child care service inspection reports. [Commencing on the effective date of the local law that added this chapter, following] Following each inspection of a [day] child care service, the department shall post a summary [day] child care service inspection report on the department’s website and shall make summary [day] child care service inspection reports available by calling 311.
§17-1303 Posting of information on-site. Every [day] child care service must post a sign in a conspicuous place near its public entrance or entrances stating that the most recent summary [day] child care service inspection report may be accessed through the website of the department or by calling 311. The sign, whose form and content shall be provided or approved by the department, shall be printed in clear and legible type, in such a manner as to be readily visible to parents or other persons entering the [day] child care service and shall provide instructions on how to gain access to the summary [day] child care service inspection reports through the department's website.
§17-104 Denial of permit. a. Every applicant for a new or renewal permit to operate a [day] child care service shall disclose whether a serious injury or the death of a child in its care, or the care of any of its owners, directors, employees, volunteers or agents, has occurred. Every such permit applicant shall further disclose any civil or criminal action brought against the applicant, or any of its directors, employees, volunteers or agents, was responsible for such serious injury or death of a child, or administrative agency decisions holding or finding that there is credible evidence to believe that any of its directors, employees, volunteers or agents, was responsible for such serious injury or death of a child, and whether any legal proceeding involving the serious injury or death of a child is pending against the applicant, or any of its owners, directors, employees, volunteers or agents. The department shall deny such a permit unless, on the basis of the application and other papers submitted, including the information provided pursuant to this section, and on the basis of department or [City] city investigation, if any, it is satisfied that the provisions of the New York City [city] health code and other applicable law will be met. The death of a child or the occurrence of more than one incident resulting in a serious injury to a child or children in the care of an applicant or permittee shall create a presumption in any proceeding brought by the department to deny or revoke such a permit that the inability of the applicant or permittee to comply with the provisions of said code or other applicable law. Nothing herein shall otherwise limit the department’s authority to deny the issuance or renewal of a permit or to revoke a permit.
b. To the extent permissible by law, where the department has received written notification that a person has been convicted of a drug-related offense; where a [day] child care service has a felony conviction at any time for a sex offense, against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense; the department shall, when consistent with article twenty-three-A of the correction law, deny the application for a permit to operate such [day] child care service.
§17-1305 Notification of authorities. The department shall report to an appropriate state agency any serious injury or death of a child in [day] child care services which has been reported to the department in accordance with applicable law, rules and regulations. Such report shall include the name of the [day] child care service and the [day] child care service permittee of any [day] child care service in which a serious injury or death of a child has occurred.
§17-1306 Distribution of information to referral agencies. a. Definitions. 1. “Child [day] care program” means any program that provides child day care as defined in section 390 of the New York state social services law, including family day care; home, group family day care home and school (child care) centers as defined in section 390 of the New York state social services law, or [day] child care services as defined in article 47 of title 24 of the rules of the city of New York.
2. “Referral agency” means the administration for children's services, the department of social services/human resources administration or any state-funded child care resource and referral agency operating in New York [City] city.
b. To the extent permissible under law, the department shall promptly make available to referral agencies information identifying child care providers for which the department is aware of a current suspension of its license, registration or permit or that it has had its license, registration or permit terminated.
c. The department shall request that referral agencies advise parents to seek additional information on which a referral is made by consulting the department's website or by calling 311.
d. [Within six months of the effective date of the local law that added this section to the code] The department shall publish an informational pamphlet which shall, at a minimum, do the following:
1. Describe the government authorities responsible for regulating child [day] care programs, along with contact information for persons to use if they have questions or complaints about child [day] care programs.
2. Describe key rules or regulations relating to child [day] care programs, including mandated staff and adult/child ratios, maximum capacity and health and safety standards.
3. Describe the inspection process and the registration, licensing and permitting processes for child [day] care programs.
4. Advise parents seeking child [day] care programs to ask child [day] care programs providers to provide them with the program’s current license, registration or permit and not to enroll a child in any program that does not have a current registration, license or permit or has a current suspension of its registration, license or permit.
5. Provide parents the pamphlet by this section shall be translated into all covered languages as defined in § 8-1002 of the administrative code of the city of New York. Copies of the pamphlet shall be provided to all referral agencies.
6. Chapter 13 of title 17 of the administrative code of the city of New York, as renumbered by section two of this local law, is amended by adding a new section 17-1307 to read as follows:
§17-1307 Reports regarding child care citywide. a. Forty-five days after the end of the first full calendar quarter following the effective date of the local law that added this section and forty-five days after the end of each succeeding calendar quarter thereafter, the department shall furnish to the speaker of the city council a report regarding child care programs in New York city that includes, at a minimum, the following information concerning child care services, and to the extent that the department has access to such information, the following information concerning state-regulated family and group family day care homes and school-age child care programs:
1. number of programs currently holding a valid license, registration or permit issued under state or local law or regulations, disaggregated by borough and by type of program;
2. number of inspections of such child care programs conducted, disaggregated by borough and by the type of program inspected;
3. percentage of new applications for licenses to operate a child care service that were not processed by the expiration date of the license, registration or permit being renewed, disaggregated by the type of child care program;
4. percentage of new applications for a license, registration or permit to operate a state-regulated child care program cited for having violations, disaggregated by borough and by the type of child care program;
5. total number of initial inspections of child care services and the percentage of child care services that resulted in a license, registration or permit;
6. number of child care program slots created, disaggregated by type of child care program;
7. number of complaints received regarding child care programs operating with a license, registration or permit, disaggregated by the type of child care program and borough in which the child care program that is the subject of the complaint is located;
8. number of complaints received regarding child care programs operating without a license, registration or permit, disaggregated by the borough in which the child care program that is the subject of the complaint is located;
9. percentage of state-licensed or registered child care programs cited for having violations, disaggregated by borough and by the type of child care program;
10. number of complaints received regarding child care programs cited for having violations, disaggregated by borough and by the type of child care program;
11. number of child care program licenses, registrations or permits revoked, disaggregated by the type of child care program;
12. number of child care program licenses, registrations or permits suspended, disaggregated by the type of child care program;
13. number of cease and desist orders issued, disaggregated by the type of state-licensed or registered child care program;
14. number of early childhood consultants employed in the department's bureau of child care as of the close of business on the final day of the reporting period;
15. number of early childhood consultant vacancies in the department's bureau of child care as of the close of business on the final day of the reporting period;
of Buildings to promulgate any necessary rules and to take all other steps necessary to implement this local law’s provisions prior to the effective date.

Amendments to Int. No. 68
- The civil and criminal penalties that may be imposed for unlicensed plumbing and fire suppression work was lowered from the amounts indicated in the original bill. The civil and criminal penalties for such violations would now be two thousand five hundred dollars ($2,500) for a first violation and five thousand dollars for a subsequent violation ($5,000) rather than five thousand dollars for a first offense and ten thousand dollars for a subsequent offense.
- Bill section two was removed because the minimum criminal fines that may be imposed for such violations were included in bill section one.

(See Section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed for such violations were included in bill section one.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA HELEN D. FOSTER, PETER F. VALLONE JR., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDez, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, May 24, 2010.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing bill was referred to the Housing and Buildings Committee.

On April 27, 2010, the Committee heard the original version of this bill and received testimony from representatives of DOB and other persons interested in this legislation.

REPORTS:
BACKGROUND AND ANALYSIS:
On May 24, 2010, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on proposed Int. No. 68-A; “A Local Law to amend the Administrative Code of the City of New York, as added by section three of this local law, shall expire and be deemed repealed four years after it have become a law.

The Committee on Housing and Buildings, to which the annexed amended bill was referred on March 3, 2010 (Minutes, page 667), respectfully

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FISCAL IMPACT STATEMENT:

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IMPACT ON REVENUES: There would be no impact on the revenues by the enactment of this legislation. Civil penalty fines imposed is expected to ensure compliance, not generate revenue for the City.

IMPACT ON EXPENDITURES: There would be no impact on the expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division

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

DATE SUBMITTED TO COUNCIL: Intro. 68 was introduced by Council and referred to the Housing and Buildings Committee on March 3, 2010. Hearing was held and laid over by the Committee as Intro. 68-a on May 24, 2010. Accordingly, this Committee recommends its adoption, as amended.

(See Section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed for such violations were included in bill section one.

1 See §28-201.2.1 of the Ad. Code.
2 See Articles 201, 202 and 203 of Title 28 of the Ad. Code.
3 Article 488 and 410 of Title 28 of the Ad. Code.

(The following is from the text of the Fiscal Impact Statement for Int. No. 68-A.)
imposed for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

§2. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of buildings shall take all actions necessary to implement this local law, including the promulgation of rules on or before such date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO, Committee on Housing and Buildings, May 24, 2010.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 68-A:)

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

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to civil penalties for unlicensed plumbing and fire suppression work.

Given under my hand and seal this 25th day of May, 2010 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):

Reports of the Committee on Land Use

Report for L.U. No. 23
Report of the Committee on Land Use in favor of approving Application no. 20105273 HAQ, an amendment to an Urban Development Action Area Project located at 190-01 to 190-05 Linden Boulevard, Council District no. 27 Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal 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 3, 2010 (Minutes, page 252), respectfully

REPORTS:

SUBJECT

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

ADDRESS BLOCK/LOT NON- L.U. PROGRAM PROJECT
190-01 -05 Linden Boulevard Queens 11061/1 2010273 HAQ 23 Tenant Ownership
226 West 111th Street Manhattan 1826/52 20105283 HAM 25 Tenant Interim Lease
163 Lenox Avenue 1903/31 20105415 HAM 69 Tenant Interim Lease
2041 5th Avenue 1751/1 20105423 HAM 77 Tenant Lease
3120 Park Avenue 2418/6 20105621 HAX 103 Low Income Rental
720-22 E. 161st Street 2647/43, 44 2464/41 Avenue
451 E. 159th Street 2381/43
281 Montauk Avenue 20105623 HAX 105 Asset Control Area 664 Avenue
626 Pine Street

Res. No. 251
Resolution approving an Urban Development Action Area Project located at 190-01 -05 Linden Boulevard (Block 11060, Lot 001), Borough of Queens, and waiving the urban development area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 25; 20105273 HAQ).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 4, 2010 its request dated December 14, 2009 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 190-01 -05 Linden Boulevard (Block 11060, Lot 001), Community District 12, Borough of Queens (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. No. 25, 69 and 77; and pursuant to Section 696 of the General Municipal Law for L.U. Nos. 103 and 105.

COUNCIL MINUTES — STATED MEETING May 25, 2010 CC13
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

RESOLVED:

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 waives the area designation requirement of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law pursuant to said Section.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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 Project shall be disposed of and developed upon the terms and conditions in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, IZEL E. DICKENS, DANIEL R. GARODNICK, JESSICA B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL

RESOLVED:

1. Find 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 the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one- to four-unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

RESOLVED:

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 waives the area designation requirement of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law pursuant to said Section.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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 Project shall be disposed of and 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 approves the partial Tax Exemption as follows:

a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by Sponsor with, or for the benefit of, the City of New York.

b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"); if any shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.

c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying $3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.


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. 69

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law; and

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 18, 2010 its request dated February 8, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 163 Lenox Avenue (Block 1903, Lot 31), Community District 10, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one- to four-unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

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

RESOLVED:

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 waives the area designation requirement of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law pursuant to said Section.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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 Project shall be disposed of and 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 approves the partial Tax Exemption as follows:

a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor (“Effective Date”) and shall terminate upon July 1, 2029 (“Expiration Date”); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by Sponsor with, or for the benefit of, the City of New York.

b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, “Commercial Property”), if any, shall not be eligible for partial tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.

c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, “Residential Property”) shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying $3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.


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. 77
Report of the Committee on Land Use in favor of approving Application no. 20105423 HAM, an Urban Development Action Area Project located at 2041 Fifth Avenue, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1363), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 23 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 254
Resolution approving an Urban Development Action Area Project located at 2041 5th Avenue (Block 1751, Lot 1), Borough of Manhattan, and waiving the uniform land use review procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 77; 20105423 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the “Project”) located at 2041 5th Avenue (Block 1751, Lot 1), Community District 11, Borough of Manhattan (the “Disposition Area”):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the “Tax Exemption”);

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one- to four-unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, the project description that HPD provided to the Council states that the purchaser in connection with the Sale (the “Sponsor”) is a duly organized housing development fund corporation under Article XI of the Private Housing Finance Law;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

RESOLVED:

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 waives the area designation requirement of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law pursuant to said Section.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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 Project shall be disposed of and 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 approves the partial Tax Exemption as follows:

a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor (“Effective Date”) and shall terminate upon July 1, 2029 (“Expiration Date”); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and

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

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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 Project shall be disposed of and 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 approves the partial Tax Exemption as follows:

a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor (“Effective Date”) and shall terminate upon July 1, 2029 (“Expiration Date”); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and
Located at 623 Grand Street, Borough of Brooklyn.

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 623 Grand Street, Borough of Brooklyn (20105442 TCK; L.U. No. 86).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 16, 2010 its approval dated April 16, 2010 of the petition of Ahshi Global, Inc., dba Willburg Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 623 Grand Street, Community District 1, Borough of Brooklyn (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 of the Administrative Code; and

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 17, 2010; 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.


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. 86

Report of the Committee on Land Use in favor of approving Application no. 20105442 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ahshi.Global, Inc., dba Willburg Café, to establish, maintain and operate an unenclosed sidewalk café located at 623 Grand Avenue, Borough of Brooklyn, Council District no. 34. 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 April 29, 2010 (Minutes, page 1568), respectfully.

REPORTS:

SUBJECT

BROOKLYN CB - 1  20105442 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ahshi.Global, Inc., dba Willburg Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 623 Grand Street, Borough of Brooklyn.

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.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: May 25, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Res. No. 255

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 623 Grand Street, Borough of Brooklyn (20105442 TCK; L.U. No. 86).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 16, 2010 its approval dated April 16, 2010 of the petition of Ahshi Global, Inc., dba Willburg Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 623 Grand Street, Community District 1, Borough of Brooklyn (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 of the Administrative Code; and

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 17, 2010; 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.


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. 87

Report of the Committee on Land Use in favor of approving Application no. 20105403 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Fold Corp. dba Le Barricou, to establish, maintain and operate an unenclosed sidewalk café located at 533 Grand Street, Borough of Brooklyn, Council District no. 34. 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 April 29, 2010 (Minutes, page 1569), respectfully.

REPORTS:

SUBJECT

BROOKLYN CB - 1  20105403 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Fold Corp. dba Le Barricou, to establish, maintain and operate an unenclosed sidewalk café located at 533 Grand Street, Borough of Brooklyn.

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.
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Fidel Corp., dba Le Barricou, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 533 Grand 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.

Report Summary
COMMITTEE RECOMMENDATION AND ACTION
DATE: May 25, 2009
The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Res. No. 256
Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 533 Grand Street, Borough of Brooklyn (20105403 TCK; L.U. No. 87).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 16, 2010 its approval dated April 16, 2010 of the petition of Fidel Corp., dba Le Barricou, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 533 Grand Street, Community District 1, Borough of Brooklyn (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 of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 17, 2010; 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.


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. 90
Report of the Committee on Land Use in favor of disapproving Application no. C 070520 ZMK submitted by Jom Tob Gluck pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 22c, by establishing within an existing R5 District a C1-3 District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1570), respectfully

REPORTS:

SUBJECT
BROOKLYN CB - 12 C 070520 ZMK
City Planning Commission decision approving an application submitted by Jom Tob Gluck pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C1-3 District bounded by 48th Street, 18th Avenue, 49th Street and a line 100 feet northwesterly of 18th Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2009.

INTENT
To rezone a portion of the Borough Park neighborhood of Brooklyn.

Report Summary
COMMITTEE RECOMMENDATION AND ACTION
DATE: May 25, 2009
The Committee recommends that the Council approve the attached resolution and thereby disapprove the decision of the City Planning Commission.

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

Res. No. 257
Resolution disapproving the decision of the City Planning Commission on ULURP No. C 070520 ZMK, a Zoning Map amendment (L.U. No. 90).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 26, 2010 its decision dated April 26, 2010 (the “Decision”), on the application submitted by Jom Tob Gluck, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone an approximately 20,000 square-foot area located on the west side of 18th Avenue, between 48th and 49th Streets, from R5 to R5/C1-3 to facilitate the development of a commercial use on 18th Avenue in the Borough Park neighborhood of Brooklyn, Community District 12, (ULURP No. C 070520 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 May 17, 2010;

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 14, 2009 (CEQR No. 07DCP090K);

RESOLVED:
The Council finds that the action described herein will have no significant effect 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 070520 ZMK, incorporated by reference herein, the Council disapproves the Decision.
COUNCIL MINUTES — STATED MEETING
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Coupled for Disapproval.

Report for L.U. No. 97
Report of the Committee on Land Use in favor of approving Application no. C 100199 ZMQ submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6b, 9a, 9b and 9c:

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1570), respectfully

REPORTS:

SUBJECT
QUEENS CB - I C 100199 ZMQ

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6b, 9a, 9b and 9c:

INTENT
To rezone a portion of the Astoria neighborhood of Queens, New York.

Report Summary
COMMITTEE RECOMMENDATION AND ACTION
DATE: May 25, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 258
Resolution approving the decision of the City Planning Commission on ULURP No. C 100199 ZMQ, a Zoning Map amendment (L.U. No. 97).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 30, 2010 its decision dated April 28, 2010 (the “Decision”), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone all or portions of 238 blocks in the Astoria neighborhood in northwestern Queens. The proposed rezoning from R4, R5, R6 and R6B districts to R4, R4-1, R4B, R5B, R5D, R6A, R6B, R7A, C4-2A, C4-3, and C4-4A districts is intended to protect neighborhood character from out-of-scale development, more closely reflect established development patterns, direct opportunities for moderate residential and commercial growth to locations along wide streets and transit resources, and provide incentives for the production of affordable housing.

WHEREAS, the Application is related to Application Number N 100200 ZRQ (L.U. No. 98), a zoning text amendment to Article II, Chapter 3 and Appendix F of the Zoning Resolution, to apply the Inclusionary Housing Program to proposed R7A and equivalent commercial districts in Queens Community District 1;

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 May 17, 2010;

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 January 25, 2010, which included (E) designations to avoid the potential for hazardous material impacts and air quality impacts (E-245), (CEQR No. 10DCP019Q);

RESOLVED:
The Council finds that the action described herein will have no significant effect 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 100199 ZMQ, 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. 6b, 9a, 9b and 9c:

1. eliminating from an existing R5 District a C1-2 District bounded by:
   a. 29th Street, a line 150 feet northeasterly of Ditmars Boulevard, 31st Street, 21st Avenue, 32nd Street, a line 150 feet northeast of Ditmars Boulevard, 37th Street, a line 150 feet southwesterly of Ditmars Boulevard, 31st Street, a line 225 feet southwesterly of Ditmars Boulevard, a line 163 feet northwesterly of 31st Street, a line 275 feet northeast of 23rd Avenue, a line 116 feet northwesterly of 33rd Street, a line 150 feet northeast of 23rd Avenue, 31st Street, a centerline of the New York Connecting Railroad Right-of-Way, a line 163 feet northwesterly of 33rd Street, 23rd Avenue, 26th Street, a line 150 feet northeast of 23rd Avenue, a line midway between 29th Street and 31st Street, and a line 150 feet southwesterly of Ditmars Boulevard;
   b. 21st Street, a line midway between 23rd Terrace and 24th Avenue, 23rd Street, a line 150 feet northeast of 24th Avenue, 24th Street, and 24th Avenue;
   c. 27th Street, a line 150 feet northeast of 24th Avenue, 31st Street, and 24th Avenue;
   d. 31st Street, a line 240 feet northeast of 24th Road, a line 100 feet southwesterly of 31st Street, 24th Road, 32nd Street, and Astoria Boulevard (northerly portion); and
   e. 23rd Street, a line 150 feet northeast of Astoria Boulevard, Crescent Street, and Astoria Boulevard;

2. eliminating from an existing R6 District a C1-2 District bounded by:
   a. Crescent Street, a line 150 feet northeast of Astoria Boulevard, 29th Street, Hoyt Avenue South, 31st Street, Astoria Boulevard, 32nd Street, a line 150 feet southwesterly of Astoria Boulevard, 28th Street, and Astoria Boulevard;
   b. Crescent Street, a line 150 feet northeast of 30th Avenue, 30th Street, Newtown Avenue, 31st Street, a line 150 feet northeast of Newton Avenue, a line 150 feet northeast of 30th Avenue, 38th Street, 30th Avenue, a line midway between 38th Street and Steinway Street, a line 250 feet southwesterly of 30th Avenue, 38th Street, a line 150 feet southwest of 30th Avenue, 29th Street, and a line midway between 30th Road and 30th Avenue;
   c. 33rd Street, a line 150 feet northeast of 31st Avenue, 35th Street, and a line 150 feet southwest of 31st Avenue;
   d. 37th Street, a line 150 feet northeast of 31st Avenue, a line
midway between 38th Street and Steinway Street, and a line 150 feet southwesterly of 31st Avenue; and

c. 21st Street, 31st Drive, 23rd Street, and Broadway;

3. eliminating from an existing R6B District a C1-2 District bounded by 30th Road, 14th Street, 30th Drive, a line 100 feet southeasterly of 14th Street, 31st Avenue, and a line 100 feet northwesterly of 14th Street;

4. eliminating from an existing R5 District a C1-3 District bounded by:
   a. 21st Street, a line 150 feet northeasterly of 21st Avenue, 24th Street, and a line 100 feet northeasterly of 21st Avenue; and
   b. 19th Street, a line 100 feet southwesterly of 21st Avenue, a line 100 feet southeasterly of 21st Avenue, and a line 150 feet southwesterly of 21st Avenue;

5. eliminating from an existing R5 District a C1-4 District bounded by 24th Avenue, 31st Street, a line 100 feet southwesterly of 24th Avenue, and a line 200 feet northwesterly of 31st Street;

6. eliminating from an existing R6B District a C1-4 District bounded by 30th Street, a line 100 feet northeasterly of 24th Street, 31st Avenue, Broadway, 32nd Street, a line 100 feet northeasterly of Broadway, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Broadway;

7. eliminating from an existing R5 District a C2-2 District bounded by:
   a. 26th Avenue, a line midway between Steinway Street and 41st Street, 21st Avenue, a line midway between 38th Street and Steinway Street, a line 150 feet northwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street;
   b. 37th Street, a line 150 feet northeasterly of Ditmars Boulevard, 41st Street, and a line 150 feet southwesterly of Ditmars Boulevard;
   c. 23rd Avenue, 32nd Street, 23rd Road, a line midway between 29th Street and 31st Street, a line 150 feet southwesterly of 23rd Avenue, and 26th Street;
   d. 23rd Avenue, Steinway Street, a centerline of the New York Connecting Railroad right-of-way, 41st Street, Astoria Boulevard (northerly portion), and a line midway between 38th Street and Steinway Street; and
   e. Astoria Boulevard (southerly portion), 41st Street, a line 150 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41st Street, a line 150 feet northeasterly of 24th Street, 41st Street, 28th Avenue, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and Steinway Street;

8. eliminating from an existing R6 District a C2-2 District bounded by:
   a. Crescent Street, Astoria Boulevard, 28th Street, a line 150 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28th Street, and a line 200 feet northwesterly of Newton Avenue;
   b. 33rd Street, Astoria Boulevard (southerly portion), 35th Street, and a line 150 feet southwesterly of Astoria Boulevard (northerly portion);
   c. 36th Street, Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 38th Street and Steinway Street, and a line 150 feet southwesterly of Astoria Boulevard (southerly portion);
   d. 38th Street, a line 200 feet northeasterly of 28th Avenue, a line midway between 38th Street and Steinway Street, and 28th Avenue;
   e. 38th Street, a line 150 feet northeasterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and 30th Avenue; and

f. 31st Street, a line 235 feet northeasterly of Broadway, 32nd Street, and a line 150 feet northeasterly of Broadway;

9. eliminating from an existing R6A District a C2-2 District bounded by a line 150 feet southeasterly of 8th Street, a line 100 feet northeasterly and northerly of Astoria Boulevard, 12th Street, 30th Avenue, Main Avenue, and Astoria Boulevard;

10. eliminating from an existing R6B District a C2-2 District bounded by:
   a. 31st Street, a line 150 feet northeasterly of Broadway, 32nd Street, and Broadway; and
   b. 12th Street, a line 100 feet northerly of Astoria Boulevard, 18th Street, 27th Avenue, 18th Street, 26th Road, line 150 feet northeasterly of 27th Avenue, a line 100 feet northwesterly of 21st Street, 29th Avenue, 14th Street, and 29th Avenue;

11. eliminating from an existing R7A District a C2-2 District bounded by Vernon Boulevard, a line 100 feet northeasterly of Broadway, 21st Street, and Broadway;

12. eliminating from an existing R7B District a C2-2 District bounded by a line midway between 21st Street and 22nd Street, a line 150 feet northeasterly of Astoria Boulevard, 23rd Street, 27th Road, 1400 feet southwesterly of 21st Street, and Newtown Avenue;

13. eliminating from an existing R7X District a C2-2 District bounded:
   a. by a line 100 feet northeasterly of 21st Avenue, a line 150 feet northeasterly of 27th Avenue, 21st Street, a line 330 feet northeasterly of Astoria Boulevard, a line midway between 21st Street and 22nd Street, Newtown Avenue, a line 100 feet southeasterly of 21st Street, and 28th Avenue; and
   b. 31st Road, 21st Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 21st Street;

14. eliminating from an existing R6 District a C2-4 District bounded by:
   a. 30th Drive, 31st Street, a line 300 feet northeasterly of 31st Avenue, a line midway between 31st Street and 32nd Street, 31st Avenue, and a line midway between 30th Street and 31st Street; and
   b. a line 150 feet southwesterly of Astoria Boulevard, 31st Street, Newtown Avenue, and a line midway between 30th Street and 31st Street;

15. changing from an R5 District to and R4 District property bounded by 20th Avenue, a line midway between 37th Street and 38th Street, a line 250 feet southwesterly of 20th Avenue, 38th Street, a line 75 feet northeasterly of 20th Road, and 33rd Street;

16. changing from an R4 District to an R4-1 District property bounded by 30th Avenue, a line 100 feet northerly of 21st Street, 30th Road, and a line 100 feet southeasterly of 14th Street;

17. changing from an R5 District to an R4-1 District property bounded by 33rd Street, a line 75 feet northeasterly of 20th Road, 38th Street, 20th Road, 37th Street, a line 100 feet northeasterly of 21st Avenue, a line midway between 33rd Street and 35th Street, and 20th Road;

18. changing from an R6 District to an R4B District property bounded by a line 100 feet southwesterly of 30th Avenue, a line midway between 36th Street and 37th Street, a line 400 feet southwesterly of 30th Avenue, and a line midway between 35th Street and 36th Street;

19. changing from an R6B District to an R5 District property bounded by a line 100 feet southwesterly of Astoria Park South, a line midway between 14th Place and 18th Street and its southwesterly prolongation, a line perpendicular to the southeasterly street line of 14th Street distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 27th Avenue and the southeasterly street line of 14th Street, a line 100 feet southeasterly of 14th Street, 26th Avenue, and a line midway between 14th Street and 14th Place;

20. changing from an R5 District to an R5B District property bounded by:
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21. changing from an R6 District to an R5B District property bounded by:

a. a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 23rd Street and 38th Street, a line 100 feet northeasterly of 31st Avenue, a line midway between 34th Street and 35th Street, a line 100 feet southeasterly of 30th Avenue, and a line midway between 35th Street and 36th Street; and

c. a line 100 feet southwesterly of 30th Avenue, a line midway between 37th Street and 38th Street, a line 100 feet northeasterly of 31st Avenue, 35th Street, a line 100 feet northeasterly of 31st Avenue, a line midway between 34th Street and 35th Street, a line 100 feet southeasterly of 30th Avenue, a line midway between 35th Street and 36th Street; and

22. changing from an R5 District to an RSD District property bounded by:

a. Shore Boulevard, a line midway between Ditmars Boulevard and 21st Drive, 21st Street, Ditmars Boulevard, a line 100 feet southwesterly of 19th Street, 22nd Road, 19th Street, and Ditmars Boulevard;

c. a line 100 feet northeasterly of 23rd Avenue, a line 125 feet northwesterly of 31st Avenue, 35th Street, a line 100 feet northeasterly of 23rd Avenue, a line 100 feet northwesterly of 31st Street, 24th Avenue, 21st Street, Ditmars Boulevard, a line 100 feet northeasterly of Ditmars Boulevard, Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, and a line midway between 24th Street and Crescent Street;

c. a line 100 feet northeasterly of 23rd Avenue, a line 125 feet northwesterly of 31st Avenue, 35th Street, a line 100 feet northeasterly of 23rd Avenue, a line 100 feet northwesterly of 31st Street, 24th Avenue, 21st Street, Ditmars Boulevard, a line 100 feet northeasterly of Ditmars Boulevard, Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, and a line midway between 24th Street and Crescent Street;

d. a line 100 feet southwesterly of 21st Avenue, a line midway between 22nd Street and 23rd Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 100 feet southwesterly of Hoyt Avenue South, 21st Avenue, 20th Avenue, and a line midway between 22nd Street and 23rd Street; and

e. a line 100 feet southwesterly of 21st Avenue, a line midway between 22nd Street and 23rd Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 100 feet southwesterly of Hoyt Avenue South, 21st Avenue, 20th Avenue, and a line midway between 22nd Street and 23rd Street; and

23. changing from an R6 District to an R5B District property bounded by:

a. a line 100 feet northeasterly of Astoria Boulevard, Crescent Street, 30th Avenue, 23rd Street, 29th Avenue, a line 100 feet northeasterly of Crescent Street, 29th Avenue, 23rd Street, 30th Avenue, 21st Street, 28th Avenue, and a line 100 feet southeasterly of 21st Street; and

24. changing from an R5 District to an R6A District property bounded by:

a. a line 100 feet northeasterly of Astoria Boulevard, Crescent Street, 30th Avenue, 23rd Street, 29th Avenue, a line 100 feet northeasterly of Crescent Street, 29th Avenue, 23rd Street, 30th Avenue, 21st Street, 28th Avenue, and a line 100 feet southeasterly of 21st Street; and
b. 21st Avenue, 32nd Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 175 feet northwesterly of 31st Street, a line 100 feet southwesterly of 21st Street, and 29th Street; and

c. 21st Avenue, 35th Street, Ditmars Boulevard, and 33rd Street;

25. changing from an R6 District to an R6A District property bounded by:

a. a line 100 feet northeasterly of Newtown Avenue, 36th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 36th Street and 31st Street, 30th Drive, a line midway between 29th Street and 30th Street, a line 150 feet northeasterly of Broadway, a line 100 feet northwesterly of Crescent Street, a line midway between 31st Avenue and 31st Road, a line 100 feet southeasterly of 21st Street, a line 150 feet southwesterly of 30th Drive, a line 100 feet northwesterly of Crescent Street, a line 100 feet southwesterly of 30th Avenue, a line 100 feet southeasterly of 21st Street, 30th Avenue, Crescent Street, 30th Road, a line 200 feet northwesterly of 29th Street, 30th Avenue, Crescent Street, a line 100 feet northeasterly of 30th Avenue, 29th Street, a line 100 feet southwesterly of Newtown Avenue, and Crescent Street;

b. 32nd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 28th Avenue, a line midway between 35th Street and 36th Street, a line 100 feet northeasterly of 30th Avenue, 33rd Street, and 28th Avenue;

c. a line 100 feet southeasterly of 30th Avenue, a line midway between 34th Street and 35th Street, a line 300 feet northeasterly of 31st Avenue, 35th Street, a line 100 feet northeasterly of 31st Avenue, a line midway between 34th Street and Steinway Street, a line 100 feet southwesterly of 31st Avenue, a line midway between 31st Street and 32nd Street, a line 100 feet northeasterly of 31st Avenue, a line 400 feet northeasterly of 31st Avenue, and a line midway between 33rd Street and 34th Street; and

d. Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, Astoria Boulevard, 29th Street, and a line 100 feet southwesterly of Astoria Boulevard;

26. changing from an R6b District to an R6A District property bounded by 21st Street, Broadway, 23rd Street, a line 150 feet northeasterly of Broadway, a line midway between 29th Street and 30th Street, a line 100 feet northeasterly of Broadway, 30th Street, and a line 100 feet southwesterly of Broadway;

27. changing from an R5 District to an R6b District property bounded by Hoyt Avenue South, Crescent Street, a line 100 feet southwesterly of Hoyt Avenue South, 23rd Street, a line midway between Hoyt Avenue South and 25th Road, a line midway between 21st Street and 22nd Street, and its northeasterly prolongation, a line perpendicular to the southeasterly street line of 21st Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the southeasterly street line of 21st Street, and 21st Street;

28. changing from an R6 District to an R6b District property bounded by:

a. Hoyt Avenue South, 21st Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northeasterly of 27th Street, a line 100 feet southwesterly of Hoyt Avenue South, and Crescent Street;

b. Crescent Street, a line 100 feet southwesterly of Astoria Boulevard, a line midway between 30th Street and 31st Street, and a line 100 feet northeasterly of Newtown Avenue;

c. Crescent Street, a line 100 feet southwesterly of Newtown Avenue, 29th Street, and a line 100 feet northeasterly of 30th Avenue;

d. a line 100 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of Crescent Street, a line 150 feet southwesterly of 30th Drive, and a line 100 feet southwesterly of 21st Street;

e. a line midway between 31st Avenue and 31st Road, a line 100 feet northwesterly of Crescent Street, a line 150 feet northeasterly of Broadway, 23rd Street, Broadway, and a line 100 feet southwesterly of 21st Street;

f. a line 100 feet southwesterly of Astoria Boulevard (southwesterly portion), 35th Street, Astoria Boulevard (southwesterly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southwesterly portion), a line midway between 35th Street and Steinway Street, a line 100 feet northeasterly of 28th Avenue, 32nd Street, 28th Avenue, 33rd Street, a line 100 feet northeasterly of Newtown Avenue, a line 75 feet southeasterly of 31st Street, 28th Avenue, and a line midway between 31st Street and 32nd Street, and excluding property bounded by a line 100 feet southwesterly of Astoria Boulevard (southwesterly portion), a line midway between 37th Street and 38th Street, a line 670 feet northeasterly of 28th Avenue, and a line midway between 36th Street and 37th Street;

g. a line 100 feet southwesterly of 30th Avenue, a line midway between 33rd Street and 34th Street, a line 400 feet northeasterly of 31st Avenue, 33rd Street, a line 100 feet northeasterly of 31st Avenue, and a line 90 feet southeasterly of 31st Street;

h. 30th Drive, a line midway between 30th Street and 31st Street, a line 150 feet northeasterly of Broadway, and a line midway between 29th Street and 30th Street;

i. a line 100 feet southwesterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 150 feet northeasterly of Broadway, 32nd Street, a line 235 feet northeasterly of Broadway, a line 90 feet southeasterly of 31st Street, a line 100 feet southwesterly of 31st Avenue, 32nd Street, a line 250 feet southwesterly of 31st Avenue, a line midway between 32nd Street and 33rd Street, a line 450 feet southwesterly of 31st Avenue, and 33rd Street; and

j. a line 100 feet southwesterly of 30th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 31st Street, and a line midway between 37th Street and 38th Street;

29. changing from an R5 District to an R7A District property bounded by 28th Avenue, 21st Street, 30th Avenue, and a line 100 feet northeasterly of 21st Street;

30. changing from an R6 District to an R7A District property bounded by:

a. Vernon Boulevard, the southeasterly centerline prolongation of Welling Court, a line 100 feet easterly of Vernon Boulevard, 30th Drive, a line 100 feet northeasterly of 12th Street, and a line 100 feet northeasterly of Broadway; and

b. 30th Avenue, a line 100 feet southeasterly of 21st Street, Broadway, 21st Street, 31st Road, and a line 100 feet northeasterly of 21st Street;

31. changing from an R5 District to a C4-2A District property bounded by:

a. a line 100 feet northeasterly of Ditmars Boulevard, 31st Street, the centerline of the New York Connecting Railroad right-of-way, and a line 125 feet northeasterly of 31st Street; and

b. a line 100 feet southeasterly of Astoria Boulevard (southwesterly portion), Steinway Street, Astoria Boulevard (southwesterly portion), a line midway between Steinway Street and 41st Street, 28th Avenue, and a line midway between 38th Street and Steinway Street;

32. changing from an R6 District to a C4-2A District property bounded by:

a. 30th Street, a line 75 feet northeasterly of 30th Avenue, the northeasterly centerline prolongation of 32nd Street, a line 100 feet northeasterly of Newton Avenue, a line 100 feet northeasterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and a line 100 feet southerly of 30th Avenue; and

b. a line midway between 31st Street and 32nd Street, a line 235 feet northeasterly of Broadway, 32nd Street, and a line 150 feet northeasterly of Broadway;

33. changing from an R6b District to a C4-2A District property bounded by a line 90 feet southeasterly of 31st Street, a line 150 feet northeasterly of Broadway, 32nd Street, a line 100 feet northeasterly of Broadway, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Broadway;
34. changing from an R5 District to a C4-3 District property bounded by the centerline of the New York Connecting Railroad right-of-way, 33rd Street, 23rd Avenue, 32nd Street, a line 100 feet southeasterly of 23rd Avenue, a line 90 feet southeasterly of 31st Street, 24th Avenue, 32nd Street, a line 130 feet southeasterly of 24th Avenue, a line 80 feet southeasterly of 31st Street and its southeasterly prolongation, Hoyt Avenue South, the southeasterly prolongation of a line midway between 29th Street and 31st Street; a southeasterly, southeasterly and northeasterly boundary line of a playground, a line midway between 29th Street and 31st Street, 24th Avenue, a line 100 feet northeasterly of 31st Street, a line 100 feet northeasterly of 23rd Road, and a line 125 feet northeasterly of 31st Street;

35. changing from an R6 District to a C4-3 District property bounded by:
   a. a line 100 feet southeasterly of 30th Avenue, a line 90 feet southeasterly of 31st Street, a line 150 feet northeasterly of Broadway, and a line midway between 30th Street and 31st Street; and
   b. Hoyt Avenue South, Astoria Boulevard (southerly portion), 35th Street, a line 100 feet southeasterly of Astoria Boulevard (southerly portion), a line midway between 31st Street and 32nd Street, 28th Avenue, a line 75 feet southeasterly of 31st Street, a line 100 feet northeasterly of Newtown Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southeasterly of Astoria Boulevard, and 29th Street;

36. changing from an R6B District to a C4-3 District property bounded by 30th Street, a line 100 feet northeasterly of Broadway, a line midway between 30th Street and 31st Street, a line 150 feet northeasterly of Broadway, a line 90 feet southeasterly of 31st Street, and a line 100 feet southeasterly of 30th Avenue;

37. changing from an R6 District to a C4-4A District property bounded by 30th Street, a line 100 feet northeasterly of Newton Avenue, 32nd Street and its northeasterly centerline prolongation, and a line 75 feet northeasterly of 30th Avenue;

38. establishing within an existing R5 District a C1-3 District bounded by:
   a. 21st Avenue, 21st Street, a line 100 feet southeasterly of 21st Avenue, and 19th Street; and
   b. 23rd Street, a line 100 feet northeasterly of 21st Avenue, 24th Street, and 21st Avenue;

39. establishing within a proposed R5B District a C1-3 District bounded by:
   a. 31st Street, a line 100 feet northeasterly of 21st Avenue, 32nd Street, and 21st Avenue; and
   b. 21st Street, a line 100 feet northeasterly of 21st Avenue, 23rd Street, 21st Avenue, a line 100 feet southeasterly of 21st Street, and a line 100 feet southeasterly of 21st Avenue;

40. establishing within a proposed R5D District a C1-3 District bounded by:
   a. a line 200 feet northeasterly of 21st Street, a line midway between 21st Drive and Ditmars Boulevard, 21st Street, and Ditmars Boulevard;
   b. 19th Street, Ditmars Boulevard, a line 100 feet southeasterly of 19th Street, and a line 100 feet southeasterly of Ditmars Boulevard;
   c. 28th Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 125 feet northeasterly of 31st Street, and a line 100 feet southeasterly of Ditmars Boulevard;
   d. 35th Street, a line 100 feet northeasterly of Ditmars Boulevard, 37th Street, a line 100 feet southeasterly of Ditmars Boulevard, 33rd Street, and Ditmars Boulevard;
   e. 26th Street, a line 100 feet northeasterly of 23rd Avenue, a line 125 feet northwesterly of 31st Street, and a line 100 feet southeasterly of 23rd Avenue;
   f. 21st Street, a line 100 feet northeasterly of 24th Avenue, 24th Street, and 24th Avenue; and
   g. 27th Street, a line 100 feet northeasterly of 24th Avenue, a line 100 feet northeasterly of 31st Street, and 24th Avenue;

41. establishing within an existing R6 District a C1-3 District bounded by 30th Avenue, a line 200 feet northeasterly of 29th Street, a line 100 feet southeasterly of 30th Avenue, and Crescent Street;

42. establishing within an existing R6A District a C1-3 District bounded by a line 100 feet northeasterly of 21st Avenue, 31st Street, 21st Avenue, and a line 175 feet northeasterly of 31st Street;

43. establishing within a proposed R6A District a C1-3 District bounded by:
   a. 23rd Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, a line 100 feet southeasterly of Astoria Boulevard, 28th Street, and Astoria Boulevard;
   b. a line 100 feet northeasterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southeasterly of 31st Avenue, 37th Street, 31st Avenue, 35th Street, a line 100 feet southeasterly of 31st Avenue, and a line midway between 31st Street and 32nd Street;
   c. 21st Avenue, 32nd Street, a line 100 feet northeasterly of Ditmars Boulevard, 31st Street, a line 100 feet southeasterly of 21st Avenue, and a line 100 feet northeasterly of 31st Street;
   d. 33rd Street, a line 100 feet northeasterly of Ditmars Boulevard, 35th Street, and Ditmars Boulevard;
   e. 27th Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, a line 100 feet southeasterly of Astoria Boulevard, 28th Street, and Astoria Boulevard; and
   f. Crescent Street, a line 100 feet northeasterly of 30th Avenue, 36th Street, a line 100 feet southeasterly of 30th Avenue, a line 200 feet northeasterly of 29th Street, and 30th Avenue;

44. establishing within an existing R6B District a C1-3 District bounded by:
   a. 18th Street, a line midway between 25th Road and Astoria Park South, a line 100 feet southeasterly of 18th Street, and a line perpendicular to the southeasterly street line of 18th Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 25th Road and the southeasterly street line of 18th Street;
   b. a line midway between 14th Place and 18th Street and its southeasterly prolongation, a line 100 feet northeasterly of 26th Avenue, a line 100 feet southeasterly of 18th Street, 26th Avenue, 18th Street, and a line 100 feet southeasterly of 26th Avenue;
   c. the southeasterly prolongation of a line midway between 14th Place and 18th Street, a line 200 feet northwesterly of 27th Avenue, 18th Street, a line perpendicular to the southeasterly street line of 18th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly boundary line of 26th Road and the southeasterly street line of 18th Street, a line 100 feet southeasterly of 18th Street, 26th Road, 18th Street, and a line 100 feet northeasterly of 27th Avenue; and
   d. 30th Road, 14th Street, 30th Drive, a line 100 feet southeasterly of 14th Street, 31st Avenue, and a line 100 feet northeasterly of 14th Street;

45. establishing within a proposed R6B District a C1-3 District bounded by 31st Drive, 23rd Street, Broadway, and a line 100 feet southeasterly of 21st Street;

46. establishing within a proposed R7A District a C1-3 District bounded by:
   a. Vernon Boulevard, the southeasterly centerline prolongation of Welling Court, a line 100 feet southeasterly of Vernon Boulevard, and a line 100 feet northeasterly of Broadway; and
   b. 31st Drive, a line 100 feet southeasterly of 21st Street, Broadway, and 21st Street;
47. establishing within a proposed R6A District a C1-4 District bounded by:
   a. a line 100 feet southeasterly of 23rd Street, a line 100 feet northeasterly of Broadway, a line 150 feet northwesterly of Crescent Street, a line 100 feet southwesterly of Broadway, 23rd Street, and Broadway; and
   b. Broadway, a line 100 feet northwesterly of 23rd Street, a line 100 feet southwesterly of Broadway, and a line 100 feet southeasterly of 21st Street;

48. establishing within an existing R5 District a C2-3 District bounded by:
   a. 20th Avenue, 33rd Street, a line 100 feet southwesterly of 20th Avenue, the northeasterly centerline prolongation of 37th Street, 20th Road, 31st Street, a line 100 feet southwesterly of 20th Avenue, and a line midway between 28th Street and 29th Street;
   b. a line midway between Steinway Street and 41st Street, a line 100 feet northeasterly of Ditmars Boulevard, 41st Street, and a line 100 feet southwesterly of Ditmars Boulevard;
   c. a line midway between Steinway Street and 41st Street, the centerline of the New York Connecting Railroad right-of-way, 41st Street, and Astoria Boulevard (northerly portion); and
   d. a line midway between Steinway Street and 41st Street, Astoria Boulevard (southerly portion); and

49. establishing within a proposed R5D District a C2-3 District bounded by:
   a. 20th Avenue, a line midway between Steinway Street and 41st Street, 21st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street;
   b. 37th Street, a line 100 feet northeasterly of Ditmars Boulevard, Steinway Street, a line 150 feet northeasterly of Ditmars Boulevard, a line midway between Steinway Street and 41st Street, a northeasterly boundary line of a park and its northerly prolongation, Steinway Street, and a line 100 feet southerly of Ditmars Boulevard; and
   c. 23rd Avenue, Steinway Street, the centerline of the New York Connecting Railroad right-of-way, a line midway between Steinway Street and 41st Street, Astoria Boulevard (northerly portion), and a line midway between 38th Street and Steinway Street;

50. establishing within an existing R6A District a C2-3 District bounded by 12th Street, 30th Avenue, Main Avenue, Astoria Boulevard, a line 150 feet southeasterly of 8th Street, a line midway between 28th Avenue and Astoria Boulevard, and a line 100 feet northerly of Astoria Boulevard;

51. establishing within a proposed R6A District a C2-3 District bounded by Crescent Street, Astoria Boulevard, 28th Street, and a line 100 feet southwesterly of Astoria Boulevard;

52. establishing within an existing R6B District a C2-3 District bounded by 12th Street, a line 100 feet northerly of Astoria Boulevard, 18th Street, a line 100 feet northeasterly of 27th Street, a line 100 feet northwesterly of 21st Street, 28th Avenue, 14th Street, and 29th Avenue;

53. establishing within a proposed R6B District a C2-3 District bounded by:
   a. Crescent Street, a line 100 feet southerly of Astoria Boulevard, a line 100 feet northwesterly of 28th Street, and a line 200 feet northeasterly of Newtown Avenue;
   b. Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and 36th Street; and
   c. 38th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and a line 275 feet southwesterly of 30th Avenue;

54. establishing within an existing R7A District a C2-3 District bounded by Vernon Boulevard, a line 100 feet northeastally of Broadway, 21st Street, and Broadway;

55. establishing within a proposed R7A District a C2-3 District bounded by 28th Avenue, 21st Street, 30th Avenue, a line 100 feet southwesterly of 21st Street, 31st Drive, 21st Street, 31st Road, and a line 100 feet northwesterly of 21st Street;

56. establishing within an existing R7B District a C2-3 District bounded by a line midway between 21st Street and 22nd Street, a line 100 feet northeastally of Astoria Boulevard, 23rd Street, 27th Road, a line 100 feet southwesterly of 21st Street, and Newtown Avenue;

57. establishing within an existing R7X District a C2-3 District bounded by:
   a. 31st Road, 21st Street, a line 100 feet northeastally of Broadway, and a line 100 feet northwesterly of 21st Street; and
   b. a line 100 feet northeastally of 21st Street, a line 100 feet northwesterly of 23rd Avenue, 21st Street, a line perpendicular to the southeasterly street line of 21st Street distant 330 feet northeastly (as measured along the street line) from the point of intersection of the southeasterly street line of 21st Street and the northeasterly street line of Astoria Boulevard, Astoria Boulevard, a line midway between 21st Street and 22nd Street, Newtown Avenue, a line 100 feet southeasterly of 21st Street, and 28th Avenue; as shown on a diagram (for illustrative purposes only) dated January 25, 2010 and modified by the City Planning Commission on April 28, 2010, and subject to the conditions of CEQR Declaration 245, Community District 1, Borough of Queens.


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:

SUBJECT
QUEENS CB - 1
N 100200 ZRQ
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, relating to Article II, Chapter 3, Sections 23-144, and Appendix F relating to the extension of the Inclusionary Housing Program to proposed R7A districts, Borough of Queens, Community District 1.
To include Inclusionary Housing Provisions in conjunction with a rezoning in the Astoria neighborhood of Queens, New York.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 25, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 259

Resolution approving the decision of the City Planning Commission on Application No. N 100200 ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-144, and designated F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts, Borough of Queens (L.U. No. 98).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 30, 2010 its decision dated April 28, 2010 (the "Decision”), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York to allow the Inclusionary Housing program to be used in the proposed R7A and C-4A districts on Vernon Boulevard, 21st Street, and 31st Street in Community District 2, Queens R7X (L.U. No. 97), a zoning map amendment to rezone all or portions of 238 blocks in the Queens neighborhood of Astoria from R4, R5, R6, and R6B districts to R4, R4-1, R4B, R5, R5B, R5D, R6A, R6B, R7A, C-4-2A, C-4-3, and C-4-4A districts.

WHEREAS, the Application is related to Application Number C 100199 ZMQ (L.U. No. 97), a zoning map amendment to rezone all or portions of 238 blocks in the Queens neighborhood of Astoria from R4, R5, R6, and R6B districts to R4, R4-1, R4B, R5, R5B, R5D, R6A, R6B, R7A, C-4-2A, C-4-3, and C-4-4A districts;

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 May 17, 2010;

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 January 25, 2010, which included (E) designations to avoid the potential for hazardous material impacts and air quality impacts (E-245), (CEQR No. 10DCP019Q);

RESOLVED:

The Council finds that the action described herein will have no significant effect 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, the maximum permitted floor area ratios shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

By Council Members Comrie and Weprin.

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 to be deleted;

Matter with **#** is defined in Section 1-2-10;

**# #** indicates where unchanged text appears in the Zoning Resolution

**Article 2**

**Residence District Regulations**

**Chapter 3**

**Bulk Regulations for Residential Buildings in Residence Districts**

**23-144**

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

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**APPENDIX F**

**Inclusionary Housing Designated Areas**

**Queens**

Queens Community District 1

In the R7A Districts within the areas shown on the following Map 1: Map 1 (2/23/10)

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. 101
Report of the Committee on Land Use in favor of approving Application no. 20105619 HAX, a request for approval of a plan and project located at 1600 Sedgwick Avenue, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1725), respectfully

REPORTS:

SUBJECT
BRONX CB - 5 20105619 HAX
Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to modification to a previously approved Plan and Project for property located at 1600 Sedgwick Avenue, Council District 16, Borough of the Bronx.

INTENT
To modify a previously approved plan and project.

Report Summary
COMMITTEE RECOMMENDATION AND ACTION
DATE: May 25, 2009
The Committee recommends that the Council approve the attached resolution and thereby approve the modification.

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

Res. No. 260
Resolution approving a modification to a Plan and Project located at 1600 Sedgwick Avenue (Block 2880, Lots 29 and 91); Borough of the Bronx (L.U. No. 101; 20105619 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following Project (the "New Project") located at 1600 Sedgwick Avenue (Block 2880, Lot 91) (the "Development Parcel"), Community District 5, Council District 16, Borough of the Bronx:

Approve pursuant to Section 115 of the Private Housing Finance Law (PHFL), the deletion of the Development Parcel, Block 2880, Lot 91, from the Plan and Project;

WHEREAS, the original Plan and Project was approved by the Board of Estimate on November 13, 1970 (Cal. No. 14);

WHEREAS, upon due notice, the Council held a public hearing on the New Project on May 17, 2010;

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

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.


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. 102
Report of the Committee on Land Use in favor of approving Application no. 20105620 HAX, a request for a conveyance for a project located at Block 2880/Lot 91, Borough the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page), respectfully

REPORTS:

SUBJECT
BRONX CB - 5 20105620 HAX
Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to a conveyance, for property located at block 2880, Lot 1, Council District 16, Borough of the Bronx.

INTENT
To convey the property to a new owner.

Report Summary
COMMITTEE RECOMMENDATION AND ACTION
DATE: May 17, 2009
The Committee recommends that the Council approve the attached resolution and thereby approve the conveyance.

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

Res. No. 261
Resolution approving a conveyance of property located at Block 2880, Lot 91; Borough of the Bronx (L.U. No. 102; 20105620 HAX).

By Council Members Comrie and Levin.

WHEREAS, the Council has considered the land use and financial implications

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.

Approve pursuant to Section 122(1) of the Private Housing Finance Law (PHFL), the conveyance of the Conveyance Area by the Current Owner to the New Owner;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

RESOLVED:

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

“Current Owner” shall mean Riverview Redevelopment Company LP, a Redevelopment Company.

“New Owner” shall mean Sedgwick Housing Development Fund Company, Inc.

The Council approves pursuant to Section 122(1) of the PHFL, the conveyance of the Conveyance Area by the Current Owner to the New Owner.
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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:

Report for L.U. No. 103

Report of the Committee on Land Use in favor of approving Application no. 201005621 HAX, an amendment to an Urban Development Area Project located at 3120 Park Avenue, 720-722 East 161st Street, 748 Jackson Avenue and 451 East 159th Street, Council District no. 17, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1725), respectfully

Accordingly, this Committee recommends its adoption.

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

Res. No. 262

Resolution approving an amended Urban Development Action Area Project located at Block 2647, Lots 43 and 44; Block 2646, Lot 41; Block 2381, Lot 43; and Block 2418, Lot 6; Borough of the Bronx, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 103 201005621 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following amended Urban Development Action Area Project (the "Project") located at Block 2647, Lots 43 and 44; Block 2646, Lot 41; Block 2381, Lot 43; and Block 2418, Lot 6; Community Districts 1 and 3, Borough of the Bronx (the "Disposition Area"):  

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;  

2. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;  

3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and  

4. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").  

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;  

WHEREAS, the Project amends L.U. No. 406, C 070257 HAX, Resolution No. 939 of 2007;  

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2010;  

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

RESOLVED:

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 Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.  

The exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1 following the conveyance of the Disposition Area to the Sponsor, during the last ten years of which such exemption shall decrease in equal annual decrements.  

b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York.  

The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.


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. 105
Report of the Committee on Land Use in favor of approving Application no.
20105623 HAK an Urban Development Area Project located at 281 Montauk Avenue, 664 Georgia Avenue and 662 Pine Street, Council District no. 42, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1726), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 23 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 263
Resolution approving an Urban Development Area Project located at 281 Montauk Avenue (Block 4056, Lot 21), 664 Georgia Avenue (Block 4296, Lot 21), and 662 Pine Street (Block 4461, Lot 120), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 105; 20105623 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the “Project”) located at 281 Montauk Avenue, 664 Georgia Avenue and 662 Pine Street, Council District 5, Borough of Brooklyn (the “Exemption Area”):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the “Tax Exemption”).

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conversion of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2010;

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

RESOLVED:

The Council finds that the present status of the Exemption 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 waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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 Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the building, structure, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years during the last five years of which such exemption shall decrease in equal annual decrements, commencing on the January 1st or July 1st (whichever shall first occur) as certified by HPD, following certification by HPD of its designee that (i) rehabilitation of the building on the Exemption Area has been substantially completed and a permanent or permanent Certificate of Occupancy of such building has been issued by the Department of Buildings or is not required, and (ii) the cost of such rehabilitation is at least equal to the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property, with or for the benefit of the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.


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:

**Approved New Applicant’s Report**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>District #</th>
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</thead>
<tbody>
<tr>
<td>Marsha Aguilar</td>
<td>135 Euclid Avenue #1F</td>
<td>37</td>
</tr>
<tr>
<td>Joseph A. Kovac</td>
<td>2440 East 29th Street #513</td>
<td>46</td>
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<tr>
<td>Shanaleigh Mejia</td>
<td>2087 Creston Avenue #5B</td>
<td>14</td>
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<tr>
<td>Joseph Migliionico</td>
<td>409 Colon Avenue</td>
<td>51</td>
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<tr>
<td>Roman V. Paprocki</td>
<td>241 West 110th Street #34</td>
<td>9</td>
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<tr>
<td>James Pena</td>
<td>59-30 106th Street #2NN</td>
<td>21</td>
</tr>
<tr>
<td>Stacy Pereira</td>
<td>246 Malden Place</td>
<td>50</td>
</tr>
<tr>
<td>Dawn Townley</td>
<td>1316 Mason Avenue</td>
<td>50</td>
</tr>
<tr>
<td>Robert Santos</td>
<td>506 40th Street #3</td>
<td>38</td>
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**Approved New Applicants and Reapplicants**

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<thead>
<tr>
<th>Name</th>
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<tr>
<td>David Almog</td>
<td>331 West 57th Street #279</td>
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<tr>
<td>Kelly Bauerlein</td>
<td>236 Thornycroft Avenue</td>
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<tr>
<td>Ingrid Campion</td>
<td>63 Wheeling Avenue</td>
<td>51</td>
</tr>
<tr>
<td>Martha Berkowitz</td>
<td>2286 Brigham Street #5E</td>
<td>46</td>
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<tr>
<td>Theresa Buonafide</td>
<td>2037 East 29 Street</td>
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<tr>
<td>Adam J. D’Amico</td>
<td>1615 East 38th Street</td>
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<tr>
<td>Philip Ettridge</td>
<td>2736 East 66th Street</td>
<td>46</td>
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<tr>
<td>Cassandra Williams</td>
<td>1631 East 91st Street</td>
<td>46</td>
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<tr>
<td>Soumendo Bhattacharya</td>
<td>14-60 Beach Channel Drive #6F</td>
<td>31</td>
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<tr>
<td>Albert T. Birtley</td>
<td>234-15 134 Road</td>
<td>31</td>
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<tr>
<td>Vera Simpson-Cooper</td>
<td>Queens, NY 11435</td>
<td>31</td>
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<tr>
<td>Liliana Billini</td>
<td>2255 3rd Avenue #210</td>
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<tr>
<td>Rose Birtley</td>
<td>141-08 Collidge Avenue</td>
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<td>Sheanni Gunasekera</td>
<td>87-75 Chevy Chase Street</td>
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<td>Herminia Elidia Brown</td>
<td>145 Erasmus Street</td>
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<td>Luis E. Castro</td>
<td>91-06 220th Street</td>
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<td>Susan Clemendore</td>
<td>89-15 210th Street</td>
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<tr>
<td>Everlina Cox</td>
<td>438 Kosciusko Street</td>
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<tr>
<td>Lisa M. Hailey</td>
<td>917 Greene Avenue #3C</td>
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Margie Harris: 277 Gates Avenue #4B  Brooklyn, NY 11216  36
Ainsley Mavis Jr.: 469 Quincy Street  Brooklyn, NY 11221  36
Elaine Steele Pinckney: 997 DeKalb Avenue 7A  Brooklyn, NY 11221  36
Tammy Lisa Daniels: 178 Avenue D #6A  New York, NY 10009  2
Eugene R. Daniels 3rd J.D: 408 West 145th Street  New York, NY 10031  7
Sol Deutsch: 2409 East 21 Street  Brooklyn, NY 11229  48
Stuart Goldstein: 2727 Ocean Parkway #D28  Brooklyn, NY 11235  48
Sandra Diodonet: 190 Beach 99th Street  Rockaway Park, NY 11694  32
Edley Fernandez: 86-05 89th Avenue  Woodhaven, NY 11421  32
Angela Maiello: 155-39 81st Street  Queens, NY 11414  32
Monika Soke-Ech: 160-11 90th Street #5P  Howard Beach, NY 11414  32
Kathleen Hopkins: 954 East 220th Street  Bronx, NY 10469  12
Chyrstal R. Howard: 359 Adelphi Street  Brooklyn, NY 11238  35
Paul E. Nash: 295 Washington Avenue  Brooklyn, NY 11205  35
Herbert Williams: 210 Clinton Avenue #1G  Brooklyn, NY 11205  35
Diana T. Howe: 168 81st Street  Brooklyn, NY 11209  43
Monique E. Jackson: 1750 Sedgwick Avenue #6H  Bronx, NY 10453  16
Timothy James: 118-68 Riverton Street  St. Albans, NY 11412  27
Nancy F. Redden: 120-36 218th Street  Queens, NY 11411  27
Kenneth E. Kelly: 3777 Independence Avenue  Bronx, NY 10463  11
Carl Merante: 4295 Webster Avenue #5G  Bronx, NY 10470  11
Theresa Lantigua: 433 37th Street  Brooklyn, NY 11232  38
Patricia A. Ledoux: 75B Freedom Avenue  Queens, NY 11411  27
J. Mary Wanamker: 27 Park Street  Staten Island, NY 10306  50
Marguerite A. Maigian: 165 Audubon Avenue #53  Brooklyn, NY 10463  10
Noemy Mercedes: 4455 Broadway #5G  New York, NY 10033  10
Andre McCray: 1730 Gates Avenue #4B  New York, NY 10019  10
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 68-A --
Civil penalties for unlicensed plumbing and fire suppression work. (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)

(2) Int 206 --
Certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.

(3) Int 207 --
To repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.

(4) Res 246 --
Definitions of terms that relate to the provision of information on child care services and to reporting on child care programs and to repeal certain provisions of the administrative code in relation thereto.

(5) Res 246 --
Approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget. (Transparency Resolution May 25, 2010)

(6) L.U. 23 & Res 251 --
App. 20105273 HAG, UDAAP, 190-01 to 190-05 Linden Boulevard, Council District no. 27 Borough of Queens.

(7) L.U. 25 & Res 252 --
App. 20105283 HAM, UDAAP, 226 West 111th Street, Council District no. 9, Borough of Manhattan.

(8) L.U. 69 & Res 253 --
App. 20105415 HAM, UDAAP, 163 Lenox Avenue, Council District no. 9, Borough of Manhattan.

(9) L.U. 77 & Res 254 --
App. 20105423 HAM, UDAAP, 2041 Fifth Avenue, Council District no. 9, Borough of Manhattan.

(10) L.U. 86 & Res 255 --
App. 20105442 TCK, unenclosed sidewalk café 623 Grand Avenue, Borough of Brooklyn, Council District no. 34.

(11) L.U. 87 & Res 256 --
App. 20105403 TCK, unenclosed sidewalk café 533 Grand Street, Borough of Brooklyn, Council District no. 34.

(12) L.U. 90 & Res 257 --
App. C 070520 ZMK amendment of the Zoning Map, Section 22c, by establishing within an existing R5 District a C1-3 District. (Coupled for Disapproval)

(13) L.U. 97 & Res 258 --
App. C 100199 ZMQ amendment of the Zoning Map, Section Nos 6b, 9a, 9b and 9c.

(14) L.U. 98 & Res 259 --
App. N 100280 ZRQ Inclusionary Housing Program to proposed R7A districts, Borough of Queens, Community District 1.

(15) L.U. 101 & Res 260 --
App. 20105619 HAX, 1600 Sedgwick Avenue, Borough of the Bronx, Council District no. 16.

(16) L.U. 102 & Res 261 --
App. 20105620 HAX, Block 2880Lot 91, Council District no. 17, Borough of the Bronx.

(17) L.U. 103 & Res 262 --
App. 20105621 HAX, UDAAP, 3120 Park Avenue, 720-722 East 161st Street, 748 Jackson Avenue and 451 East 159th Street, Council District no. 17, Borough of the Bronx.

(18) L.U. 105 & Res 263 --
App. 20105623 HAX UDAAP, 281 Montauk Avenue, 664 Georgia Avenue and 662 Pine Street, Council District no. 42, Brooklyn.

(19) 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:


The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 68-A (passed under a Message of Necessity from the Mayor), 206, 207, and 226-A.

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. 157-A
Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.

The Committee on Education, to which the annexed amended resolution was referred on April 14, 2010 (Minutes, page 1291), respectfully

REPORTS:

On Monday, May 24, 2010, the City Council’s Committee on Education, chaired by Council Member Robert Jackson, will conduct a hearing on Proposed Res. No. 157-A, a resolution calling upon the New York City Department of Education (DOE) to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings. A copy of the Resolution is attached. On April 28, 2010 a hearing was previously held on Res. No. 157.

Background

Closing schools has been one of the most controversial elements of Mayor Bloomberg’s school reform efforts. Since the Mayor gained control of the City’s school system in 2002, the DOE has closed 91 schools, many of them large high schools, and replaced them with new small schools or charters. In December 2009, the DOE proposed phasing out 20 schools, the most in any single year. An analysis of the 20 schools slated for closure by the Independent Budget Office (IBO) found that, “Closing high schools usually had greater concentrations of high needs students, students from low-income households and students living in temporary housing compared to the medians for non-closing schools in the same borough. The closing high schools also had more over age students than non-closing schools.’’ Critics argue that many of the students most at-risk, including special education students and English Language Learners, will be displaced by the school closures and may drop out as a result. A report by the Center for New York City Affairs detailed some of the “collateral damage” created by the closing of large high schools. They found that, as the lowest achieving large schools were closed, thousands of students, particularly new immigrants and children receiving special education services, were diverted to the remaining large schools. The graduation and attendance rates at these remaining large schools then declined; in some cases, barely-functioning schools became failing schools and were subsequently closed. This “domino effect” of school closings leading to surrounding schools becoming overcrowded with greater concentrations of high need students, then being targeted for closure themselves, was cited by many teachers, principals and parents at hearings on the proposed school closings.

Critics question whether closing schools is sound education policy and ask what steps DOE took to help struggling schools before proposing that they be phased out. DOE’s list of possible consequences includes school improvement measures and target setting, leadership change, restructuring, or closure. Critics contend that closing schools should be the last resort, used only after other efforts have been made to help struggling schools. A number of advocates point to a previous reform, the Chancellor’s District, as a possible model for improving low-performing schools.
In 1996, then Chancellor Rudy Crew created the Chancellor’s District, a virtual district in which a number of the lowest performing schools in the city were placed under a lead Superintendent.1 Schools in the Chancellor’s District received additional resources and assistance that included: reduced class sizes; extensive learning time; enhanced after-school programs offering tutoring and enrichment activities; intensive professional development; as well as several curricular interventions and instructional supports.2 Although the Chancellor’s District was ended in 2003 by the Bloomberg Administration, a 2004 evaluation by the Institute for Education and Social Policy at New York University concluded: [T]he Chancellor’s District took some of the city’s least well-resourced schools, served the city’s highest and academically lowest-performing students. By developing and mandating and implementing a comprehensive set of organizational, curricular, instructional and personnel changes, the Chancellor’s District significantly improved the reading outcomes of the students in those schools, in three years of focused effort.3

Proposed Res. No. 157-A

Proposed Res. No. 157-A would point out that since 2002, the New York City Department of Education (DOE) has closed 91 schools with low student achievement levels. The Resolution would note that in December 2009, the DOE proposed phasing out an additional 20 low-performing schools, the most in any single year. Proposed Res. No. 157-A would further note that these proposed school closures generated considerable community opposition, public protests and a lawsuit filed by the United Federation of Teachers (UFT), advocacy organizations, parents and elected officials, including five members of the New York City Council. Proposed Res. No. 157-A would state that opponents of the DOE’s school closure policy maintain that closing schools should be the method of last resort, used only after other strategies have been attempted to turn around low-performing schools. The Resolution would further note that critics argue that DOE has not provided adequate resources or made sufficient effort to help struggling schools. Additionally, the Resolution would note that critics contend that DOE does not have a comprehensive improvement strategy or plan to assist low-performing school.

The Resolution would point out that the NYC Coalition for Educational Justice (CEJ) has proposed a comprehensive improvement strategy, development of a School Transformation Zone, for DOE to help transform low-performing schools. Proposed Res. No. 157-A would indicate that under CEJ’s proposal, all struggling schools would have the opportunity to join the Zone and turn themselves around before being subject to closure. The Resolution would note that schools that join the School Transformation Zone would undergo a redesign process to improve teaching and learning. The Resolution would further note that one of the required elements for Zone schools redesign would be to add more instructional time to the school day and year.

Proposed Res. No. 157-A would indicate that another required element for Zone schools would be to ensure active parent and community involvement by including them in decision-making, providing translation services at all school functions and offering adult education course, for example. Proposed Res. No. 157-A would further state that for each school in the Zone, the School Leadership Team or other body including parents, teachers, and other key stakeholders, will serve as the School Transformation Committee to lead the re-design process.

Proposed Res. No. 157-A would state that under CEJ’s proposal, an expert educator with a track record in turning around struggling schools would be designated by DOE to lead the School Transformation Zone. In addition, the Resolution would note that a Zone Coordination Committee including key stakeholders would be formed to advise and monitor the initiative. The Resolution would further note that CEJ also proposes that schools be permitted to remain in the Zone for 3 years to have an adequate opportunity to improve student achievement before being subject to closure.

The Resolution would point out that CEJ proposes that all schools receiving federal School Improvement Grants be part of the Zone. Proposed Res. No. 157-A would also point out that CEJ proposed that DOE seek additional Innovation Funds to support the School Transformation Zone. The Resolution would state that students in New York City’s public schools would benefit from implementation of the School Transformation Zone model to help turn around low-performing schools rather than closing them. Lastly, Proposed Res. No. 157-A would state that the Council of the City of New York calls upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve performance and prevent school closings.

2 Id.
5 Id.
6 Id.
7 Id.
8 Id.

Whereas, Since 2002 the New York City Department of Education (DOE) has closed 91 schools with low student achievement levels; and

Whereas, In December 2009, the DOE proposed phasing out an additional 20 low-performing schools, the most in any single year; and

Whereas, These proposed school closures generated considerable community opposition, public protests and a lawsuit filed by the United Federation of Teachers (UFT), advocacy organizations, parents and elected officials, including five members of the New York City Council; and

Whereas, Opponents of the DOE’s school closure policy maintain that closing schools should be the method of last resort, used only after other strategies have been attempted to turn around low-performing schools; and

Whereas, Critics argue that DOE has not provided adequate resources or made sufficient effort to help struggling schools; and

Whereas, Under CEJ’s proposal, all struggling schools would have the opportunity to join the Zone and turn themselves around before being subject to closure; and

Whereas, Schools that join the School Transformation Zone would undergo a redesign process to improve teaching and learning; and

Whereas, One of the required elements for Zone school redesign would be to add more instructional time to the school day and year; and

Whereas, Another required element for Zone schools would be reduced class sizes in conformance with state-mandated Contract for Excellence (C4E) class size targets for New York City schools, with C4E funds or other resources provided to support this requirement; and

Whereas, Furthermore, Zone schools would be required to provide a well-rounded, enriched college preparatory curriculum for all students, including access to Regents courses that would be available to middle grade students and Advanced Placement or other college-level courses for high school students; and

Whereas, Schools in the Zone would also be required to take steps to attract, train and keep excellent teachers and principals by reducing class size, providing common planning time and extensive professional development and mentoring, among other efforts; and

Whereas, Zone schools would also be expected to offer strong, comprehensive support services for students, including small group and individual tutoring for struggling students, more guidance counselors and partnerships with local organizations to provide additional enrichment or services.

The Resolution would state that the final requirement for Zone schools would be to ensure active parent and community involvement by including them in decision-making, providing translation services at all school functions and offering adult education course, for example; and}

Whereas, The New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve performance and prevent school closings.
Whereas, For each school in the Zone, the School Leadership Team, or other body including parents, teachers and other key stakeholders, will serve as the School Transformation Committee to lead the re-design process; and

Whereas, Under CEJ’s proposal, an expert educator with a track record in turning around struggling schools would be designated by DOE to lead the School Transformation Zone; and

Whereas, Further, a Zone Coordinating Committee including key stakeholders would be formed to advise and monitor the initiative; and

Whereas, CEJ also proposes that schools be permitted to remain in the Zone for 3 years to have an adequate opportunity to improve student achievement before being subject to closure; and

Whereas, Additionally, CEJ proposes that all schools receiving federal School Improvement Grants be part of the Zone; and

Whereas, Finally, CEJ proposes that DOE apply for federal Innovation Funds to support the School Transformation Zone; and

Whereas, Students in New York City’s public schools would benefit from implementation of the School Transformation Zone model to help turn around low-performing schools rather than closing them; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to establish a School Transformation Zone, based on the model proposed by the NYC Coalition for Educational Justice, to improve low-performing schools and prevent school closings.


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. 157-A to be adopted.

Adopted unanimously by the Council by voice vote.

Report of voice-vote Res. No. 207

Report of the Committee on Public Housing in favor of approving Resolution calling upon the United States Congress to enact H.R. 4224, the “Together We Care Act of 2009,” which would establish a pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.

The Committee on Public Housing, to which the annexed resolution was referred on April 29, 2010 (Minutes, page 1559), respectfully

REPORTS:

Background and Intent:

The Committee on Public Housing, chaired by Council Member Rosie Mendez, will conduct a hearing on Resolution No. 207, which calls upon the United States Congress to enact H.R. 4224, the “Together We Care Act of 2009,” which would establish a three-year pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.

The Committee on Public Housing, to which the annexed resolution was referred on April 29, 2010 (Minutes, page 1559), respectfully

RESOLUTION: No. 207

Resolution calling upon the United States Congress to enact H.R. 4224, the “Together We Care Act of 2009,” which would establish a pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.

Whereas, The City of New York is currently in the midst of an economic recession; and

Whereas, There are many individuals who reside in public housing or federally-assisted rental housing who may be unemployed or underemployed; and

Whereas, In these trying economic times it is important the government make every tool available to help the poorest of New Yorkers, particularly those who are residents of public housing or federally-assisted housing developments, move up the economic ladder through job training or employment opportunities; and

Whereas, H.R. 4224, the “Together We Care Act of 2009,” would create training and employment opportunities for residents of public housing or federally-assisted housing developments by creating a three year pilot home-based health services job training program; and

Whereas, There is a severe lack of available providers of home-based health services, and residents of public housing are among the hardest hit as a result of this shortcoming; and

Whereas, The competitive grant program that will be run by HUD under this pilot program will also generate opportunities for a broad array of entities, such as public housing agencies, community health centers, and home care provider organizations, as well as faith-based and labor organizations, all of which may apply to receive these funds in order to train this new workforce; and

Whereas, An additional benefit focusing on public housing residents and residents of federally-assisted housing developments under the “Together We Care Act” to receiving training is that by having such a pilot program residents of public housing who are elderly or persons with a disability could remain in their homes and not have to move to a health care facility and perhaps by cared for by someone they already know; now, therefore, be it

In December 2009, New York City Congresswoman Nydia Velázquez, introduced the “Together We Care Act of 2009 (TWCA),” H.R. 4224. The TWCA would:

- Establish a pilot program to train public housing residents as home health aides and in home-based health services to enable such residents to provide covered home-based health services to residents of public housing and residents of federally-assisted rental housing, who are elderly and disabled, and for other purposes.

Under the TWCA, a home-based health service pilot program will be established throughout the country. The Secretary of Housing and Urban Development (HUD) would, in consultation with the Secretary of Health and Human Services, make grants available to public housing agencies, community health centers, home care provider organizations, faith-based organization and labor organizations to train public housing residents on how to provide home-based health care. The trained public housing residents would then provide home-based health services to elderly and disabled residents of federally-assisted rental housing. Furthermore, the legislation provides that $2,500,000 would be awarded for federal fiscal years 2010, 2011, and 2012 for the program’s implementation.
Resolved, That the Council of the City of New York calls upon the United States Congress to enact H.R. 4224, the “Together We Care Act of 2009,” which would establish a pilot program to train public housing residents as home health care providers to care for the elderly and persons with a disability.

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. 207 to be adopted.

ADOPTED UNANIMOUSLY BY THE COUNCIL BY A VOICE VOTE.

INTRODUCTION AND READING OF BILLS

By Council Members Brewer, Lander, Mendez, Palma, Vann, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the conversion of residential buildings to other usage.

Be it enacted by the Council as follows:

Section 1. Title 28 of the administrative code of the city of New York shall be amended by adding a new article 120 to read as follows:

ARTICLE 120

ALTERATION OF CLASS A MULTIPLE DWELLINGS

§ 28-120.1 General. The commissioner shall not approve construction documents for the material alteration or demolition of a class A multiple dwelling except as set forth in this article.

§ 28-120.2 Definitions. The following words and terms shall, for the purposes of this article and elsewhere in the code, have the meanings shown herein.

CERTIFICATION OF NO HARASSMENT. A certification of no harassment shall mean a certification by the department of housing preservation and development pursuant to section 28-120.3.3.1 of this article that no harassment of any lawful occupants of a class A multiple dwelling occurred during the inquiry period.

HARASSMENT. Harassment shall mean any conduct by or on behalf of an owner of a class A multiple dwelling that includes:

1. the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit or rooming unit in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;

2. the interruption or discontinuance of essential services which:
   2.1. interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit or rooming unit in the use or occupancy of such dwelling unit or rooming unit; and
   2.2. causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy;

3. a failure to comply with the provisions of subdivision c of section 27-2140 of the New York city housing maintenance code which causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such unit or to waive any rights in relation to such occupancy; or

4. any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such dwelling unit or rooming unit or causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the dwelling unit or rooming unit; removing the door at the entrance to the dwelling unit or rooming unit; removing, plugging or otherwise rendering the lock on such entrance door inoperative; or changing the lock on such entrance door without supplying the occupant with a key.

MATERIAL ALTERATION. Material alteration shall mean any alteration to a class A multiple dwelling that is likely to, by reason of an alteration which reduces or increases the floor area of the multiple dwelling, converts floor area from residential to non-residential use, changes the number or layout of dwelling units or rooming units, or adds or removes kitchens or bathrooms; provided, however, that material alteration shall not include:

1. an incidental alteration which does not change the layout of dwelling units or rooming units; or

2. a repair or replacement of existing elements of such multiple dwelling without materially modifying such elements.

§ 28-120.3 Required submittal documents. The commissioner shall not approve any construction documents for the material alteration or demolition of a class A multiple dwelling unless the applicant provides:

1. a sworn affidavit by or on behalf of all the owners, as such term is defined in section 27-2004 of the New York city housing maintenance code, of such multiple dwelling that there will be no harassment of the lawful occupants of such multiple dwelling by or on behalf of such owners during the construction period;

2. A tenant protection plan as provided for in this code; and

3. One of the following documents from the commissioner of housing preservation and development:

3.1. A certification that there has been no harassment of the lawful occupants of such multiple dwelling within the thirty-six month period prior to submission of an application for such certification to the department of housing preservation and development, provided, however, that such certification shall except any portion of such thirty-six month period during which title was vested in the city; or

3.2. A waiver of such certification issued pursuant to the provisions of section 27-2093 of this code.

§ 28-120.4 Filing process. After submitting an application for construction document approval to the commissioner and obtaining the identifying job number for the same, the applicant shall forward a copy of such application to the commissioner of housing preservation and development, together with an application for a certification of no harassment.

§ 28-120.5 Time period for acceptance or rejection. The time period in which the commissioner is required to approve or reject an application for construction document approval or resubmission thereof pursuant to this code shall commence from the date that the commissioner receives either the certification or waiver pursuant to this article.

§ 28-120.6 Denial of certification. Where the commissioner of housing preservation and development denies the certification required by this article, the commissioner shall reject the application for construction document approval.

§ 28-120.7 Request for stop-work or rescission. The commissioner shall be empowered to issue a stop-work notice or order with respect to a material alteration or demolition permit and/or to rescind approval of construction documents at the request of the commissioner of housing preservation and development pursuant to section 27-2093 of the New York city housing maintenance code.

§ 28-120.8 Effect of denial or rescission. Where the commissioner rejects or rescinds the approval of construction documents pursuant to this article, no further application for the covered categories of work shall be considered by the commissioner for a period of thirty-six months following the date of the denial of the certification of no harassment by the commissioner of housing preservation and development or the date of the rescission of such certification of no harassment by such commissioner.

§ 2. Section 27-2093 of article 1 of subchapter 4 of the New York city housing maintenance code is amended to read as follows:

§ 27-2093 Certification of no harassment with respect to single room occupancy or class A multiple dwellings. a. For the purposes of this section, “harassment” shall mean any conduct by or on behalf of an owner of a single room occupancy or class A multiple dwelling that includes:

(1) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(2) the interruption or discontinuance of essential services which (i) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit in the use or occupancy of such dwelling unit; and (ii) causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(3) the failure to comply with the provisions of subdivision c of section 27-2140 of the New York city housing maintenance code, provided, however, that such failure shall mean any conduct by or on behalf of an owner of a single room occupancy or class A multiple dwelling that includes:

(a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(b) the interruption or discontinuance of essential services which (i) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit in the use or occupancy of such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy; or

(c) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such dwelling unit or rooming unit or causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit or rooming unit to vacate such dwelling unit or rooming unit or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the dwelling unit or rooming unit; removing the door at the entrance to the dwelling unit or rooming unit; removing, plugging or otherwise rendering the lock on such entrance door inoperative; or changing the lock on such entrance door without supplying the occupant with a key.

MATERIAL ALTERATION. Material alteration shall mean any alteration to a class A multiple dwelling that is likely to, by reason of an alteration which reduces or increases the floor area of the multiple dwelling, converts floor area from residential to non-residential use, changes the number or layout of dwelling units or rooming units, or adds or removes kitchens or bathrooms; provided, however, that material alteration shall not include
dwellings shall be presumed to be committed by or on behalf of the owner of such multiple dwellings and it shall be presumed that such acts or omissions were committed with the intent to cause a person lawfully entitled to occupancy of a dwelling unit in such multiple dwelling to vacate such unit or to surrender or waive a right in relation to such occupancy.

c. The commissioner shall certify whether there has been no harassment of the lawful occupants of a single room occupancy multiple dwelling, as such term is defined in section 27-198 of article nineteen of subchapter one of the building code, or of a class A multiple dwelling, as such term is defined in section 27-2004 of the New York City housing maintenance code, during the thirty-six month period prior to the date of the submission of an application for a certification of no harassment by an owner of such multiple dwelling. With respect to an application for a certification of no harassment which is submitted pursuant to paragraph three of subdivision b of section 27-198 of article nineteen of subchapter one of the building code, the date of submission of such application shall be deemed to be the date of submission of an application for plan approval.

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

Referred to the Committee on Housing and Buildings.

Int. No. 244
By Council Members Brewer, Dickens, Gonzalez, Koppell, Lander, Mendez, Palma, Vann and Rodriguez.

A Local Law to amend the New York city charter, in relation to accepting legally blind applicants for New York City disability parking permits.

Be it enacted by the Council as follows:

Section 1. Paragraph 15 of subdivision a of section 2903 of the New York city charter is amended to read as follows:

(a) The commissioner shall issue a special vehicle identification parking permit to a New York city resident who requires the use of a private automobile for transportation and to a non-resident who requires the use of a private automobile for transportation to a school in which such applicant is enrolled or to a place of employment, when such person has been certified by the department of health and mental hygiene or a provider designated by the department or the department of health and mental hygiene, who shall make such certification in accordance with standards and guidelines prescribed by the department or the department of health and mental hygiene, as having a permanent disability seriously impairing mobility. A permit shall be issued to such person upon his or her application. A permit shall also be issued to such person upon application made on such person's behalf by a parent, spouse, domestic partner, guardian or other individual having legal responsibility for the administration of such person's day to day affairs. Any vehicle displaying such permit shall be used exclusively in connection with parking a vehicle in which the person to whom it has been issued is being transported or will be transported within a reasonable period of time. Such permit shall not be transferable and shall be revoked if used on behalf of any other person. Any abuse by any person to whom such permit has been issued of any privilege, benefit or consideration granted pursuant to such permit, shall be sufficient cause for the revocation of such permit. For purposes of this paragraph, "permanent disability seriously impairing mobility" shall include, but not be limited to, an individual who is legally blind, within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), an individual who has significant visual impairment described in section 751 of the Rehabilitation Act of 1973 (29 U.S.C. 796j), or an individual who is eligible for benefits under title H or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of blindness.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 245
By Council Members Brewer, Chin, Ferreras, Foster, Mendez, Palma, Recchia, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to improving the health and safety of nail salon employees.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-196 to read as follows:

§17-196 Health and safety of nail salon employees. a. Definitions. For the purposes of this section:

1. "Nail salon" shall mean any business in the practice of providing services for a fee or any consideration or exchange to eat, shape or to enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.

2. "Nail salon product" shall mean any chemical product used in a nail salon to enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.

3. "Material safety data sheet" shall mean a written form containing data regarding the properties of a particular substance, including such substance's toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill and leak safety procedures.

b. The department shall require every owner of nail salons within the city of New York to provide his or her employees with the proper safety equipment for working in contact with nail salon products and with airborne dust particles created by filing or shaping artificial nail enhancements. Such equipment shall include but not be limited to disposable nitrile gloves or the glove types recommended in the material safety data sheets for products that may cause skin irritation and chemical dust masks for use when filing or shaping artificial nails or the type of dust mask that is recommended by the commissioner in accordance with the rules of the department.

c. The department shall mandate that the owner of a nail salon post signs in such owner's nail salon that detail the proper health and safety procedures for working in contact with nail salon products and with airborne dust particles created by filing or shaping artificial nails and that indicate information about the effects of exposure to nail care cosmetics and to airborne dust particles. The signs shall be posted conspicuously, in accordance with the rules of the department, and shall be printed in English, Spanish and any other languages that the commissioner deems appropriate. The procedures and information printed on such signs shall include, but not be limited to: 1) recommending that employees wear disposable gloves when handling certain products that may irritate the skin; 2) recommending that employees wash hands before and after handling certain products that may irritate the skin; 3) recommending that employees wear dust masks when filing or shaping artificial nails; 4) requiring nail salon employees to turn on the ventilation system at each work table during work hours; 5) requiring that nail salon products be stored in small-sized, labeled containers, and kept in tightly-closed containers when not in use; and 6) providing information regarding the harmful effects of exposure to pregnant women from the chemicals found in nail salon products such as acetone, acrylates and phthalates.

d. The department shall conduct a study of the working conditions of nail salons in the city of New York. The study shall include, but not be limited to information regarding best practices for nail salon employers and employees, the use of proper safety equipment, nail salon employees' right to the collective bargaining process and the impact of past incidents where nail salon employees were harmed as a result of exposure to nail salon products and recommendations for improving nail salon safety within the city of New York. Within one year of the effective date of this local law, the department shall submit the findings of such study to the council.

§2. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall be limited to the extent of such unconstitutionality or invalidity and the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect one hundred and eighty days after its enactment; provided, however, that the department shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Int. No. 246
By Council Members Brewer, Chin, Fidler, Gentile, Koppell, Lander, Mark-Viverito, Mendez, Palma, Williams, Nelson and Rodriguez.

A Local Law to amend the New York city charter in relation to extending the time limits during July and August for community board action with respect to the uniform land use review procedure.

Be it enacted by the Council as follows:

Section 1. Subdivisions e and g of section one hundred ninety-seven-c of the New York city charter are hereby amended to read as follows:

1. (a) Each affected community board shall, not later than sixty days after receipt of an application that has been certified pursuant to subdivision c of this section, notify the public of the application in a manner specified by the city planning commission pursuant to subdivision i of this section, and (b) either (a) conduct a public hearing thereon and prepare and submit a written recommendation directly to the city planning commission and to the affected borough president or (b) where authorized by
this charter, submit a written waiver of the right to conduct a public hearing and to submit such written recommendations to the commission and the affected borough president.

The sixty day time limitation shall be suspended during the months of July and August. In calculating the sixty days, the time period commencing on the first day of July and ending on the first day of September inclusive, shall be considered one day.

g. [Not] Except during the sixty-day suspension period specified in subdivision e, not later than thirty days after the filing of a recommendation, or waiver with the borough president by all affected community boards, or if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough president shall submit a written recommendation or waiver thereof to the city planning commission.

§2. This local law shall take effect immediately.

Referred to the Committee on Land Use.

Res. No. 241

Resolution calling on the New York State Department of State to promulgate standards and rules concerning the sanitization of mattresses that include requirements sufficient to eradicate bedbugs in reconditioned mattresses before their sale.

By Council Members Brewer, Chin, Ferreras, Fidler, Foster, Gentile, Gonzalez, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Sanders, Vann, Nelson and Rodriguez.

Whereas, Also known as Cimex lectularius, the bed bug is a wingless blood-feeding parasite that preys on humans and other animals, and can dwell within such objects as clothing, furniture and bedding; and

Whereas, Bed bugs, which are immune to most standard-issue pesticides, often feed on humans during the night by piercing their skin while they sleep; and

Whereas, The average female bed bug can lay up to five eggs a day, which take only 17 to 28 days to hatch and which are impervious to the stronger pyrethrin pesticides until they are born; and

Whereas, Methods for eliminating bed bugs include such costly options as replacing the exterior of a mattress with untreated material, baking a mattress at 150°F for forty-five minutes, and treating a mattress in a fumigation chamber; and

Whereas, In 2009, 311 fielded 33,772 calls concerning bed bugs, a 54 percent increase from the previous year; and

Whereas, Two-hundred forty-three New York City public schools were treated for bed bugs in Fiscal Year 2009, a 100 percent increase from the previous fiscal year; and

Whereas, Though bed bugs are not known for spreading disease, they are associated with high levels of stress, anxiety, depression and fatigue, and in some cases can cause dermal inflammations and infections as well as anemia; and

Whereas, The New York City Department of Consumer Affairs estimates that approximately half of the 261 second-hand bedding dealers registered in New York State are located in New York City; and

Whereas, Laws governing the sale, registration and sanitization of used bedding fall under the purview of the New York State Department of State (“NYSDOS”); and

Whereas, Article 25-A of the New York State General Business Law (“Article 25-A”) requires that every person engaged in the sale of used bedding file a notice with the New York State Department of Health (“NYSDOH”); and

Whereas, Despite being enacted over a decade ago, the rules concerning the standards for adequate sanitization of bedding have not yet been promulgated pursuant to Article 25-A; and

Whereas, In order for persons and businesses engaged in the resale of bedding in New York State to be prevented from endangering the health and safety of New Yorkers, it is imperative that the NYSDOS and the NYSDOH establish clear standards concerning the sanitization of mattresses; now, therefore, be it

Resolved, That Council of the City of New York calls upon the New York State Department of State to promulgate standards and rules concerning the sanitization of mattresses that include requirements sufficient to eradicate bedbugs in reconditioned mattresses before their sale.

Referred to the Committee on Consumer Affairs.

Int. No. 247

By Council Members Comrie, Vunn, Brewer, Koslowitz, Palma, Recchia and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of tickets to individual consumers by operators of theater, music, or sporting events taking place in New York City at places of entertainment.

Be it enacted by the Council as follows:

Section 1. Legislative Intent. The Council finds and declares that transactions involving the purchase of tickets for admission to places of entertainment are a matter of public interest and subject to the supervision of New York City for the purpose of safeguarding the public against fraud, unequal treatment, and similar abuses. Since 2007, when New York State repealed its ban on ticket resale, the secondary ticket market has grown exponentially. New York City consumers currently must compete against ticket resale agencies or ticket brokers to purchase tickets to musical, sporting or athletic events taking place throughout the City. Ticket resale agencies and ticket brokers often use computer software to purchase tickets in bulk, giving themselves an unfair advantage over individual purchasers and creating a secondary market in ticket sales that gouges consumers by charging several times the face value for tickets.

In order for persons and businesses engaged in the sale of tickets to events in New York without paying exorbitant prices to ticket resellers, the Council finds that it is necessary to require operators of New York City venues at which musical, sporting or athletic events take place to reserve at least fifteen percent of available tickets for sale at their on-site box office for sale to individual consumers and require such sales be limited to the purchase of no more than four tickets per day per individual consumer.

§2. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 16 to read as follows:

SUBCHAPTER 16

TICKET SALES AT PLACES OF ENTERTAINMENT

§ 20-810 Definitions.
§ 20-811 Ticket Sales.
§ 20-812 Record Keeping.
§ 20-813 Penalties.

§20-814 Conduct or Behavior Policies.

a. No operator, or agent or employee thereof, with the intent to sell tickets to an event held in a place of entertainment for admission to which an entry fee is imposed, shall sell tickets to such event unless fifteen percent of the total number of tickets made available for purchase are reserved for sale to individual consumers at such place of entertainment’s on-site box office. Such on-site sales shall be limited to the purchase of no more than four tickets per day per individual consumer.

b. Each ticket purchased from an on-site box office shall have printed on its face the date and time of sale.

§20-812 Record Keeping. a. Any operator, or agent or employee of a place of entertainment with the intent to sell or in any way dispose of tickets to an event for which an entry fee is charged, shall maintain records disclosing the following information:

i. total number of tickets available for sale to individual consumers at the on-site box office;

ii. the location of the corresponding seat for each ticket made available for sale at the on-site box office; and
iii. the total number of tickets available for sale or expected to be made available for sale to individual consumers through any medium.

b. All such records shall be available for inspection to the commissioner or to his or her duly designated representatives for a period of six months from the date of the offer of sale of the ticket or tickets.

c. The failure of an operator, or agent or employee of a place of entertainment to produce such records upon request of the commissioner in order to substantiate such operator’s representation of ticket availability shall create a rebuttable presumption of the failure to comply with the provisions of this subchapter.

§ 20-813 Penalty. Any person who violates any provision of this subchapter or of any rule promulgated thereunder, shall be liable for a civil penalty not to exceed the amounts specified in section 20-703 of this chapter.

§ 20-814 Conduct or Behavior Policies. Nothing in this section shall be construed to prohibit an operator of a place of entertainment from maintaining and enforcing any policies regarding conduct or behavior at or in connection with a place of entertainment or physical structure.

§ 3. This local law shall take effect 120 days after enactment, except that the commissioner of consumer affairs shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Res. No. 242
Resolution commemorating the life and legacy of legendary entertainer and civil rights activist, Lena Horne.

By Council Members Comrie, Vann, Barron, Brewer, Chin, Dickens, Ferreras, Fidler, Foster, Gentile, Gonzalez, Koppell, Koslowitz, Lande, Mark-Viverito, Mendez, Nelson, Palma, Sanders, Van Bramer, Williams and Rodriguez.

Whereas, Lena Horne, renowned singer, actress, dancer and civil rights activist, was one of the most popular African-American entertainers of the twentieth century; and

Whereas, A woman of great beauty and commanding stage presence, she performed in nightclubs, concert halls and movies, on radio and television, and on Broadway; and

Whereas, Lena Horne was born in the Bedford-Stuyvesant neighborhood of Brooklyn, New York on June 30, 1917; and

Whereas, The Horne was an established middle class, well-educated family, with distinguished positions in organizations such as the National Association for the Advancement of Colored People (NAACP) and the National Urban League; and

Whereas, Lena Horne attended Girls’ High School, an all-girls public high school in Brooklyn which has since become Boys and Girls High School; and

Whereas, At age 16, Ms. Horne joined the dance chorus at the famous Cotton Club in Harlem, New York; and

Whereas, A year after joining the Cotton Club, she made her Broadway debut in 1934; and

Whereas, Lena Horne’s major film career began in 1942, shortly after being discovered by Hollywood talent scouts while singing at the Manhattan nightclub Café Society; and

Whereas, Ms. Horne was signed to a seven-year contract with the movie studio Metro Goldwyn Mayer (MGM) and was the first black performer to be signed to a long-term contract by a major Hollywood studio; and

Whereas, She also became the highest-paid African-American entertainer in the United States at that time; and

Whereas, She appeared in a number of MGM musicals, but was never featured in a leading role because of her race and the fact that films featuring her had to be re-edited for viewing in states where theaters could not show films with black performers; and

Whereas, Despite the harsh limitations imposed on African-Americans in 1930s and 1940s Hollywood movies, Ms. Horne refused to take on any roles that were disrespectful to her as a woman of color, and she gained national and international appeal; and

Whereas, After her tenure with MGM ended in 1950, she was blacklisted for a long-term contract by a major Hollywood studio; and

Whereas, She also participated in the historic March on Washington in 1963, where she spoke and performed on behalf of the NAACP, the Student Nonviolent Coordinating Committee (SNCC), and the National Council of Negro Women; and

Whereas, Lena Horne died on May 9, 2010, at the age of 92 at the New York Presbyterian Hospital in New York City; and

Whereas, Lena Horne was an outstanding woman who took pride in her heritage, refused to compromise her principles, and broke down racial barriers in the film and music industries; and

Whereas, Her extraordinary talent, elegance, grace and dignity, as well as her dedication to ensuring equality for all Americans, has made her a legendary figure; now, therefore, be it

Resolved, That the Council of the City of New York commemorates the life and legacy of legendary entertainer and civil rights activist, Lena Horne.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 243
Resolution calling upon the United States Congress to enact H.R.3734, the “Urban Revitalization and Livable Communities Act,” which would authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes.


Whereas, According to the 2000 United States Census, 79 percent of the population of the United States lives in urban areas; and

Whereas, The quality of life in urban areas is closely related to the availability of fully functional park and recreation systems including land, facilities, and programs; and

Whereas, Residents of urban areas need close-to-home recreation opportunities that are adequate to specialized urban needs, with parks and facilities properly located, developed, and well-maintained; and

Whereas, Inadequate federal financing of urban recreation programs has led to the deterioration of facilities, non-availability of recreation services, and an inability to adapt recreation programs to changing circumstances; and

Whereas, According to the Centers for Disease Control and Prevention (CDC), over the last 25 years, rates of obesity have more than tripled among adolescents ages 12 to 19 and doubled among adults ages 20 to 74 and children ages 6 to 11; and
Whereas, The CDC also found that the creation of, or enhanced access to, places for physical activity led to a 25.6 percent increase in the percentage of people exercising on 3 or more days per week; and

Whereas, Physical activity can improve physical and mental health; and

Whereas, The annual costs of medical spending and lost productivity from individuals in the United States being obese and overweight are estimated by the CDC to be $139,000,000,000; and

Whereas, local parks and recreation facilities play key roles in improving the health of the population of the City of New York by providing convenient access to the places, spaces, and opportunities that lead to increased physical activity; and

Whereas, According to the Juvenile Justice Bulletin, without structured, supervised activities in the after-school hours, youth are at greater risk of being victims of crime or participating in anti-social behaviors; and

Whereas, Juveniles are at the highest risk of being a victim of crime between 2:00 p.m. and 6:00 p.m., and the peak hour for juvenile crime is between 3:00 p.m. and 4:00 p.m., the first hour after most students are released from school; and

Whereas, The National Youth Violence Prevention Resource Center reported that students who spend no time in extracurricular activities, such as those offered in after school programs, are 49 percent more likely to have used drugs and 37 percent more likely to become teen parents than are those students who spend 1 to 4 hours per week in extracurricular activities; and

Whereas, The Urban Revitalization and Livable Communities Act will help enhance urban areas through economic development, prevent chronic diseases, including cardiovascular disease, diabetes, depression, and obesity; and improve recreational areas and facilities and expand recreation services in urban areas with a high incidence of crime and to help expand recreation opportunities for at-risk youth; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to enact H.R.3734, the “Urban Revitalization and Livable Communities Act,” which would authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes.

Referred to the Committee on Community Development.

A Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 208 to read as follows:§ 4–208 Inventories of city-owned real property. a. The heads of all agencies shall provide the department of citywide administrative services with a complete list of all real property assets under each agency’s management or control by the first day of November of 2011 and by the first day of November every two years thereafter. The heads of all agencies shall also notify the department of citywide administrative services on an ongoing basis of any changes relating to the real property assets under each agency’s management or control that may occur in the period between the biennial reports required by this local law.

b. Not later than the thirtieth day of January of 2012, the department of citywide administrative services shall make public on or through the city’s website, at no charge and in a sortable and searchable format, a complete inventory of all real property owned by the city and shall thereafter regularly update such inventory to include information received as a result of the reporting requirements of this local law. Such inventory shall include sufficient information about each real property asset to reasonably determine the current use of such real property asset and its potential for other uses.

c. The department of citywide administrative services shall consult with affected and interested agencies, including community boards, to determine which real property assets owned by the city may be vacant, unused, underused or inefficiently used. Not later than the thirtieth day of January of each year, commencing in 2012, the department of citywide administrative services shall make public and submit to the mayor and the city council a report identifying those real property assets owned by the city that are vacant, unused, underused, inefficiently used, or may be appropriate for another use. Such report shall include, where appropriate, proposals for alternative uses of such real property. d. All agencies shall report to the department of citywide administrative services in the implementation of this local law.

§ 2. This local law shall take effect ninety days from its enactment, except that the commissioner of citywide administrative services shall take all actions necessary for its implementation, including the promulgation of rules, prior to the effective date.

Referred to the Committee on Governmental Operations.

Resolution in support of pending legislation in the New York State Legislature intended to strengthen regulations governing the sale and licensing of firearms.


Whereas, New York City is a national leader in gun safety and policy initiatives designed to enhance urban areas through economic development, prevent chronic diseases, including cardiovascular disease, diabetes, depression, and obesity; and improve recreational areas and facilities and expand recreation services in urban areas with a high incidence of crime and to help expand recreation opportunities for at-risk youth; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature intended to strengthen regulations governing the sale and licensing of firearms.

Referred to the Committee on Public Safety.
The smoking age, the rate of teenage smoking has dropped. Additionally, several products from eighteen to nineteen. According to the CDC, in states that increased eighteen year-old classmates, the Council finds that raising the legal age to buy tobacco to minors prohibited. Any person operating a place of business wherein tobacco products are sold or offered for sale must be licensed as required by section 17-617.1 of this code and is prohibited from selling such products to individuals under [eighteen] nineteen years of age, and shall post in a conspicuous place a sign upon which there shall be imprinted the following statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, ROLLING PAPER OR PIPES, TO PERSONS UNDER [EIGHTEEN] NINETEEN YEARS OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white card in red letters at least one-half inch in height. Sale of tobacco products in such places, other than by a vending machine, shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least [eighteen] nineteen years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product to an individual under [eighteen] nineteen years of age.

§3. Effective date. This local law shall take effect sixty days after its enactment into law.

Referred to the Committee on Health.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the payment of a living wage to employees on property developed by recipients of financial assistance for economic development.

Be it enacted by the Council as follows:

Section 1: Title 6 of the administrative code of the city of New York is amended to add a new section 6-130, to read as follows:

§ 6-130 Living Wage for Employees in City Financially Assisted Workplaces.

a. Short Title. This section shall be known as and may be cited as the “The Fair Wages for New Yorkers Act.”

b. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “City” means the city of New York.
2. “City economic development entity” means a not-for-profit corporation, public benefit corporation, or other entity that is authorized to provide financial assistance, or that provides administrative support related to the provision of financial assistance.
4. “Entity” or “Person” means any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business.
5. “Financial assistance” means financial assistance with a value of $100,000 or more that is provided to a financial assistance recipient for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either directly by the city, or indirectly by a city economic development entity and that is in whole or in part at the expense of the city. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write downs, the market value of buildings or land, and the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for, and includes both discretionary and as of right assistance. In determining the value of assistance provided, the full value of all city, state and federal assistance received in connection with the project shall be included. Provided, however, assistance that is used exclusively to support an exempt project...
shall not constitute financial assistance or be included in determining the value of financial assistance provided.

6. “Financial assistance agreement” means an agreement under which the city or a city economic development entity enters into a contract, the terms of which require the financial assistance recipient, or leases or sells property owned or controlled by the city or any city economic development entity to a financial assistance recipient for the purpose of operating a business or carrying on any other activity in the city, pursuant to the agreement or record directly from the city or the city economic development entity. Each such agreement shall contain the provisions specified in paragraph 4 of subdivision e of this section.

7. Financial assistance recipient” means any person, individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, organization or other entity that receives financial assistance, or any assignee or successor in interest of real property improved or developed with financial assistance.

8. “Exempt project” means a project or portion of a project that is used exclusively for affordable housing, or to house a social services organization or an arts or cultural organization.

9. “Covered employer” means:
   a. A financial assistance recipient;
   b. A tenant, sub-tenant, lessor or sublessor who occupies real property that is used exclusively for affordable housing;
   c. Fee holders or other condominium owners of any portion of real property improved or developed with financial assistance who purchased the property from a prior owner or were assigned the property through foreclosure or other means;
   d. Any person or entity that contracts or subcontracts with a financial assistance recipient to perform work for a period of more than thirty days on the premises of the financial assistance recipient or on any premises of any other person to which the financial assistance recipient is targeted to particular real property, then the requirements of this section shall apply to exempt projects.

10. “Not-for-profit organization” means a corporation or entity that has tax exempt status under section 501(c)(3) of the United States internal revenue code, and is in compliance with applicable federal, state and local laws and regulations.

11. “Employee” means any person employed by a covered employer within the city of New York. This definition includes persons performing work on a full-time, part-time, temporary or seasonal basis, and includes employees, independent contractors, and contingent or contracted workers, including persons made available to work through the services of a temporary services, staffing, or employment agency or similar entity. Provided, however, that if the financial assistance is targeted to particular real property, then only persons employed at the real property to which the financial assistance pertains shall be deemed employees. Provided further that persons employed exclusively at or in connection with an exempt project shall not be deemed employees.

12. “Living wage” or “paying a living wage” means an hourly compensation rate that is higher than the health benefits supplement rate for each hour worked. As of the effective date of the local law that added this section, the living wage rate shall be ten dollars per hour and the health benefits supplement rate shall be no less than the living wage rate.

13. Financial assistance recipients must pay employees a minimum hourly wage of no less than a living wage. The balance of the hourly compensation package may be paid as a health benefits supplement. The hourly compensation package may be no less than the sum of the two. The value of any health benefits provided shall be determined based on the prorated hourly cost to the employer of the health benefits provided to the employee. Beginning January 1, 2011 and no later than January 1 of each year thereafter, the living wage rate and the health benefits supplement rate shall be adjusted based upon the twelve-month percentage increases, if any, in the Consumer Price Index for All Urban Consumers for New York-Northern N.J.-Long Island and the Consumer Price Index for All Urban Consumers for Medical Care for New York-Northern N.J.-Long Island, respectively, or (their successor indexes, if any) as published by the Bureau of Labor Statistics of the United States Department of Labor, based on the most recent twelve-month period for which data is available. The adjusted living wage rate and health benefits supplement rate shall each be rounded to the nearest five cents, and shall become effective as the new living wage rate and health benefits supplement rate on April 1 of each year.

14. Living Wage Required. 1. It is the policy of the city that jobs supported with financial assistance provided or conferred directly by the city or indirectly by a city economic development entity, should pay wages that allow New Yorkers to support themselves with dignity. In furtherance of this policy, covered employers shall pay their employees wages that are no less than a living wage and comply with all other requirements of this section.

2. Financial assistance recipients shall guarantee that all covered employers operating on their premises or on the premises of real property improved or developed with financial assistance provide their employees no less than a living wage and comply with all other requirements of this section. The requirements of this section shall apply for the term of the financial assistance or for thirty years from the effective date of the agreement, whichever is longer. However, if the financial assistance is targeted to particular real property, then the requirements of this section shall apply only for hours worked by employees at or in connection with such real property. The requirements of this section shall not apply to exempt projects.

5. Each financial assistance recipient shall provide to the comptroller and the city or the city economic development entity that approved or awarded the financial assistance an annual certification, executed under penalty of perjury, stating that all of its employees and all other employees employed by covered employers on its premises or on the property to which the financial assistance pertains are paid no less than a living wage, and providing the names, addresses and telephone numbers of such additional covered employers operating on its premises or on said property. Where the financial assistance applies only to certain property, such statement shall be required only for the employees employed on such property. The statement shall be certified by the chief executive or chief financial officer of the covered employer, or the designee of any such person, and shall be a made a part of the award, grant or assistance agreement. Where there are multiple covered employers operating on the premises of a financial assistance recipient or associated with the recipient to which financial assistance is provided, each covered employer shall, prior to commencing work at such premises, provide a statement certifying that all the employees employed on that property are paid no less than a living wage. A failure to provide such a statement shall constitute a material violation of the conditions of the financial assistance agreement. Such certification shall also include copies of records indicating the days and hours worked, and the amounts paid and withheld, for each employee. The city agency or city economic development entity approving or awarding the financial assistance shall maintain this information and make it available for public inspection.

6. Within ninety days of the enactment date of the law that added this clause, the city shall cause all financial assistance recipients to comply with the requirements of this section. The city shall require all financial assistance recipients to comply with the requirements of this section.

1. The city shall include in any contract with a city economic development entity a requirement that such entity shall be in compliance with all applicable federal, state and local laws and regulations.

2. The city shall include in any contract with a city economic development entity a requirement that such entity shall not be in violation of any of the requirements of this section.

3. Payments in lieu of taxes, or other city funds or real property may not be conveyed to a city economic development entity unless that entity has agreed to require all financial assistance recipients to comply with the requirements of this section.

4. Every financial assistance agreement shall contain provisions:
   a. Obligating the financial assistance recipient to guarantee that all covered employers operating on their premises or on the real property, improved or developed with financial assistance provide their employees no less than a living wage, and comply with all other requirements of this section;
   b. Granting the city or city economic development entity, as applicable, remedial authority: (1) to rescind the award of and suspend any further disbursement of financial assistance to any financial assistance recipient who fails to comply with such requirements; (2) to require the financial assistance recipient to repay previously disbursed or received financial assistance, including but not limited to repayment of any taxes or interest abated or deferred, if the financial assistance recipient is found to be in violation of any of the requirements of this section.

5. Each financial assistance recipient shall provide to the comptroller and the city or the city economic development entity that approved or awarded the financial assistance an annual certification, executed under penalty of perjury, stating that all of its employees and all other employees employed by covered employers on its premises or on the property to which the financial assistance pertains are paid no less than a living wage, and providing the names, addresses and telephone numbers of such additional covered employers operating on its premises or on said property. Where the financial assistance applies only to certain property, such statement shall be required only for the employees employed on such property. The statement shall be certified by the chief executive or chief financial officer of the covered employer, or the designee of any such person, and shall be a made a part of the award, grant or assistance agreement. Where there are multiple covered employers operating on the premises of a financial assistance recipient or associated with the recipient to which financial assistance is provided, each covered employer shall, prior to commencing work at such premises, provide a statement certifying that all the employees employed on that property are paid no less than a living wage. A failure to provide such a statement shall constitute a material violation of the conditions of the financial assistance agreement. Such certification shall also include copies of records indicating the days and hours worked, and the amounts paid and withheld, for each employee. The city agency or city economic development entity approving or awarding the financial assistance shall maintain this information and make it available for public inspection.
section, the department of finance, in consultation with city agencies and the city Council, shall publish a list of available types of financial assistance that are subject to the requirements of this section. Such list shall include, but be not limited to, the types of financial assistance enumerated in section 14-242. Such list shall be updated and published as often as is necessary to keep it current.

4. Monitoring, investigation and enforcement. 1. The comptroller shall monitor compliance with the requirements of this section, and may upon its own initiative or upon receipt of a complaint investigate specified covered employers. Any employee, individual or organization may file a complaint with the comptroller concerning a violation of this section. The name of any employee identified in a complaint shall be kept confidential as long as possible, and may be disclosed only with the employee's consent. For the purpose of enforcing this section, the comptroller shall have the authority to observe work being performed on the work site, to interview employees during or after work hours, and to examine the books and records relating to the payrolls being investigated to determine whether or not the covered employer is in compliance with this section.

2. Whenever the comptroller has reason to believe that an employer has been paid less than a living wage or has been discriminated or retaliated against in violation of this local law, or upon a verified complaint in writing from an employee, former employee, or an employee's representative, the comptroller shall conduct a hearing to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same investigative, hearing, and other powers as are conferred on the comptroller by sections 23A and 23B of the state labor law. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by section 25(2) of the state labor law, request that the city or the city economic development entity that approved the project or awarded the financial assistance withhold any payment due to the financial assistance recipient in order to safeguard the rights of the employees. Based upon such investigation, findings, the issue of any determination, or other disposition, including but not limited to, a stipulation of settlement. Such disposition may be in a payment of wages and the monetary equivalent of benefits wrongly denied, including interest from the date of underpayment to the employee, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-243 of the state banking law, but in any event at a rate no less than six percent per year.

(b) Direct payment of a further sum as a civil penalty in an amount not exceeding two hundred percent of the total amount found to be due in violation of this section.

(c) Direct the filing or disclosure of any records that were not filed or made available to the public as required by this section.

(d) Direct the reinstatement of, or other appropriate relief for, any person found to have been subjected to retaliation or discrimination in violation of this section;

(e) Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the financial assistance recipient. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered employer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the city covered employer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements, including, but not limited to, a stipulation of settlement. Such disposition may be in a payment of wages and the monetary equivalent of benefits wrongly denied, including interest from the date of underpayment to the employee, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-243 of the state banking law, but in any event at a rate no less than six percent per year.

(c) Direct the filing or disclosure of any records that were not filed or made available to the public as required by this section.

(d) Direct the reinstatement of, or other appropriate relief for, any person found to have been subjected to retaliation or discrimination in violation of this section;

(e) Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the financial assistance recipient. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered employer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the city general revenue fund.

3. Before issuing an order, determination, or any other disposition, the comptroller shall give notice thereof, together with a copy of the complaint, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by registered or certified mail with postage prepaid, upon the person found to have violated this section, and upon any principal or officer thereof, who may be named in the complaint, or who knowingly participated in the commission of the violation of this section. The comptroller shall have the authority to observe work being performed on the work site, to interview employees during or after work hours, and to examine the books and records relating to the payrolls being investigated to determine whether or not the covered employer is in compliance with this section.

4. In an investigation conducted under the provisions of this section, the inquiry of the comptroller shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

5. When, pursuant to the provisions of this section, a final disposition has been entered against a financial assistance recipient or other covered employer in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the required wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, such person, and any principal or officer of such person who knowingly participated in the violation of this section, shall be ineligible to receive financial assistance from the city or from a city economic development entity, or to operate as a covered employer on the premises of a financial assistance recipient or real property improved or developed with financial assistance, for a period of five years from the date of the second disposition.

6. When a final disposition has been made in favor of an employee and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the comptroller, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the comptroller shall file a copy of such order with the city clerk of the county of residence or place of business of the person found to have violated this section, or any principal or officer thereof, who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the comptroller in the same manner and with the like effect as a proceeding for the enforcement of a money judgment.

7. Upon determining that a covered employer is not in compliance, and where no cure is effected and approved by the comptroller, the comptroller shall provide notice of the noncompliance to the city economic development entity, as applicable, that approved the project or awarded the financial assistance, and request in writing that the city or the city economic development entity to rescind the award of and suspend further disbursement of financial assistance, and require the financial assistance recipient to repay previously disbursed or received financial assistance, including but not limited to repayment of any taxes or interest abated or deferred, if the financial assistance recipient is found to be in violation of any of the requirements of this section. Upon receipt of the comptroller's request, the city or the city economic development entity that approved the project or awarded the financial assistance shall make such actions as may be appropriate and provided for by law, rule, or contract, including, but not limited to: declaring the financial assistance recipient in default of the financial assistance agreement of importance, withholding any payment due to the financial assistance recipient, or any principal or officer thereof, for any amount due with the city clerk of the county of residence or place of business of the person found to have been subjected to retaliation or discrimination, and any further disbursement of financial assistance except that extension, renewal, amendment or modification of such financial assistance agreement occurring on or after the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such financial assistance agreement occurring on or after the enactment of the local law that added this section, and requesting in writing that the city economic development entity to rescind the award of and suspend further disbursement of financial assistance, and require the financial assistance recipient to repay previously disbursed or received financial assistance, including but not limited to repayment of any taxes or interest, abated or deferred.

8. When a final disposition has been made and such disposition is in favor of an employee, such employee may, in addition to any other remedy provided by this section, institute an action in any court of appropriate jurisdiction against the person found to have violated this section. For any violation of this section, including but not limited to, back pay, payment for wrongfully denied benefits, interest, other equitable or make-whole relief, reinstatement, injunctive relief, and compensatory damages. The court shall award reasonable attorneys' fees and costs to any complaining party or part who prevails in such enforcement action. Such action must be commenced within three years of the date of the final disposition of any administrative complaint or action concerning the alleged violation, or if such action is commenced pursuant to article 78 of the state civil practice law and rules, within three years of the termination of such review proceedings. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

9. Nothing in this section shall be deemed to operate as a waiver of any general, specific, or local law, ordinance, city charter or administrative code, an employee affected by this law shall not be barred from the right to recover the difference between the amount paid and the amount that should have been paid to the employee under the provisions of this section because of the prior receipt by the employee without protest of wages or benefits paid, or on account of the employee's failure to state orally or in writing upon any payroll or receipt which the employee is required to sign that the wages and benefits received by the employee are under protest, or on account of the employee's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the employee for the period covered by such payment.

g. Miscellaneous. 1. The provisions of this section shall not apply to any financial assistance that was provided prior to the enactment of the local law that added this section, nor shall they apply to any financial assistance agreement that was entered into prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such financial assistance agreement occurring on or after the enactment of the local law that added this section, or an earlier amendment or modification thereof, shall apply to such financial assistance recipient and any other covered employers operating on the premises of the financial assistance recipient or at the real property improved or developed with financial assistance subject to the requirements of this section.

2. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance. To this end, the parts of this section are severable.

3. This section shall be liberally construed in favor of its purposes. This section shall not be construed to preempt or otherwise limit the applicability of any law, policy, contract term or other action by the city or a city economic development entity that provides for payment of higher or supplemental wages or benefits, or for additional penalties or remedies for violation of this or any other law.

Section 2. This local law shall take effect in ninety days.

Referred to the Committee on Contracts.
A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the City from unnecessarily purchasing bottled water.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The Council finds that action must be taken to address the negative environmental impact of the bottled water industry. Manufacturing and supplying the plastic water bottles that American consumers utilize requires the use of more than forty-seven million gallons of oil annually. Moreover, billions of plastic water bottles find their way into New York State’s landfills, each container requiring a thousand years to safely biodegrade. Recycling these containers requires massive expenditures and the use of additional resources.

Local taxpayers spend millions of dollars annually to operate and maintain the City’s various water treatment plants, ensuring that the drinking water is clean and safe for consumption. Accordingly, New York City water consistently ranks high among municipal water supplies for its exceptional quality and taste.

Therefore, the Council finds that the detrimental environmental effects of discarded water containers, as well as the unnecessary cost to taxpayers for the purchase of bottled or “spring” water for city employees, warrants a prohibition against City departments procuring such items as long as a potable municipal water supply exists.

§2. The administrative code of the city of New York is amended by adding a new subchapter 7 to chapter 3, to read as follows:

SUBCHAPTER 7 Prohibition on Plastic Water Bottles and Certain Water Dispensers

§6-317 Plastic water bottles and certain water dispensers prohibited. a. To the extent practicable, each city department and agency shall utilize the city’s municipal water supply for such department’s or agency’s drinking water needs.

b. 1. No city department or agency shall procure, purchase or otherwise acquire single serving bottles of water or water dispensers that utilize any water that does not come from the city’s municipal water supply, unless the department of environmental protection determines pursuant to subdivision two below that utilizing the city’s municipal water supply is not practicable.

2. Upon the request of any city department or agency, the department of environmental protection shall evaluate the drinking water from such city department’s or agency’s municipal water supply and determine whether utilizing such municipal water supply is practicable.

c. This section shall not apply to emergency procurements pursuant to section three hundred fifteen of the charter.

§3. This local law shall take effect ninety days after its enactment into local law, provided, however, that prior to such effective date the commissioners of the relevant departments may promulgate rules or take any other action necessary for implementation of this local law.

Referred to the Committee on Contracts.

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 report on complaints of harassment in the transit system.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 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; 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; complaints of sexual abuse (as defined by article 130 of the penal code), forcible touching (as defined by article 139 of the penal code), public lewdness or exposure of a person (as defined by article 245 of the penal code), and unlawful surveillance (as defined by article 250 of the penal code) alleged to have occurred in the transit system (categorized by class of crime alleged) for each patrol precinct and transit district; 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.

§2. This local law shall become effective ninety days after its enactment into law.

Referred to the Committee on Public Safety.

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 report on crime complaints in the transit system.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of Section 17-187 of the administrative code of the city of New York, as added by local law 57 for the year 2004, are amended to read as follows:

b. Primary Schools. The department shall provide on a full-time basis at least one nurse at each public and private primary school which i) had at least two hundred students enrolled on the last day of the second month of the preceding school year; ii) submits a written request to the department that such nurse be provided; and iii) maintains, pursuant to any rules promulgated by the commissioner, an appropriate medical wherein such nurse can carry out his or her nursing duties.

c. Intermediate Schools. The department shall provide at least one nurse, provided that a nurse has not been provided pursuant to subdivision b of this section, or public health advisor or school health service aide, as appropriate, at each public and private intermediate school which i) had at least two hundred students.
students enrolled on the last day of the second month of the preceding school year; ii) submits a written request to the department that such nurse or public health advisor or school health service aide be provided; and iii) maintains pursuant to any rules promulgated by the commissioner, an appropriate medical room wherein such nurse or public health advisor or school health service aide can carry out his or her duties.

§ 2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Health.

Int. No. 255
By Council Members Oddo, Ignizio, Ulrich, Koo, Fidler and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of aerosol spray paint cans and broad tipped indelible markers.

Be it enacted by the Council as follows:

Section 1. Section 20-611 of the administrative code of the city of New York is amended by adding a new subdivision 4 and a new subdivision 5 and by renumbering subdivision 4 as subdivision 6 and renumbering subdivision 5 as subdivision 7 to read as follows:

§20-611 Definitions. Whenever used in this subchapter, the following terms shall have the following meanings:

1. “Dealer of etching acid” shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid.

2. “Dispense” shall mean to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

3. “Eching acid” shall have the same meaning set forth in subdivision 6 of section 10-117.

4. “Broad tipped indelible marker” shall have the same meaning set forth in subdivision 5 of section 10-117.

5. “Dealer of graffiti instruments” shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing one or several of the following products: etching acid, aerosol spray paint can(s), or broad tipped indelible marker(s).

[46]. “Personal information” shall mean data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information shall be limited to the purchaser’s name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.

[57]. “Purchasing records” shall mean all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.

§2. Subdivision 1 of section 20-612 of the administrative code of the city of New York is amended to read as follows:

1. Every dealer of etching acid/graffiti instruments shall request valid photo identification from each purchaser of etching acid, aerosol spray paint can(s), or broad tipped indelible marker(s) at the time of such purchase and, if the item purchased is etching acid, shall contemporaneously record in writing or electronically such purchaser’s personal information.

§3. Section 20-613 of the administrative code of the city of New York is amended to read as follows:

§20-613 Posting notice. Every dealer of etching acid/graffiti instruments shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid, aerosol spray paint can(s), or broad tipped indelible marker(s) shall be required to provide valid photo identification and, if the purchase is of etching acid, their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

§4. This local law shall become effective ninety days after its enactment.

Referred to the Committee on Public Safety.

Res. No. 246
Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.

By Council Member Recchia.

Whereas, On June 19, 2009 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the NYC Managed Care Consumer Assistance Program-Community Service Society Initiative within the budget of the Department of Health and Mental Hygiene; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region 7 receiving funding in the amount of $72,000 within the budget of the Department of Education; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding in the amount of $15,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of $5,000 within the budget of the Department of Health and Mental Hygiene; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Department of Education-District 31, Region 7 to receive funding contingent upon certain initiatives in accordance therewith; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the NYC Managed Care Consumer Assistance Program receiving funding within the budget of the Department of Health and Mental Hygiene to read: “This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intracity transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided. This allocation plus State and federal matching funds will total $4 million.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Greater Woodhaven Development Corporation receiving local discretionary funding to read: “For various school projects: $14,250 for Air Conditioning units at Public School 41R; $5,000 for summer books and training for E-Chalk at Public School 608; $4,843.16 for a 77 inch Smartboard (S68601GEN3WUNIF) Wall Mounted Projection System at Public School 39R; and $3,500 for general supplies at Intermediate School 2R;”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Department of Education - District 31, Region 7 receiving local discretionary funding in the amount of $5,000 within the budget of the Department of Mental Health and Hygiene to read: “The Early Childhood Direction Center (ECDC) of Staten Island University Hospital is an information and referral service for families of children between the ages of birth through five years with suspected or diagnosed developmental disabilities. The ECDC helps families and professionals on Staten Island with information and training sessions on child development, early intervention, special education services and kindergarten readiness, in English, Spanish, and other non-English languages.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Staten Island University Hospital receiving local discretionary funding in the amount of $5,000 within the budget of the Department of Mental Health and Hygiene to read: “The Early Childhood Direction Center (ECDC) of Staten Island University Hospital is an information and referral service for families of children between the ages of birth through five years with suspected or diagnosed developmental disabilities. The ECDC helps families and professionals on Staten Island with information and training sessions on child development, early intervention, special education services and kindergarten readiness, in English, Spanish, and other non-English languages.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Department of Health and Hygiene to read: “This allocation represents a restoration to the Managed Care Consumer Assistance Program (MCCAP), which operates through a network of 26 community-based organizations citywide, with the Community Service Society (CSS) acting as the central coordinating agency. These funds will be provided to CSS through an intracity transfer from DOHMH. MCCAP helps consumers and their advocates navigate the public healthcare system by helping them obtain health insurance and educating them on how to use managed care plans to get the care they need. Counseling and assistance with managed care issues is also provided. This allocation plus State and federal matching funds will total $4 million.”; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Department of Education-District 31, Region 7 to receive funding contingent upon certain initiatives in accordance therewith; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the Department of Health and Hygiene receiving local discretionary funding in the amount of $15,000 within the budget of the Department of Education; and

Resolved, That the City Council approves the new Description/Scope of Services for the Department of Health and Hygiene receiving local discretionary funding in the amount of $72,000 within the budget of the Department of Education;
Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative, as set forth in Chart 5, attached hereto as Exhibit E; 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 Transportation-Operating Costs Initiative, as set forth in Chart 6, attached hereto as Exhibit F; 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 7, attached hereto as Exhibit G; 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 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contrants Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation of St. Barnabas Hospital receiving funding pursuant to the Geriatric Mental Health Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

Resolved, That the City Council approves the Initiative Funding transfer, as set forth in Chart 11, attached hereto as Exhibit K.

Adopted by the Council (reconsidered and approved by the Committee on Finance; for text of the Exhbits, please see the Attachment to Res No. 246 printed in these Minutes following the Report of the Committee of Finance for Res No. 246)

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 7, attached hereto as Exhibit E; and be it further

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 8, attached hereto as Exhibit H; and be it further

That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contrants Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

That the City Council approves the new designation of St. Barnabas Hospital receiving funding pursuant to the Geriatric Mental Health Initiative, as set forth in Chart 10, attached hereto as Exhibit J; and be it further

That the City Council approves the Initiative Funding transfer, as set forth in Chart 11, attached hereto as Exhibit K.

A Local Law to amend the New York city charter, in relation to the annual report required by certain entities which enter into contracts with the department of small business services.

Be it enacted by the Council as follows:

Section 1. Paragraph b of subdivision 1 of section 1301 of the New York city charter is amended to read as follows:

b. to serve as the liaison with the city and local development corporations, other not-for-profit corporations and all other entities involved in economic development within the city. In furtherance of this function, the department shall include in any contracts with a local development corporation by which the city creates a local development corporation engaged in providing or administering economic development services, a requirement that such local development corporation submit to the mayor, the council, the city comptroller, the public advocate and the borough presidents by January 31 of each year, a report for the prior year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such local development corporation for the purpose of the creation or retention of jobs, whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such local development corporation in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of land where the project is estimated to retain or create not less than twenty-five jobs. [With regard to any project for which the project agreement and any other documents applicable to such project have been executed on or after July 1, 2005, the] The report shall be for the period commencing on the date that the project agreement and any other documents applicable to such project have been executed through the final year that such entity receives assistance for such project, except that, as to projects consisting of a [lease or] sale of city-owned land, the report shall commence from the date of the [lease or] conveyance of title by the city and shall continue for [seven] fifteen years or such longer period as is deemed appropriate by the department, and shall include any terms or restrictions on the use or resale of the property. [For projects in existence prior to July 1, 2005, the report shall be made with regard to each such project for the first seven years from the date when any project agreement or other document applicable to the project is executed by the entity receiving such assistance with such local development corporation and the] The report shall contain, for the current reporting year, the following information with respect thereto: (i) the project's name; (ii) its location; (iii) the time span over which the project is to receive any such assistance; (iv) the type of such assistance provided, including the name of the program or programs through which assistance is provided; (v) for projects that involve a maximum amount of assistance, a statement of the maximum amount of assistance available to those projects over the duration of the project agreement, and for those projects that do not have a maximum amount, the current estimated amount of assistance over the duration of the project agreement, the amount of tax exempt bonds issued for the current reporting year and the range of potential cost of those bonds; project assistance to be reported shall include, but shall not be limited to, PILOT savings, which shall be determined for the period of time between the difference of the PILOT payments made and the property tax that would have been paid in the absence of a PILOT agreement, the amount of mortgage recording fees waived, related property tax abatements, sales tax abatements, the dollar value of energy benefits and an estimated range of costs to the city of foregone income tax revenues due to the issuance of tax exempt bonds; (vi) the total number of employees at all sites covered by the project at the time of the project agreement including any permanent or part-time employees; (vii) the number of full-time equivalent jobs, the number of contract employees where contract employees may be included for the purpose of determining compliance with job creation or retention requirements; (viii) the number of jobs that the entity receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements; and, for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project agreement, any job creation scheduled to take place as of the date of the project, and, where applicable, any job being replaced; (ix) the amount of assistance received during the year covered by the report, the amount of assistance received since the beginning of the project period, and the present value of all future assistance estimated to be provided during the duration of the project period; (x) for the current reporting year, the total actual number of employees at all sites covered by the project, including the number of permanent full-time jobs, the total number of permanent part-time jobs, the total number of contingent employees and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt" and "non-exempt" categories, respectively, as more fully defined under the laws of the state of new york and applicable regulations and, for employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand dollars per year to fifty thousand dollars per year; (xi) whether the employer offers health benefits to all full-time employees; (xii) the maximum type of such assistance provided, including the name of the program or programs through which the assistance is provided; and (xiii) an indication of the sources of all data relating to numbers of jobs created and retained in the city and property tax revenue other than revenue generated by property tax improvements; and, for the current reporting year, with respect to the entity or entities receiving assistance and their affiliates, the number and percentage of employees at all sites covered by the project agreement who reside in the city of New York[. For the purposes of this subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control, of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity; (xii) a projection of the retained or additional tax revenue to be derived from the project for the remainder of the project period; (xiv) a list of all commercial expansion program benefits, industrial and commercial incentive program benefits received through the project agreement and any other commercial expansion program benefits received and the estimated total value of each for the current reporting year; (xv) a statement of compliance indicating whether, during the current reporting year, the entity receiving benefits made any payments to local development corporation, and, if so, the total amount of the reduction, cancellation or recapture, and any penalty assessed and the reasons therefore; (xvi) for business entities for which project assistance was provided by such local development corporation in the form of a loan, grant or tax benefit of one hundred fifty thousand dollars or less, or a sale or lease of city-owned land where the project is estimated to retain or create less than twenty-five jobs, the data should be included in such report in the aggregate using the format required for all other loans, grants or tax benefits; and (xvii) an indication of the sources of all data relating to numbers of jobs created and retained in the city.

The report shall be submitted by the statutory due date and shall bear the actual date that the report was submitted. Such report shall include a statement explaining any delay in its submission past the statutory due date. Upon its submission, the report shall simultaneously be made available in [electronic form or] a commonly available non-proprietary database format on the website on the local development corporation or, if no such website is maintained, on the website of the city of New York. Reports with regard to projects for which assistance was rendered prior to July 1, 2005, need only contain such information required by this subdivision as is available to the local development corporation, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided.

For the purposes of this subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, of, or managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity.

§ 2 This local law shall take effect immediately.
A Local Law to amend the administrative code of the city of New York, in relation to regulating the placement of ATM's in front of small businesses and requiring a permit in order to place ATM's on a sidewalk.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-128.2 to read as follows:

§19-128.2 ATM Booth Placement Permits. a. For the purposes of this section, the following term shall be defined as follows:

"Automated Teller Machine Booth" ("ATM booth") shall mean any device linked to the accounts and records of a banking institution that enables customers to carry out banking transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments.

b. Permit required. On and after the effective date of this local law, it shall be unlawful to install or maintain one or more ATM booths on any public sidewalk without a permit therefor from the commissioner and unless such ATM booths are in compliance with the provisions of this section and any rules promulgated hereunder.

c. ATM booth requirements. The commissioner shall set forth by rule such requirements as he or she deems necessary for ATM booths installed or maintained on any sidewalk pursuant to a permit issued under this section. Such rules may include, but shall not be limited to:

1. Requirements related to an ATM booths' size, shape, appearance, materials, placement, construction, and maintenance.

2. Insurance and indemnification requirements that are imposed on an ATM booth permittee.

3. Requiring surveillance cameras, reflective safety mirrors, and adequate lighting at all non-bank ATMs.

d. Permit fees. Prior to the issuance of a permit to install or maintain one or more ATM booths on any sidewalk, each applicant shall pay to the commissioner a fee as set forth in the rules of the commissioner.

e. Term, transferability.

1. Each permit to install or maintain one or more ATM booths on any sidewalk shall expire three years from the date of issuance thereof.

2. A permit issued hereunder shall not be transferable from person to person.

f. Issuance, renewal, and revocation of permits. After due notice and an opportunity to be heard in writing, the commissioner may refuse to issue or renew a permit to install or maintain one or more ATMs pursuant to this section or may revoke any such permit for one or more violations of this section or the rules promulgated hereunder.

g. Enforcement. Notwithstanding any other provision of law to the contrary, the commissioner may, upon due notice and an opportunity to be heard in writing, serve an order upon the owner or other person in control of an ATM booth requiring such person to bring such ATM booth into compliance with the provisions of this section or any rules promulgated hereunder or remove or cause to be removed such ATM booth within seven days of the issuance of such order. If such person does not bring such ATM booth into compliance with the provisions of this section or any rules promulgated hereunder or remove or otherwise cause to be removed such ATM booth within seven days of the issuance of such order, the commissioner, his or her designee, an authorized officer or employee of any city agency or a police officer, is authorized to provide for the removal of such ATM booth to a place of safety. If such ATM booth is not claimed within thirty days after its removal, it shall be deemed to be abandoned and may be either sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of.

h. Enforcement. Where, as a result of any violation of this chapter or any rules promulgated hereunder or any order or proceedings for the violation is pending, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any penalty which may be imposed pursuant to section 19-150 of this chapter.

§2. This local law shall take effect one hundred and twenty days after its enactment into law.

Referred to the Committee on Transportation.

Resolution calling upon the United States Congress to task the relevant agencies with amending the Community Reinvestment Act regulations to provide credits to financial institutions which renegotiate loans for projects on stalled construction sites and help finance affordable housing for middle-income families.

By Council Members Reyna, Vann, Chin, Dickens, Fidler, Lander, Mendez, Williams, White, Sanders, Dromen, Mark-Viverito, Koppell, Foster and Mealy.

Whereas, In 1977, the United States Congress enacted the Community Reinvestment Act (CRA) to encourage federally insured banks, thrift institutions, national banks, state-chartered commercial banks and savings banks to help meet the credit needs of the entire communities throughout the United States, including low and moderate-income communities, through appropriate lending practices; and

Whereas, Through the CRA, Congress required that regulated financial institutions must demonstrate that their deposit facilities serve the convenience and needs of the communities in which they are chartered to do business, and that the convenience and needs of communities include reasonable access to credit, as well as reasonable access to deposit services; and

Whereas, The CRA has proven to be a social and economic benefit for many communities in need, with over one and a half trillion dollars having been made available to developers and non-profit groups through financial institutions that have been used to build such assets as affordable housing and medical clinics in underserved communities; and

Whereas, Although the CRA does not impose explicit penalties or fines for poor performance under the CRA, “the CRA has generated major changes in the manner of which banks and thrifts view and serve low-and moderate-income communities and customers. Billions, perhaps trillions, of dollars of credit has come into these communities, spurring investment, or directed by the act and collateral laws…” according to Ellen Seidman, the former director of the Office of Thrift Supervision at the Department of the Treasury; and

Whereas, Due to the current economic recession, many construction projects are experiencing a slow-down or a complete work stoppage; and

Whereas, The work stoppage has led to many stalled construction sites across the City due to restrictive lending by financial institutions subject to CRA requirements; and

Whereas, In these trying economic times it is important that the government make every tool available to help communities continue to sustain themselves, to grow and continue the promise of opportunity for all; and

Whereas, Many communities contain stalled construction sites, which could be used to provide affordable low- and middle-income housing; and

Whereas, One way to turn stalled construction sites into affordable middle-income housing would be to amend the Community Reinvestment Act (12 U.S.C. 2901) to encourage financial institutions to agree to providing financial support to developers and non-profit organizations on fair terms for the completion of these stalled projects, which could include both new financing and the renegotiation of terms and existing loans, where the lender could execute a regulatory agreement with the local housing agency to provide affordable middle-income housing for families earning up to 130% of the Area Median Income (AMI) for rental units and 165% of the AMI for units for homeownership; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to task the relevant agencies with amending the Community Reinvestment Act regulations to provide credits to financial institutions which finance renegotiate loans for projects on stalled construction sites and help finance affordable housing for middle-income families.

Referred to the Committee on Community Development


A Local Law in relation to the creation of a Street Vendor Advisory Board.

Be it enacted by the Council as follows:

Section 1. Street Vendor Advisory Board. a. There shall be an advisory board to study issues associated with street vendors in New York City and make recommendations to the mayor and council to ensure adequate protections for vendors, small businesses, and residents.

b. Such advisory board shall consist of ten members as follows:

i. Three members shall be appointed by the mayor, provided that at least one such member shall be from the small business community.

ii. Two members shall be appointed by the speaker of the council, provided that at least one such member shall be from the vending industry.

iii. The commissioners of the department of health and mental hygiene, the department of transportation, and the police department, or the designees of such commissioners, shall serve ex officio.

iv. At its first meeting, the advisory board shall select a chairperson from among its members by majority vote of the advisory board.

c. Each member, other than members serving in an ex officio capacity, shall serve for a term of one year, to commence after the final member of the advisory

Int. No. 258

Referred to the Committee on Community Development
board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

d. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

e. Members of the advisory board shall serve without compensation and shall meet as necessary.

f. The advisory board shall issue a report to the mayor and council no later than one year after the final member of the advisory board is appointed. Such report shall include specific recommendations on the following topics:
   i. Alleviating congestion of vendors in densely populated areas;
   ii. Health and safety concerns for vendors, patrons, pedestrians and vehicles;
   iii. Enforcement of existing vending laws; and
   iv. Neighborhood-based vending districts.

g. The advisory board shall terminate upon the publication of the report.

§2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs.

Resolution to amend the text of the New York City Zoning Resolution to require a Special Permit to be granted by the City Planning Commission for the installation of telephone exchanges or communications equipment in Residence Districts.

By Council Members Vallone Jr., Fidler, Van Bramer and Halloran.

Whereas, Section 201 of the New York City Charter allows, inter alia, the Land Use Committee of the City Council to file an application for changes to the Zoning Resolution if two-thirds of the members of the Committee shall have voted to do so; and

Whereas, since 1984 Section 22-21 of the Zoning Resolution has required the grant of a Special Permit by the Board of Standards and Appeals (“BSA”) for the "Public utility or public service facilities…Telephone exchanges or other communication equipment structures…"; and

Whereas, on July 1, 1998 the Department of Buildings (“DOB”) issued Technical Policy and Procedure Notice #3/98 that interpreted Section 22-21 of the Zoning Resolution and held that cellular antennae and related equipment did not require a BSA Special Permit if certain specifications and requirements are met; and

Whereas, as a result of such interpretation and holding by the Department of Buildings, the installation of cellular antennae and related equipment now requires only the filing of an alteration application and the issuance of a permit by DOB; and

Whereas, meaningful public review and input has been effectively removed from the approval process for the installation of cellular antennae and related equipment and such installations have proliferated at an alarming rate; and

Whereas, the City Council Land Use Committee is desirous of re-instituting meaningful public review and input for decisions regarding cellular antennae and related equipment by requiring a Special Permit to be granted by the City Planning Commission pursuant to Section 197c of the Charter; and

Whereas, an application for a change to the text of the Zoning Resolution made by the City Council Land Use Committee will be considered and reviewed in the manner set forth in Section 200 of the Charter and will undergo such environmental review as is required by law; now, therefore, be it RESOLVED that the Land Use Committee hereby approves the filing of an application that will amend the Zoning Resolution of the City of New York in the manner set forth below:

Underlined matter is new, to be added;
Matter stricken is old, to be deleted;
Matter within # # is defined in Section 12-10

** * * * indicates where unchanged text appears in the Zoning Resolution

* * *

22-20
USES PERMITTED BY SPECIAL PERMIT

22-21
By the Board of Standards and Appeals

* * *

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public utility or public service facilities

Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public utility stations for oil or gas metering or regulating

Telephone exchanges or other communications equipment structures

Terminal facilities at river crossings for access to electric, gas or steam lines

Water or sewage pumping stations

* * *

22-22
By the City Planning Commission

* * *

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public utility or public service facilities

Telephone exchanges or other communications equipment structures

* * *

73-14

Public Service Establishments

In all Residence Districts, the Board of Standards and Appeals may permit electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet, potable water pumping stations, or telephone exchanges or other communications equipment structures, provided that the following findings are made:

* * *

74-611

Telephone Exchanges or Other Communications Structures

In all Residence Districts, the City Planning Commission may permit Telephone Exchanges or Other Communications Structures of any size, provided that the following findings are made:

(a) that there are serious difficulties in locating such use in a nearby district where it is permitted as-of-right;
(b) that such proposed telephone exchanges or communications structures meet or exceed all regulatory requirements of the Federal Communications Commission and the New York State Public Service Commission where applicable;
(c) that the installation of such telephone exchanges or communications structures will be positioned in such a way as to blend harmoniously with surrounding structures and buildings;
(d) that the installation of such telephone exchanges or communications structures will not alter the essential character of the neighborhood or district in which it is proposed to be located.

The City Planning Commission may prescribe additional, appropriate conditions and safeguards to minimize the adverse effects attendant to the granting of such a permit.

Referred to the Committee on Land Use.
Resolution in support of pending legislation in the New York State Legislature intended to amend the penal law in relation to the offense of non-support of a child.

By Council Members Vallone, Jr., Van Bramer, Halloran and Koo.

Whereas, Child support payments are designed to help cover essential living expenses associated with raising a child such as medical, educational, and food expenses; and
Whereas, Every year, however, some noncustodial parents fail to pay for child support even though they are required to do so by a court; and
Whereas, When a noncustodial parent does not meet this critical financial obligation, it places a huge burden on a custodial parent; and
Whereas, In some instances, custodial parents have to resort to applying for public assistance; and
Whereas, A custodial parent should not have to endure this burden or worry about finding other ways to obtain money; and
Whereas, In order to discourage such behavior, New York State has a system in place to penalize noncustodial parents for failing to comply with child support orders; and
Whereas, The court may enforce a child support order against a noncustodial parent by garnishing wages, intercepting unemployment compensation, and withholding state or federal income tax refunds, among other sanctions; and
Whereas, By intercepting unemployment checks and the like, the court ensures that child support payments are made; and
Whereas, Another action the state can take against a noncustodial parent is, in appropriate circumstances, to charge them with the crime of non-support of a child; and
Whereas, Under the current law, when such crime is charged, the prosecutor has the burden of proof to show that the noncustodial parent has the ability to pay and the case is in arrears; and
Whereas, Frequently, however, proving the noncustodial parent’s ability to pay is difficult, often because that individual successfully hides his or her assets; and
Whereas, Daniel Donovan, the District Attorney for Richmond County, stated at a New York City Council Public Safety Committee hearing on March 11, 2010 that exposing the assets of a noncustodial parent can be difficult; and
Whereas, Laws pending in the State Legislature, S.7004 and A.10169, would remedy this issue.

Whereas, These bills, sponsored by Senator Andrew Lanza and Assemblywoman Janele Hyer-Spencer respectively, seek to amend the penal law by transferring the burden of proving ability or inability to pay child support to the noncustodial parent; and
Whereas, If enacted, these bills would create an affirmative defense to the offense of non-support of a child; and
Whereas, Instead of relying on a prosecutor to prove that a noncustodial parent has the ability to pay child support, these bills would force that parent to prove that he or she does not have the ability to pay; and
Whereas, By transferring this burden to the party with the most knowledge of the noncustodial parent’s personal finances, which is the noncustodial parent him- or herself, these bills would increase the likelihood that noncustodial parents would comply with their child support obligations; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature intended to amend the penal law in relation to the offense of non-support of a child.

Referred to the Committee on General Welfare.

Res. No. 249

Resolution calling upon the Department of Education (DOE) to institute a policy that would limit the aggregate amount of homework that is given to elementary and middle grade school children to approximately ten minutes per grade level and at any given night, and would include a homework-free night to allow children to participate in other activities, exercise and spend quality time with their families.

By Council Members Vallone Jr., Barron, Lander and Halloran.

Whereas, Numerous books and articles in recent years have questioned the value and amount of homework assigned to school children in the United States; and
Whereas, As discussed in an April 2007 New York Times article, a number of recent books and publications have suggested that excessive amounts of homework have a harmful impact on school children, by turning learning into drudgery, diminishing creativity, contributing to childhood obesity and depression, and negatively affecting the quality of family time; and
Whereas, According to a 2004 national survey conducted by the University of Michigan and funded by the National Institute of Child Health and Human Development, the amount of time spent on homework by American children ages 6-17 has increased by 51 percent since 1981, while, concurrently, time spent on sports and outdoor activities has declined by more than one-third; and
Whereas, Additionally, data from the U.S. Department of Education’s National Center for Education Statistics (NCES) shows that, between 1980 and 2002, the percentage of tenth graders nationwide spending more than 10 hours per week on homework increased from 7 to 37 percent; and
Whereas, An analysis of the research literature on the effects of homework by Duke University researchers, lead by Duke’s Director of Education Dr. Harris Cooper, showed that homework generally has a positive influence on achievement, but found that the positive correlation was much stronger for secondary students - those in grades 7-12 - than for those in elementary school; and
Whereas, Notably, this same research review also found that giving students too much homework may diminish its effectiveness, or even cause it to become counterproductive; and
Whereas, According to NCES data collected as part of the National Assessment of Educational Progress (NAEP), from 1984 through 2004, fourth graders with no assigned homework have consistently scored higher on the NAEP reading test than those spending more than 2 hours on homework; and
Whereas, Further, long term trends in NAEP reading test scores from 1984 through 2004 show little or no difference in achievement between fourth graders spending less than 1 hour on homework compared with those who spend 1-2 hours; and
Whereas, Many parents in New York City and elsewhere complain about the nightly struggles over homework that place undue strain on parent-child relationships, as well as the fact that excessive amounts of homework leave little time for other after-school activities, sports, exercise, play and quality family time; and
Whereas, A guide jointly developed by the National Education Association and National Parent Teacher Association recommends no more than 10-20 minutes of homework each school day for children in grades K-2 and 30-60 minutes a day for children in grades 3-6; and
Whereas, In keeping with these guidelines, Dr. Harris Cooper of Duke University, the most frequently cited researcher on the issue of homework, advocates a policy of 10 minutes of homework a night per grade level, so that a fourth-grader would be assigned 40 minutes of homework a night, while a twelfth grade high school senior would be assigned about two hours; and
Whereas, The Department of Education (DOE) currently has no system-wide policy limiting homework, leaving such decisions up to individual schools; and
Whereas, Homework policies among individual schools in the New York City public school system vary tremendously in terms of whether they set time limits at all and, if so, the length of time limits established; and
Whereas, The 10 minutes of homework per night per grade level rule of thumb is widely recognized and supported by many educators; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Education (DOE) to institute a policy that would limit the aggregate amount of homework that is given to elementary and middle grade school children to approximately ten minutes per grade level on any given night, and would include a homework-free night to allow children to participate in other activities, exercise and spend quality time with their families.

Referred to the Committee on Education

Int. No. 259

By Council Members Van Bramer, Ferreras, Lander and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the time period for parking at parking meters.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.2 to read as follows:
§ 19-167.2 Maximum parking time at parking meters. The maximum time period allowed at a parking space regulated by a parking meter shall be four hours.
§ 2. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Transportation.

L.U. No. 107
By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100155 HAK, an Urban Development Action Area Designation and Project, located at 277, 275 and 273 Kosciuszko Street and the disposition of such property, Borough of Brooklyn, Council District no. 36. 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.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 108

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100156 ZSK, 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 Brooklyn, Council District no. 36 to facilitate the development of a 6-story community facility with sleeping accommodations. 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.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 109

By Council Member Comrie:

Application no. C 080157 ZMX submitted by CBC Associates and the South Bronx Overall Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from a C8-3 District to an R7-1 District and establishing within the proposed R7-1 a C2-4 District.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 110

By Council Member Comrie:

Application no. 20105516 HKM (N 100278 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the disposition (List No.427, LP-2384) by the Landmarks Preservation Commission of an extension of the Upper East Side Historic District, Council District no. 4.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 111

By Council Member Comrie:

Application no. 20105517 HKM (N 100280 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2387) by the Landmarks Preservation Commission of the Brill Building, located at 1619 Broadway, as a historic landmark, Council District no.3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 113

By Council Member Comrie:

Application no. 20105558 HKM (N 100282 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2373) by the Landmarks Preservation Commission of an extension of the Upper East Side Historic District, Council District no. 4.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, May 27, 2010

* Addition
Committee on FIRE AND CRIMINAL JUSTICE SERVICES........... 1:00 P.M.
Int 209 - By Council Member Crowley (by request of the Mayor) - A Local Law in relation to the removal or deactivation of fire department alarm boxes.
Int 210 - By Council Member Crowley and Halloran (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to establishing fees for certain probation services.
Council Chambers – City Hall .................. Elizabeth Crowley, Chairperson

* Deferred
Stated Council Meeting ................................... Ceremonial Tribute – 1:00 p.m.
Agendas – 1:30 p.m.

Friday, May 28, 2010

* Addition
Committee on ENVIRONMENTAL PROTECTION.................... 10:00 A.M.
Int 194 - By Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Sanders Jr., Van Bramer and Mark-Viverito - A Local Law to amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.
Hearing Room – 250 Broadway, 16th Floor.............James F. Gennaro, Chairperson

* Deferred
Committee on FIRE AND CRIMINAL JUSTICE SERVICES...... 10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 1st Floor ...........Elizabeth Crowley, Chairperson

Committee on SANITATION AND
SOLID WASTE MANAGEMENT .......................... 10:00 A.M.
Oversight - Public litter baskets
Council Chambers – City Hall ..................Leititia James, Chairperson

* Note Time Change
Committee on IMMIGRATION........................................ 10:00 A.M.
Tour: Bay Parkway Community Job Center
Location: Bay Parkway @ Shore Parkway
Brooklyn, NY 11214
Details Attached ................................................... Daniel Dromm, Chairperson
NEW YORK CITY COUNCIL MINUTES — STATED MEETING
May 25, 2010

**NEW YORK CITY COUNCIL FISCAL YEAR 2011 EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the Proposed Executive Expense, Revenue, Capital & Contract Budgets & CDO- cuts and funding for the Fiscal Year 2011 to be held in the Council Chambers, City Hall, as follows:

**Tuesday, June 1, 2010**

**Note Time Changes**

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<td>Health &amp; Mental Hygiene</td>
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<td>Civilian Complaint Review Board</td>
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<td>Sanitation and Solid Waste Management</td>
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Subcommittee on ZONING & FRANCHISES

See Land Use Calendar Available Thursday, May 27, 2010, in Room 5 City Hall Hearing Room – 250 Broadway, 16th Floor

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES

See Land Use Calendar Available Thursday, May 27, 2010, in Room 5 City Hall Hearing Room – 250 Broadway, 16th Floor

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS

See Land Use Calendar Available Thursday, May 27, 2010, in Room 5 City Hall Hearing Room – 250 Broadway, 16th Floor

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<td>Housing Preservation &amp; Development (Expense)</td>
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**Wednesday, June 2, 2010**

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**Thursday, June 3, 2010**

Committee on LAND USE
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**Friday, June 4, 2010**

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</tbody>
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<thead>
<tr>
<th>Time</th>
<th>Agency Testifying</th>
<th>Finance Committee jointly with Council Committee</th>
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<tbody>
<tr>
<td>3:45</td>
<td>Parks &amp; Recreation</td>
<td>Parks &amp; Recreation</td>
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<tr>
<td>3:30</td>
<td>Sanitation</td>
<td>Sanitation and Solid Waste Management</td>
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</table>

**Monday, June 7, 2010**

**Deferral**

**Note Time Changes**

<table>
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<th>Time</th>
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<th>Finance Committee jointly with Council Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00</td>
<td>Office of Management &amp; Budget - Overview of Budgets - Revenue, Expense, Capital &amp; Miscellaneous Budgets, including Debt Service &amp; Pensions</td>
<td>Finance</td>
</tr>
<tr>
<td>1:00</td>
<td>Comptroller</td>
<td>Finance</td>
</tr>
<tr>
<td>1:30</td>
<td>Independent Budget Office</td>
<td>Finance</td>
</tr>
</tbody>
</table>
Tuesday, June 8, 2010

Committee on CIVIL RIGHTS ......................................................... 1:00 P.M.
Res 169 - By Council Members Van Bramer, Brewer, Chin, Dromm, Ferreras, Koppell, Koslowitz, Lander, Rodriguez and Rose - Resolution calling on the United States Congress to pass and the President to sign H.R. 1283, the Military Readiness Enhancement Act of 2009, which would rescind the current “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

Hearing Room – 250 Broadway, 14th Floor ........... Deborah Rose, Chairperson

Wednesday, June 9, 2010

Stated Council Meeting ........................................ Ceremonial Tributes – 1:00 p.m.
..................................................................................................... Agenda – 1:30 p.m.

M E M O R A N D U M

May 18, 2010

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON IMMIGRATION

Please be advised that all Council Members are invited to attend a tour:

Bay Parkway Community Job Center
Bay Parkway @ Shore Parkway
Brooklyn, NY 11214

The tour will be on Friday, May 28, 2010 beginning at 10:00 a.m. A van will be leaving City Hall at 9:00 a.m. sharp.

Council Members interested in riding in the van should call Julene Beckford at 212-788-7020.

Daniel Dromm, Chairperson
Committee on Immigration

Christine C. Quinn
Speaker of the Council

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 Wednesday, June 9, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int Nos. 37-A, 99, 153-A, and 182, all adopted by the Council at the April 29, 2010 Stated Council Meeting, were signed by the Mayor into law on May 18, 2010 as, respectively, Local Law Nos. 12, 13, 14, and 15 of 2010.