

SUPPLEMENT TO
THE CITY RECORD

THE COUNCIL —STATED MEETING OF
TUESDAY, APRIL 29, 2014

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Tuesday, April 29, 2014, 1:41 p.m.*

The Public Advocate (Ms. James)
Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Carlos Menchaca
Inez D. Barron	Vanessa L. Gibson	I. Daneek Miller
Fernando Cabrera	David G. Greenfield	Annabel Palma
Margaret S. Chin	Vincent M. Ignizio	Antonio Reynoso
Andrew Cohen	Corey D. Johnson	Donovan J. Richards
Costa G. Constantinides	Ben Kallos	Ydanis A. Rodriguez
Robert E. Cornegy, Jr.	Andy L. King	Deborah L. Rose
Elizabeth S. Crowley	Peter A. Koo	Helen K. Rosenthal
Laurie A. Cumbo	Karen Koslowitz	Ritchie J. Torres
Chaim M. Deutsch	Rory I. Lancman	Mark Treyger
Inez E. Dickens	Bradford S. Lander	Eric A. Ulrich
Daniel Dromm	Stephen T. Levin	James Vacca
Rafael L. Espinal, Jr.	Mark Levine	Paul A. Vallone
Mathieu Eugene	Alan N. Maisel	James G. Van Bramer
Julissa Ferreras	Steven Matteo	Mark S. Weprin
Daniel R. Garodnick	Darlene Mealy	Jumaane D. Williams
		Ruben Wills

Excused: Council Member Mendez.

The Public Advocate (Ms. James) assumed the Chair as the Acting President Pro Tempore and Presiding Officer.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Anindita ChatterjeeBhaumik, 23-25 90th Street, East Elmhurst, New York 11369.

*Om, Om, Om
(Prayer in Hindu sung)*

We pray to Lord Ganesha,
the remover of all obstacles, to bless us;
this one with the massive appearance,
with the crooked trunk,

with the brilliance of a million suns,
to remove all obstacles today
and for always for this Council;
and may we achieve
peace, peace, peace onto us all.

Thank you.

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

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

Basil Paterson, 87, political leader, labor lawyer, and member of the influential “Gang of Four” Democrats from Harlem, died on April 16, 2014. He leaves behind his wife Portia, and their two sons Daniel Paterson and former New York State Governor David Paterson. At this point, the Speaker (Council Member Mark-Viverito) yielded the floor to Council Member Dickens who spoke in respectful memory of Basil Paterson.

LAND USE CALL UPS

M-49

By Council Member Garodnick:

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 963 Lexington Avenue, Community Board No. 8, Application no. 20145032 TCM shall be subject to review by the Council.

Coupled on Roll Call.

LAND USE CALL UP VOTE

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

At this point, the Public Advocate (Ms. James) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 192

Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Downtown-Lower Manhattan business improvement district to change the method of assessment upon which the district charge is based.

The Committee on Finance, to which the annexed proposed local law was referred on March 26, 2014 (Minutes, page 815), respectfully

REPORTS:

INTRODUCTION

This proposed local law would amend the district plan of the Downtown-Lower Manhattan business improvement district to change the method of assessment upon which the district charge is based. This change would be effective immediately

ANALYSIS:

Pursuant to § 25-410(b) of the Administrative Code, a BID may make amendments to its District Plan to: 1) provide for additional improvements or services; 2) provide for a change in the method of assessment upon which the district charge is based; or 3) increase the amount to be expended annually for improvements, services, and maintenance by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such change, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the BID is based.

Although this is the only relevant legal requirement for the provision of notice prior to the Council approving the BID, the Finance Committee Chair has informed the Department of Business Services that it desires written notices of the proposed change in the method of assessment.

On April 10, 2014, the City Council adopted Proposed Resolution 132-A, which set today, April 29, 2013 as the hearing date to consider amendments to the Downtown-Lower Manhattan BID's district plan.

Plan Amendment

The Downtown Alliance BID seeks a District Plan Amendment to require the commercial portion of a mixed use property to be assessed at the commercial rate, rather than the residential rate of \$1. Currently, there are approximately 5,366 total properties (inclusive of all use types – commercial, residential, non-profit and government that pay the \$15.78 million annually. It is notable that this amount is paid by 601 commercial properties. This amendment would affect approximately 87 tax lots, and the average amount that the property owners for these lots would pay is \$1,759.37. Six of those lots will be assessed between \$5,000 and \$18,000, which drives up the average. 49 of the 87 will be assessed \$1,000 or less.

This change would result in approximately \$120,000 additional assessment dollars to be spread about the properties impacted by the change (i.e. those mix-use buildings with commercial space that were previously not assessed).

This change would take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

(For text of the BID Plan, please refer to the Office of the City Clerk at 141 Worth Street, Executive Offices, 1st Floor, New York, N.Y. 10013)

The following is the text of the Fiscal Impact Statement for Int. No. 192:



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
FISCAL IMPACT STATEMENT

INTRO. NO: 192

COMMITTEE:
Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Downtown-Lower Manhattan business improvement district to change the method of assessment upon which the district charge is based.
SPONSOR(S): By Council Member Ferreras (by request of the Mayor)

SUMMARY OF LEGISLATION: Intro 1186 amends Chapter 5 of title 25 of the administrative code of the city of New York by adding a new section 25-442.3 in relation to amending the district plan of the Downtown-Lower Manhattan business improvement district to change the method of assessment upon which the district charge is

The Downtown Alliance BID seeks a District Plan Amendment to require the commercial portion of a mixed use property to be assessed at the commercial rate, rather than the residential rate of \$1. Currently, there are approximately 5,366 total properties (inclusive of all use types – commercial, residential, non-profit and government that pay the \$15.78 million annually. It is notable that this amount is paid by 601 commercial properties. This amendment would affect approximately 87 tax lots, and the average amount that the property owners for these lots would pay is \$1,759.37. Six of those lots will be assessed between \$5,000 and \$18,000, which drives up the average. 49 of the 87 will be assessed \$1,000 or less.

This change would result in approximately \$120,000 additional assessment dollars to be spread about the properties impacted by the change (i.e. those mix-use buildings with commercial space that were previously not assessed).

EFFECTIVE DATE: This local law would take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY 2014	Succeeding Effective FY: FY 2015	Full Fiscal Impact FY 2014
Revenues (+)	\$0	\$ 0	\$ 0
Expenditures (-)	\$0	\$ 0	\$ 0
Net	\$0	\$ 0	\$ 0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the BID's District Plan.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Chief Counsel, Finance Division

ESTIMATE PREPARED ON: April 28, 2014

DATE SUBMITTED TO COUNCIL: March 26, 2014

HISTORY: Int. 192 was introduced to the Full Council on March 26, 2014, and referred to the Committee on Finance. On April 29, 2014, the Committee will consider and vote on Int. 192, and upon successful vote, will be submitted to the Full Council for a vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 192:)

Int. No. 192

By Council Member Ferreras (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Downtown-Lower Manhattan business improvement district to change the method of assessment upon which the district charge is based.

Be in enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-442.3 to read as follows:

§25-442.3 *Downtown-Lower Manhattan business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Downtown-Lower Manhattan business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

Report for Int. No. 193

Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Kings Highway business improvement district to authorize additional services and modify existing services for the district.

The Committee on Finance, to which the annexed proposed local law was referred on March 26, 2014 (Minutes, page 816), respectfully

REPORTS:

INTRODUCTION

This proposed local law would amend the district plan of the Kings Highway business improvement district to authorize additional services and modify existing services for the district. This change would be effective immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

ANALYSIS:

Pursuant to § 25-410(b) of the Administrative Code, a BID may make amendments to its District Plan to: 1) provide for additional improvements or services; 2) provide for a change in the method of assessment upon which the district charge is based; or 3) increase the amount to be expended annually for improvements, services, and maintenance by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such change, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time and the place where the hearing will be held and a summary of the District Plan Amendment.

Although this is the only relevant legal requirement for the provision of notice prior to the Council approving the BID, the Finance Committee Chair has informed the Department of Business Services that it desires written notices of the District Plan Amendment. On April 10, 2014, the City Council adopted Proposed Resolution 133-

A, which set today, April 29, 2013 as the hearing date to consider amendments to the Kings Highway BID's district plan.

Plan Amendment

In 2003, New York City changed the law to transfer responsibility for maintenance and repair of sidewalks from the City to property owners (pursuant to § 7-210 of the New York City 2003 Administrative Code). The Kings Highway BID proposes to amend its District Plan to delete provisions requiring the BIDs to maintain brick pavers along the sidewalk in these districts. The changes in the District Plan would have no impact on the property owners' obligations under current law; however, it would remove potential liability for the BIDs. In essence, since the 2003 law, the property owners are paying double in liability insurance in the maintenance of their sidewalks: first as property owners and second as BID members. Additional changes to service provisions in the District Plans are nominal.

(For text of the BID Plan, please refer to the Office of the City Clerk at 141 Worth Street, Executive Offices, 1st Floor, New York, N.Y. 10013)

The following is the text of the Fiscal Impact Statement for Int. No. 193:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
FISCAL IMPACT STATEMENT

INTRO. NO: 193
COMMITTEE:
Finance**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Kings Highway business improvement district to authorize additional services and modify existing services for the district.

SPONSOR(S): By Council Member Ferreras (by request of the Mayor)

SUMMARY OF LEGISLATION: Intro 1186 amends Chapter 5 of title 25 of the administrative code of the city of New York by adding a new section 25-445.1 to authorize additional services and modify existing services for the Kings Highway Business Improvement District.

In 2003, New York City changed the law to transfer responsibility for maintenance and repair of sidewalks from the City to property owners (pursuant to § 7-210 of the New York City 2003 Administrative Code). The Kings Highway BID proposes to amend its District Plan to delete provisions requiring the BIDs to maintain brick pavers along the sidewalk in these districts. The changes in the District Plan would have no impact on the property owners' obligations under current law; however, it would remove potential liability for the BIDs. In essence, since the 2003 law, the property owners are paying double in liability insurance in the maintenance of their sidewalks: first as property owners and second as BID members. Additional changes to service provisions in the District Plans are nominal.

EFFECTIVE DATE: This local law would take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY 2014	Succeeding Effective FY: FY 2015	Full Fiscal Impact FY 2014
Revenues (+)	\$0	\$ 0	\$ 0
Expenditures (-)	\$0	\$ 0	\$ 0
Net	\$0	\$ 0	\$ 0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the BID's District Plan.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Chief Counsel, Finance Division

ESTIMATE PREPARED ON: April 28, 2014

DATE SUBMITTED TO COUNCIL: March 26, 2014

HISTORY: Int. 193 was introduced to the Full Council on March 26, 2014, and referred to the Committee on Finance. On April 29, 2014, the Committee will consider and vote on Int. 193, and upon successful vote, will be submitted to the Full Council for a vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 193:)

Int. No. 193

By Council Member Ferreras (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Kings Highway business improvement district to authorize additional services and modify existing services for the district.

Be in enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-445.1 to read as follows:

§ 25-445.1 *Kings Highway business improvement district; amendment to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the Kings Highway business improvement district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Kings Highway business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional services and modification of existing services authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

Report for Int. No. 194

Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Church Avenue business improvement district to authorize additional services and modify existing services for the district.

The Committee on Finance, to which the annexed proposed local law was referred on March 26, 2014 (Minutes, page 817), respectfully

REPORTS:

INTRODUCTION

This proposed local law would amend the district plan of the Church Avenue business improvement district to authorize additional services and modify existing services for the district. This change would be effective immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

ANALYSIS:

Pursuant to § 25-410(b) of the Administrative Code, a BID may make amendments to its District Plan to: 1) provide for additional improvements or services; 2) provide for a change in the method of assessment upon which the district charge is based; or 3) increase the amount to be expended annually for improvements, services, and maintenance by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such change, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time and the place where the hearing will be held and a summary of the District Plan Amendment.

Although this is the only relevant legal requirement for the provision of notice prior to the Council approving the BID, the Finance Committee Chair has informed the Department of Business Services that it desires written notices of the District Plan Amendment. On April 10, 2014, the City Council adopted Proposed Resolution 134-A, which set today, April 29, 2013 as the hearing date to consider amendments to the Church Avenue BID's district plan.

Plan Amendment

In 2003, New York City changed the law to transfer responsibility for maintenance and repair of sidewalks from the City to property owners (pursuant to § 7-210 of the New York City 2003 Administrative Code). The Church Avenue BID proposes to amend its District Plan to delete provisions requiring the BIDs to maintain brick pavers along the sidewalk in these districts. The changes in the District Plan would have no impact on the property owners' obligations under current law; however, it would remove potential liability for the BIDs. In essence, since the 2003 law, the property owners are paying double in liability insurance in the maintenance of their sidewalks: first as property owners and second as BID members. Additional changes to service provisions in the District Plans are nominal.

This change would take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

(For text of the BID Plan, please refer to the Office of the City Clerk at 141 Worth Street, Executive Offices, 1st Floor, New York, N.Y. 10013)

The following is the text of the Fiscal Impact Statement for Int. No. 194:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

FISCAL IMPACT STATEMENT

INTRO. NO: 194

COMMITTEE:
Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Church Avenue business improvement district to authorize additional services and modify existing services for the district.

SPONSOR(S): By Council Member Ferreras (by request of the Mayor)

SUMMARY OF LEGISLATION: Intro 1186 amends Chapter 5 of title 25 of the administrative code of the city of New York by adding a new section 25-451.1 to authorize additional services and modify existing services for the Church Avenue Business Improvement District.

In 2003, New York City changed the law to transfer responsibility for maintenance and repair of sidewalks from the City to property owners (pursuant to § 7-210 of the New York City 2003 Administrative Code). The Church Avenue BID proposes to amend its District Plan to delete provisions requiring the BIDs to maintain brick pavers along the sidewalk in these districts. The changes in the District Plan would have no impact on the property owners' obligations under current law; however, it would remove potential liability for the BIDs. In essence, since the 2003 law, the property owners are paying double in liability insurance in the maintenance of their sidewalks: first as property owners and second as BID members. Additional changes to service provisions in the District Plans are nominal.

EFFECTIVE DATE: This local law would take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY 2014	Succeeding Effective FY: FY 2015	Full Fiscal Impact FY 2014
Revenues (+)	\$0	\$ 0	\$ 0
Expenditures (-)	\$0	\$ 0	\$ 0
Net	\$0	\$ 0	\$ 0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the BID's District Plan.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Chief Counsel, Finance Division

ESTIMATE PREPARED ON: April 28, 2014

DATE SUBMITTED TO COUNCIL: March 26, 2014

HISTORY: Int. 194 was introduced to the Full Council on March 26, 2014, and referred to the Committee on Finance. On April 29, 2014, the Committee will consider and vote on Int. 194, and upon successful vote, will be submitted to the Full Council for a vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 194:)

Int. No. 194

By Council Member Ferreras (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Church Avenue business improvement district to authorize additional services and modify existing services for the district.

Be in enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-451.1 to read as follows:

§ 25-451.1 Church Avenue business improvement district; amendment to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the Church Avenue business improvement district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Church Avenue business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional services and modification of existing services authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2014.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

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

Report for Res. No. 190

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

The Committee on Finance, to which the annexed resolution was referred on April 29, 2014, 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 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"). On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget").

Analysis. This Resolution, dated April 29, 2014, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2014 and Fiscal 2013 Expense Budgets, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2014 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding in accordance with the Fiscal 2014 and Fiscal 2013 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in the Fiscal 2014 and Fiscal 2013 Expense Budgets, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2014 Expense Budget.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2014 Expense Budget, as described in Charts 4-5; sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 6; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 7; amends the description for the Description/Scope of Services for certain organizations receiving youth discretionary funding pursuant to the Fiscal 2014 Expense Budget as described in Chart 8.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2014 Expense Budget, dated June 27, 2013, and Adjustments Summary/Schedule C/Fiscal 2013 Expense Budget, dated June 28, 2012.

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 2014 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 4 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 5 sets forth the changes in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Sexual Assault Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 6 sets forth the changes in the designation, specifically a name change, of a certain organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 8 amends the description for the Description/Scope of Services for a certain organization receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2014 and 2013 Expense Budgets. 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. 190:)

Res. No. 190

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

By Council Member Ferreras.

Whereas, On June 27, 2013 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 28, 2012 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; now therefore be it

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in

accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Sexual Assault Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the changes in the designation, specifically a name change, of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for a certain organization receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Aggr #	UA	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Genille	Father Flanigan's Boys Home (Gfba - Boys Town New York, Inc.)	20-5960877	DYCD	(\$2,500.00)	260	005		
Genille	Boys Town New York, Inc.	20-5960877	DYCD	\$2,500.00	260	005		
Oddo	Staten Island Atlantic Collegiate Baseball League	27-1729860	DYCD	(\$3,000.00)	260	372		
Oddo	Staten Island Atlantic Collegiate Baseball League (SI ACLBL)	27-1729860	DYCD	\$3,000.00	260	372		
Eugene	Clara Haurausa Community Center, Inc.	26-0364618	DFTA	(\$4,000.00)	125	003		
Eugene	Crown Heights Jewish Community Council, Inc.	23-7380868	DFTA	\$4,000.00	125	003		

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

CHART 2: Aging Discretionary - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Eugene	Don Divn Group	11-3623840	DFTA	(\$10,000.00)	126	003		
Eugene	Fenimore Senior Center, Inc.	11-2772287	DFTA	\$3,300.00	126	003		
Eugene	St. Gabriel's Episcopal Church	11-2463882	DFTA	\$3,300.00	126	003		
Eugene	Crown Heights Preservation Committee Corporation	11-2327490	DFTA	\$3,400.00	126	003		

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

CHART 3: Youth Discretionary - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Gentile	Commodore Barry Club of Brooklyn, Inc.	32-0215473	DYCD	(\$1,500.00)	260	312		
Gentile	Boys Town New York, Inc.	20-5960877	DYCD	\$1,500.00	260	005		
Levin	Project Girl Performance Collective Institute	27-1848709	DYCD	(\$5,000.00)	260	312		
Levin	Girl Be Heard Institute	27-1848709	DYCD	\$5,000.00	260	312		
James	Project Girl Performance Collective Institute	27-1848709	DYCD	(\$3,500.00)	260	312		
James	Girl Be Heard Institute	27-1848709	DYCD	\$3,500.00	260	312		

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

CHART 4: Cultural After School Adventure - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Gennaro	Kupferberg Center Performances	11-6080521	DCLA	(\$20,000.00)	126	003
Gennaro	Queens College Foundation For Kupferberg Center Performances	11-6080521	DCLA	\$20,000.00	126	003
CD19	Kupferberg Center Performances	11-6080521	DCLA	(\$20,000.00)	126	003
CD19	Queens College Foundation For Kupferberg Center Performances	11-6080521	DCLA	\$20,000.00	126	003
Koo	Kupferberg Center Performances	11-6080521	DCLA	(\$20,000.00)	126	003
Koo	Queens College Foundation For Kupferberg Center Performances	11-6080521	DCLA	\$20,000.00	126	003
Koslowitz	Kupferberg Center Performances	11-6080521	DCLA	(\$20,000.00)	126	003
Koslowitz	Queens College Foundation For Kupferberg Center Performances	11-6080521	DCLA	\$20,000.00	126	003
Dromm	Queens College Foundation, Inc. FOR Kupferberg Center for the Arts	11-6080521	DCLA	(\$20,000.00)	126	003
Dromm	Queens College Foundation For Kupferberg Center Performances	11-6080521	DCLA	\$20,000.00	126	003
Koo	Queens College Foundation	11-6080521	DCLA	(\$20,000.00)	126	003
Koo	Queens College Foundation For Kupferberg Center Performances	11-6080521	DCLA	\$20,000.00	126	003

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

CHART 5: Sexual Assault Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Mt. Sinai School of Medicine		13-6171197	OCJC	(\$50,000.00)	098	002
Mount Sinai School of Medicine at Mount Sinai		13-6171197	OCJC	\$50,000.00	098	002

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

CHART 7: Youth Discretionary - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Gentile	Commodore Barry Club of Brooklyn, Inc.	32-0715473	DYCD	(\$2,500.00)	280	312	Bay Ridge Bensonhurst Beautification Preservation Alliance Inc	11-3233233
Gentile	NIA Community Services Network	11-2697831	DYCD	\$2,500.00	280	312		
Crowley	Church of the Holy Child Jesus	11-1639802	DYCD	(\$3,500.00)	280	312	Greater Woodhaven Development Corporation	11-2508190
Crowley	Church of the Holy Child Jesus	11-1639802	DYCD	\$3,500.00	280	312		

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

CHART 6: Local Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Ordo	Staten Island Atlantic Collegiate Baseball League	27-1228660	DYCD	(\$5,000.00)	280	312		
Ordo	Staten Island Atlantic Collegiate Baseball League (S.I.ACBL)	27-1228660	DYCD	\$5,000.00	280	312		

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

CHART 8: Purpose of Funds Changes - Fiscal 2014

Source	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Youth	Roman Catholic Church of Our Lady Queen Of Martyrs	11-1887469	DYCD	(\$5,000.00)	The funds will support the Senior and youth programs. The funds will allow for expanded service to the targeted groups and offer a wider spectrum of activities making participation more attractive.
Youth	Roman Catholic Church of Our Lady Queen Of Martyrs	11-1887469	DYCD	\$5,000.00	The funds will be used to support youth programming including trips, transportation, admissions, Stipends, Supplies, General Admission & Operating Program Expenses.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

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

Report for L.U. No. 52

Report of the Committee on Finance in favor of approving Daniel Gilmartin Apartments, Block 1936, Lot 20, Queens, Community District No. 4, Council District No. 21.

The Committee on Finance, to which the annexed resolution was referred on April 29, 2014, respectfully

REPORTS:

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

April 29, 2014

TO: Hon. Julissa Ferreras
 Chair, Finance Committee
 Members of the Finance Committee

FROM: Sarah Gastelum, Finance Division

RE: Finance Committee Agenda of April 29, 2014- Resolution approving a tax exemption for four Land Use Items (Council District 17 and 21).

The Daniel Gilmartin Apartments consists of one multi-family residential building with 151 units of rental housing for elderly persons of low income. T.W.U. Housing Development Fund Corporation developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and tax exemption from the City. A new sponsor, Daniel Gilmartin Housing Development Fund Company, Inc. ("HDFC") will acquire the Exemption Area and in doing so will refinance its original HUD mortgage, which terminate its current tax exemption. In order to keep the project financially viable and provide affordable housing to low-income seniors, HPD is requesting a new 40 year tax exemption under the same terms pursuant to Section 577 of the Private Housing Finance Law.

This item has the approval of Council Member Ferreras.

Crotona Estates (Block 2940, Lots 11 and 32) in the Bronx consists of two multi-family buildings with 153 units of rental housing for persons and families of low income. Crotona Estates Housing Development Fund Company, Inc. ("HDFC") developed the project using a federally-aided mortgage and tax exemption from the City of New York. On September 14, 1972 (Cal No. 390), the Board of Estimate approved a tax exemption pursuant to Section 577 of the Private Housing Finance Law for the Exemption Area for a forty year period ("Prior Resolution"). The Prior Resolution provided a 40 year exemption, full for the first 20 years and partial for the second 20 years. However, the HDFC was never billed for the last 20 year partial tax payment. Accordingly, HPD is requesting that the Council amend the Prior Resolution in order to make the last 20 years a full exemption as well. This action will allow the HDFC to continue to operate the Exemption Area as rental housing for low income families.

This item has the approval of Council Member Arroyo.

Crotona IV (Block 3010, Lots 12 and 17) in the Bronx consists of two multi-family buildings with 153 units of rental housing for persons and families of low income. Longfellow Avenue Housing Development Fund Company, Inc. ("HDFC") developed the project using a federally-aided mortgage and tax exemption from the City of New York. On April 25, 1974 (Cal No. 299), the Board of Estimate approved a tax exemption pursuant to Section 577 of the Private Housing Finance Law for the Exemption Area for a forty year period ("Prior Resolution"). The Prior Resolution provided for a full exemption from real property taxation for twenty years from the date of the initial endorsement of the federally-aided mortgage and, thereafter, a payment of ten percent of the annual shelter rent for the balance of the exemption term ("Shelter Rent Payments"). The HDFC was never billed for the Shelter Rent Payments and does not have sufficient resources to pay twenty years of accrued Shelter Rent Payments. Accordingly, HPD is requesting that the Council amend the Prior Resolution in order to provide the Exemption Area with a full exemption from real property taxation for the full 40 year term approved by the Board of Estimate. This action will allow the HDFC to continue to operate the Exemption Area as rental housing for low income families.

This item has the approval of Council Member Arroyo.

Evergreen Estates (Block 3737, Lots 49, 54, 58, 62, 66, and 70) in the Bronx consists of six, multi-family buildings with 234 units of rental housing for persons and families of low income.

Evergreen Estates Housing Development Fund Company, Inc. ("HDFC") developed the project using a federally-aided mortgage and tax exemption from the City of New York. On September 14, 1972 (Cal No. 391), the Board of Estimate approved a tax exemption pursuant to Section 577 of the Private Housing Finance Law for the Exemption Area for a forty year period ("Prior Resolution"). The Prior Resolution provided for a full exemption from real property taxation for twenty years from the date that the Prior Resolution was adopted and, thereafter, a payment of ten percent of the annual shelter rent for the balance of the exemption term ("Shelter Rent Payments"). The HDFC was never billed for the Shelter Rent Payments and does not have sufficient resources to pay twenty years of accrued Shelter Rent Payments. Accordingly, HPD is requesting that the Council amend the Prior Resolution in order to provide the Exemption Area with a full exemption from real property taxation for the full 40 year term approved by the Board of Estimate. This action will allow the HDFC to continue to operate the Exemption Area as rental housing for low income families.

This item has the approval of Council Member Arroyo.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 212:)

Res. No. 212

Resolution approving a full exemption from real property taxes for property located at 53-11 99 Street (Block 1936, Lot 20), Queens, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 52).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 14, 2014 that the Council take the following action regarding a housing project located at 53-11 99 Street (Block 1936, Lot 20), Queens ("Exemption Area"):

Approve a full exemption of the Project from real property taxes pursuant to Section 577 of the Real Property Tax Law (the "Tax Exemption");

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (b) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 1936, Lot 20 on the Tax Map of the City of New York.
 - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (d) "HDFC" shall mean Daniel Gilmartin Housing Development Fund Company, Inc.
 - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
 - (h) "Partnership" shall mean Daniel Gilmartin, L.P.
 - (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on May 24, 1984 (Cal. No. 81).
 - (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
 - (k) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
 - (l) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent, but not less than \$200,070.
 - (m) "Use Agreement" shall mean the use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall not apply to any building constructed on the Exemption Area which was not completed and lawfully occupied on the Effective Date.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

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

Report for L.U. No. 53

Report of the Committee on Finance in favor of approving Crotona Estates, Block 2940, Lots 11 and 32, Bronx, Community District No. 3, Council District No. 15.

The Committee on Finance, to which the annexed resolution was referred on April 29, 2014, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Finance for LU No. 52 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 213:)

Res. No. 213

Resolution approving a full exemption from real property taxes for property located at (Block 2940, Lots 11 and 32) the Bronx, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 53).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 17, 2014 that the Council take the following action regarding a housing project located at Block 2940, Lots 11 and 32) the Bronx ("Exemption Area") that was granted a tax exemption pursuant to Section 577 of the Private Housing Finance Law by the Board of Estimate on September 14, 1972 (Cal. No. 390) ("Prior Resolution"):

Amend the Prior Resolution in order to provide the Exemption Area with a full exemption from real property taxation for the full forty year term approved by the Board of Estimate.

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

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

RESOLVED:

That the Prior Resolution is amended by deleting the last "Whereas" clause and the "Resolved" clause and replacing them with the following:

Whereas, Crotona Estates Housing Development Fund Company, Inc. has requested and the Housing and Development Administration has recommended that, pursuant to Section 577 of the Private Housing Finance Law, all of the real property included in the housing project be exempted from local and municipal real property taxes, other than assessments for local improvements, to the extent of all of the value of the real property included in the project, for a period of 40 years from the date of adoption of this resolution by the Board of Estimate, and for so long as a federally-aided mortgage is outstanding, but in no event for a period of more than 40 years from the date on which the benefits of the aforesaid tax exemption first becomes available and effective; now therefore be it

Resolved, that pursuant to Section 577 of the Private Housing Finance Law, all of the above described property included in the project is hereby exempted from local and real property taxes, other than assessments for local improvements, to the extent of all of the value of such property, for a period of 40 years from the date of adoption of this resolution of the Board of Estimate. Such total exemption shall operate and continue for so long as a federally-aided mortgage is outstanding, but in no event for a period of more than 40 years from the date on which the benefits of the aforesaid tax exemption first becomes available and effective;

Provided:

- (a) That Crotona Estates Housing Development Fund Company, Inc. obtains a federally-aided mortgage as defined by subdivision 5 of Section 572 of the Private Housing Finance Law; and
- (b) That Crotona Estates Housing Development Fund Company, Inc. will at the time the project is completed submit a statement from the Federal Housing Administration certifying that the project was completed in accordance with the terms and conditions of said federally-aided mortgage.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

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

Report for L.U. No. 54

Report of the Committee on Finance in favor of approving Crotona IV, Block 3010, Lots 12 and 17, Bronx, Community District No. 3, Council District No. 15.

The Committee on Finance, to which the annexed resolution was referred on April 29, 2014, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Finance for LU No. 52 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 214:)

Res. No. 214

Resolution approving a full exemption from real property taxes for property located at (Block 3010, Lots 12 and 17) the Bronx, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 54).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 17, 2014 that the Council take the following action regarding a housing project located at Block 3010, Lots 12 and 17) the Bronx ("Exemption Area") that was granted a tax exemption pursuant to Section 577 of the Private Housing Finance Law by the Board of Estimate on April 25, 1974 (Cal. No. 299) ("Prior Resolution"):

Amend the Prior Resolution in order to provide the Exemption Area with a full exemption from real property taxation for the full forty year term approved by the Board of Estimate.

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

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

RESOLVED:

That the Prior Resolution is amended by deleting the "Resolved" clause and replacing them with the following:

Resolved, that, pursuant to Section 577 of the Private Housing Finance Law, all of the real property included in the housing project be exempt from local and municipal taxes, other than assessments for local improvements, to the extent of all of the value of such property, for a period of forty (40) years from the date of the initial endorsement of the federally-aided mortgage. Such total exemption shall operate and continue for so long as a federally-aided mortgage is outstanding, but in no event for a period of more than forty (40) years from the date on which the benefits of the tax exemption first became available and effective.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

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

Report for L.U. No. 55

Report of the Committee on Finance in favor of approving Evergreen Estates, Block 3737, Lots 49, 54, 58, 62, 66 and 70, Bronx, Community District No. 9, Council District No. 17.

The Committee on Finance, to which the annexed resolution was referred on April 29, 2014, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Finance for LU No. 52 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 215:)

Res. No. 215

Resolution approving a full exemption from real property taxes for property located at (Block 3737, Lots 49, 54, 58, 62, 66 and 70) the Bronx, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 55).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 17, 2014 that the Council take the following action regarding a housing project located at (Block 3737, Lots 49, 54, 58, 62, 66 and 70) the Bronx ("Exemption Area") that was granted a tax exemption pursuant to Section 577 of the Private Housing Finance Law by the Board of Estimate on September 14, 1972 (Cal. No. 391) ("Prior Resolution"):

Amend the Prior Resolution in order to provide the Exemption Area with a full exemption from real property taxation for the full forty year term approved by the Board of Estimate.

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

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

RESOLVED:

That the Prior Resolution is amended by deleting the last "Whereas" clause and the "Resolved" clause and replacing them with the following:

Whereas, Evergreen Estates Housing Development Fund Company, Inc. has requested, and the Housing and Development Administration has recommended, that pursuant to Section 577 of the Private Housing Finance Law, all of the real property included in the housing project be exempted from local and municipal taxes, other than assessments for local improvements, to the extent of all of the value of the real property included in the project, for a period of forty (40) years commencing from the execution of the federally-aided mortgage by Evergreen Estates Housing Development Fund Company, for so long as a federally-aided mortgage is outstanding, but in no event for a period of more than forty (40) years from the date on which the benefits of the aforesaid tax exemption first became available and effective; now therefore be it

Resolved, that all of the real property included in the housing project be exempt from local and municipal taxes, other than assessments for local improvements, to the extent of all of the value of such property, for a period of forty (40) years from the date of adoption of this resolution by the Board of Estimate. Such total exemption shall operate and continue for so long as a federally-aided mortgage is outstanding, but in no event for a period of more than forty (40) years from the date on which the benefits of the tax exemption first became available and effective;

Provided:

- (a) That Evergreen Estates Housing Development Fund Company, Inc. obtains a federally-aided mortgage as defined by subdivision 5 of Section 572 of the Private Housing Finance Law; and
- (b) That Evergreen Estates Housing Development Fund Company, Inc. will at the time the project is completed and available for occupancy, submit a statement from the Federal Housing Administration certifying that the project was completed in accordance with the terms and conditions of said federally-aided mortgage; and
- (c) That Evergreen Estates Housing Development Company, Inc. will make prompt applications to the Housing and Development Administration and to the Finance Administration of The City of New York in order to effectuate each component of the above exemption on a timely basis.

JULISSA FERRERAS, Chairperson; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 29, 2014.

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

Reports of the Committee on Housing and Buildings

Report for Int. No. 16-A

Report of the Committee on Housing and Buildings in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring insulation of existing concealed pipes exposed during alteration or repair.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on February 4, 2014 (Minutes, page 249), respectfully

REPORTS:

Introduction

On April 29, 2014, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will vote on Proposed Int. No. 16-A, Proposed Int. No. 93-A, Proposed Int. No. 203-A, and Proposed Int. No. 263-A.

The Committee previously considered these bills at a hearing held on April 2, 2014 and received testimony from the Department of Buildings, the Office of Long Term Planning and Sustainability, environmental advocates, engineers, architects, builders, building managers, members of the real estate industry, and other interested members of the public.

Background

By enacting Local Law 22 of 2008, New York City committed to reducing its greenhouse gas emissions by 30% by 2017 for government operations and by 30% citywide by 2030. Buildings are responsible for about 75% of our greenhouse gas emissions,¹ making improved building efficiency a crucial component of reaching these environmental goals.

Recognizing the important role of building performance, in July 2008 the New York City Green Codes Task Force was convened. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies as well as the Mayor's office and the City Council. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining each of New York City's construction codes, the task force presented 111 recommendations for "greening the codes." The recommended improvements are intended to raise the bar for environmental performance in buildings throughout the City. Moreover, by standardizing green building practices it is believed that economies of scale will be achieved, bringing down the cost of "building green." Since the report was released, 47 of the recommendations have been incorporated into the City's laws and practices.²

Proposed Int. No. 16-A

Proposed Int. No. 16-A would require insulation of existing concealed pipes exposed during alteration or repair. Uninsulated pipes are a common problem in New York City buildings, which, by allowing heat to escape through walls, can lead to overheating and wasted energy. The bill would reduce energy use and improve occupant comfort by ensuring that pipes exposed during alterations or repairs are properly insulated.

Bill section one adds a new article 316 to title 28 of the administrative code to require that concealed piping exposed during alterations or repairs be insulated as if it was newly installed piping. This requirement would apply to the entire length of pipe that is exposed and reasonably reachable. Exceptions are made for piping that already has insulation that is in good condition, where the length of pipe exposed and accessible is less than three feet, and where there is not sufficient space to insulate pipes to the extent required by the New York City Energy Conservation Code due to conflicts with existing construction.

Bill section two sets an effective date of October 1, 2014 for the bill.

Changes to Proposed Int. No. 16-A

The changes made to Proposed Int. No. 16-A include the following:

- An exception was added stating that where there is not sufficient space to insulate pipes to the extent required by the New York City Energy Conservation Code due to conflicts with existing construction, pipes are to be insulated to the extent that space allows.
- Technical changes were made throughout the bill.

for the Lower Ma—

¹ Mayor's Office of Long-Term Planning and Sustainability, *Inventory of New York City Greenhouse Gas Emissions* (Sept. 2009).

² Urban Green Council, *NYC Green Codes Task Force Score Card*, available at <http://www.urbangreencouncil.org/GreenCodes>.

Proposed Int. No. 93-A

Proposed Int. No. 93-A would require the use of mold-resistant gypsum board and cement board in moisture-prone locations. Molds are known allergens, irritants, and producers of toxic substances (mycotoxins) which can trigger asthma attacks and other chronic conditions. This bill requires the use of cement board in shower areas and bath surrounds and requires the use of gypsum board or cement board with a certain mold resistance rating in specified areas where there is continuous high humidity or direct exposure to water.

Bill section one amends section 28-101.4.3 of the administrative code to add an exception stating that alterations comply with sections 2506 and 2509 of the building code relating to areas subject to moisture or water damage.

Bill section two amends section 2501.1.1 of the building code, by stating that the provisions of the chapter also apply to cement board.

Bill section three adds a definition for cement board to section 2502.1 of the building code.

Bill section four adds a new section 2506.3 to the building code that requires that gypsum board or cement board used in the assembly of certain areas have a mold resistance rating of 10 in accordance with an industry standard. These areas include the interior faces of exterior walls of basements, cellars and other below grade rooms; walls and ceilings of spaces containing condensers, water tanks, water pumps, and pressure reduction valves; walls and ceilings of laundry rooms; portions of walls within two feet of kitchen sinks to a height of four feet above the floor; portions of walls within two feet of kitchen stoves to a height of four feet above the floor; walls of bathrooms that are not solely water closet compartments; walls and ceilings in service sink closets; and portions of walls within two feet of mop sinks or service sinks to a height of four feet above the floor.

Bill section five adds new reference standard ASTM D3273-12 to the list of reference standards in chapter 35 of the building code.

Bill section six sets an effective date of October 1, 2014 for the bill.

Changes to Proposed Int. 93-A

The changes made to Proposed Int. No. 93-A include the following:

- The definition of cement board was expanded and clarified.
- Section four of the bill was changed to state that gypsum board or cement board, used in certain areas, are to have a certain mold resistance rating pursuant to an industry standard.
- Section four of the bill was also revised to state that the following areas were required to have such gypsum board or cement board: interior faces of exterior walls of basements, cellars and other below grade rooms; walls and ceilings of spaces containing condensers, water tanks, water pumps, and pressure reduction valves; walls and ceilings of laundry rooms; portions of walls within two feet of kitchen sinks to a height of four feet above the floor; portions of walls within two feet of kitchen stoves to a height of four feet above the floor; walls of bathrooms that are not solely water closet compartments; walls and ceilings in service sink closets; and portions of walls within two feet of mop sinks or service sinks to a height of four feet above the floor.
- Section five of the bill deleted two of the ASTM referenced standards to be included in Chapter 35 of the New York City building code.
- The effective date of the law was changed from January 1, 2015 to October 1, 2014.
- Technical changes were made throughout the bill.

Proposed Int. No. 203-A

This bill allows the use of hold-open devices and automatic closing of exit doors in certain stairways to encourage the use of stairs by occupants. The hold-open devices would automatically release if smoke was detected.

Bill section one amends section 28-101.4.4 of the administrative code by adding an exception for the use of automatic closing doors by smoke detection for prior code buildings.

Bill section two amends section 708.7 of the building code by adding exceptions that allow for the automatic closing of doors serving vertical exit enclosures by smoke detection in certain buildings. Doors serving vertical exit enclosures that are permitted to be automatic closing by smoke detection are subject to certain conditions.

Bill section three amends section 715.4.8.3 of the building code to allow doors serving vertical exit enclosures to be automatic closing by smoke detection.

Bill section four adds a new section 907.3.5 to the building code requiring that all hold-open devices used in automatic closing doors be electrically supervised to monitor the integrity of the wiring connections.

Bill section five amends section 911.1.5 of the building code to require manual controls for the release of doors that are automatic closing by the actuation of smoke detectors or activation of the fire alarm.

Bill section six amends section 1022.1 of the building code to allow vertical enclosures with doors that are automatic closing to be used for travel between floors.

Bill section seven adds a new section 1022.8.5 to the building code requiring that, where doors serving vertical exit enclosures are locked on the stair side, signage shall be posted.

Bill section eight amends section 703.2.2 of the fire code to require that automatic door closers for self-closing fire doors be inspected, tested, and otherwise properly maintained.

Bill section nine amends section 907.20 of the fire code by adding a new subdivision 907.20.7 setting certain requirements for the inspection and testing of fire alarm system connections for hold-open devices installed on fire doors.

Bill section nine sets an effective date of October 1, 2014 for the bill.

Changes to Proposed Int. 203-A

The changes made to Proposed Int. No. 203-A include the following:

- The effective date of the law was changed from immediately to October 1, 2014.
- Technical changes were made throughout the bill.

Proposed Int. No. 263-A, in relation to construction site lighting

New York City construction sites are commonly illuminated with inefficient incandescent light bulbs. This bill would set minimum illumination efficacy standards for temporary construction site lighting.

Bill section one amends section 3303.2.3.1 of the building code by requiring that lighting for construction sites shall use high-efficacy lamps.

Bill section two sets an effective date of October 1, 2014.

Changes to Proposed Int. 263-A

The changes made to Proposed Int. No. 263-A include the following:

- Portions of section three of the bill, which stated that construction lighting had to be controlled by one or more master switches and that general construction lighting was to be separately circuited from safety construction lighting, were removed.
- The effective date of the law was changed from January 1, 2015 to October 1, 2014.
- Technical changes were made throughout the bill.

Update

On Tuesday, April 29, 2014, the Committee adopted this legislation.

Accordingly, the Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 16-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. No. 16-A
 COMMITTEE:
 Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring insulation of existing concealed pipes exposed during alteration or repair.

SPONSOR(S): Council Members Levin, Chin, Koo, Palma, Williams, Johnson, Mendez, Richards, Lancman, Rosenthal

SUMMARY OF LEGISLATION: The proposed legislation would amend Chapter 3 of title 28 of the administrative code to require insulation on any uninsulated length of pipe that is normally concealed within a building wall, floor, ceiling, or chase, but is exposed as a result of renovation or repair. The requirement would apply to the entire length of pipe that is reasonably reachable as a result of the renovation.

However, the bill would grant exemptions for exposed pipes with existing insulation in good condition, concealed pipes that are less than three feet in length, and where there is insufficient space to insulate pipes due to conflicts with existing construction.

EFFECTIVE DATE: This local law shall take effect October 1, 2014, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there will be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because DOB will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: City Council Finance Division
 Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel
 Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the full council on February 4, 2014 as Proposed Intro. 16 and was referred to the Committees on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 2, 2014 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 16-A will be heard by the Committee on Housing and Buildings on April 29, 2014. Following a successful Committee vote, the bill would be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 16-A:)

Int. No. 16-A

By Council Members Levin, Chin, Koo, Palma, Williams, Johnson, Mendez, Richards, Lancman, Rosenthal, Arroyo, Levine, Constantinides and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to requiring insulation of existing concealed pipes exposed during alteration or repair.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding a new article 316 to read as follows:

**ARTICLE 316
 INSULATION OF CONCEALED PIPES EXPOSED DURING
 ALTERATION OR REPAIR**

§ 28-316.1 Required insulation of certain concealed piping exposed during alteration or repair. *Where concealed existing piping is exposed in the course of the alteration or repair of a building, the owner of the building shall provide for the insulation of the exposed piping. The exposed piping shall be insulated to the extent required by the New York city energy conservation code for newly installed pipe of the same specifications and serving the same function as the exposed pipe. The entire exposed length of the piping shall be insulated as well as any further length of concealed pipe that can be directly accessed through openings made in the course of such alteration or repair.*

Exceptions:

1. *Exposed pipe with one-inch (25-mm) thick continuous coverage of existing insulation in good condition.*
2. *Where the length of concealed pipe which may be directly accessed through openings made in the course of such alteration or repair is less than three feet (914 mm).*
3. *Where there is not sufficient space to insulate pipes to the extent required by the New York city energy conservation code due to conflicts with existing construction, pipes shall be insulated to the extent that space allows.*

§2. This local law shall take effect October 1, 2014, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JUMAANE D. WILLIAMS, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, April 29, 2014.

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

Report for Int. No. 93-A

Report of the Committee on Housing and Buildings in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring the use of mold-resistant gypsum board and cement board in moisture-prone locations.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on February 26, 2014 (Minutes, page 534), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 93-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. No. 93-A
 COMMITTEE:
 Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring the use of mold-resistant gypsum board and cement board in moisture-prone locations.

SPONSOR(S): Council Members Ignizio, Matteo, Gentile, Rose, Richards, Rosenthal (by request of the Staten Island Borough President)

SUMMARY OF LEGISLATION: The proposed legislation would amend the administrative code of the city of New York and the building code to require that mold-resistant materials be used in when constructing or renovating moisture-prone areas of buildings – for example, the walls and ceilings of laundry rooms, certain bathrooms, and spaces containing water tanks and water pumps.

EFFECTIVE DATE: This legislation would take effect October 1, 2014, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there will be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because DOB will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: City Council Finance Division
 Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel
 Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the full council on February 26, 2014 as Proposed Intro. 93 and was referred to the Committees on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 2, 2014 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 93-A will be heard by the Committee on Housing and Buildings on April 29, 2014. Following a successful Committee vote, the bill would be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 93-A:)

Int. No. 93-A

By Council Members Matteo, Ignizio, Gentile, Rose, Richards, Rosenthal, Arroyo, Constantinides, Lander and Ulrich (by request of the Staten Island Borough President).

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring the use of mold-resistant gypsum board and cement board in moisture-prone locations.

Be it enacted by the Council as follows:

Section 1. Section 28-101.4.3 of the administrative code of the city of New York, as amended by local law numbers 130 and 141 for the year 2013, is amended to add a new exception 19 to read as follows:

19. Mold protection. Alterations shall comply with sections 2506 and 2509 of the New York city building code relating to areas subject to moisture or water damage.

§ 2. Section 2501.1.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

2501.1.1 General. Provisions of this chapter shall govern the materials, design, construction and quality of gypsum board, lath, gypsum plaster, [and] cement plaster and cement board.

§ 3. Section 2502.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a definition for “CEMENT BOARD,” in appropriate alphabetical order, to read as follows:

CEMENT BOARD. *A fiber reinforced cementitious panel most commonly used under flooring or as a tile backing board. Cement board shall include discrete nonasbestos fiber-cement interior substrate sheets or nonasbestos fiber-mat reinforced cement substrate sheets.*

§ 4. Chapter 25 of the New York City building code, as amended by local law number 141 for the year 2013, is amended by adding a new section 2506.3 to read as follows:

2506.3 Mold resistance. *Gypsum board or cement board, used in an assembly for the following areas, shall have a mold resistance rating of 10 in accordance with ASTM D3273:*

1. *Interior faces of exterior walls of basements, cellars, and other below grade rooms;*
2. *Walls and ceilings of spaces containing condensers, water tanks, water pumps, and pressure reduction valves;*
3. *Walls and ceilings of laundry rooms;*
4. *Portions of walls within 2 feet (610 mm) of kitchen sinks to a height of 4 feet (1219 mm) above the floor;*
5. *Portions of walls within 2 feet (610 mm) of kitchen stoves to a height of 4 feet (1219 mm) above the floor;*

- 6. Walls of bathrooms that are not solely water closet compartments, other than walls specifically required to be cement board;
- 7. Walls and ceilings in service sink closets; and
- 8. Portions of walls within 2 feet (610 mm) of mop sinks or service sinks to a height of 4 feet (1219 mm) above the floor.

§ 5. The list of ASTM referenced standards in chapter 35 of the New York city building code is amended by adding a new reference standard “ASTM D3273 – 12” to read as follows:

Standard Reference Number	Title	Referenced in code section number
D 3273 – 12	Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber	2506.3

§ 6. This local law shall take effect on October 1, 2014, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JUMAANE D. WILLIAMS, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, April 29, 2014.

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

Report for Int. No. 203-A

Report of the Committee on Housing and Buildings in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, the New York city building code and the New York city fire code, in relation to hold-open devices and automatic closing of exit doors serving vertical exit enclosures.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on March 26, 2014 (Minutes, page 840), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 203-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
FISCAL IMPACT STATEMENT
PROPOSED INTRO. No. 203-A
COMMITTEE:
Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, the New York city building code and the New York city fire code, in relation to hold-open devices and automatic closing of exit doors serving vertical exit enclosures.

SPONSOR(S): Council Member Koo

SUMMARY OF LEGISLATION: The proposed legislation would amend the administrative code of the city of New York, the New York City building code and

the New York City fire code to permit, but not require, limited use of hold-open devices with automatic closing on exit doors serving vertical exit enclosures. The hold-open devices would automatically release if smoke was detected. Doors serving vertical exit enclosures that are permitted to be automatic closing by smoke detection will be subject to certain conditions, including: electronic supervision of the wiring connections, manual controls by the activation of smoke detectors or the fire alarm, inspections, testing, and otherwise properly maintained. However, the bill would grant exemptions to buildings with no more than one vertical exit enclosure.

EFFECTIVE DATE: This legislation would take effect take effect on October 1, 2014, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there will be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because DOB will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: City Council Finance Division
 Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel
 Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the full council on March 26, 2014 as Proposed Intro. 203 and was referred to the Committees on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 2, 2014 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 203-A will be heard by the Committee on Housing and Buildings on April 29, 2014. Following a successful Committee vote, the bill would be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 203-A:)

Int. No. 203-A

By Council Members Koo, Arroyo, Constantinides and Lander.

A Local Law to amend the administrative code of the city of New York, the New York city building code and the New York city fire code, in relation to hold-open devices and automatic closing of exit doors serving vertical exit enclosures.

Be it enacted by the Council as follows:

Section 1. Section 28-101.4.4 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding a new exception to read as follows:

Exception: *The use of automatic-closing by smoke detection for doors serving vertical exit enclosures in accordance with section 708.7 of the New York city building code in a prior code building shall not be deemed to result in a reduction of the fire safety or structural safety of such a building.*

§2. Section 708.7 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

708.7 Openings. Openings in a shaft enclosure shall be protected in accordance with Section 715 as required for fire barriers. Doors shall be self-closing or

automatic-closing by smoke detection in accordance with Section 715.4.8.3. Automatic-closing by smoke detection is not permitted for [required vertical exit] doors serving vertical exit enclosures.

Exception: For no more than one vertical exit enclosure in a building, doors serving such enclosure may be automatic-closing by smoke detection provided that the following conditions are satisfied:

1. The building contains no Group H space and:

1.1 Is not a high-rise building pursuant to Section 403.1 of this code or, for the purposes of prior code buildings, Section 27-232 of the Administrative Code, and is equipped with a fire alarm system; or

1.2 Is equipped with fire alarm systems and automatic sprinkler systems throughout; or

1.3 Is a high-rise office building, as such term is defined in Section 27-232 of the Administrative Code, that is 100 feet (30 480 mm) or more in height, equipped with a fire alarm system and subdivided into compartments pursuant to subdivision c of Section 27-339 of the Administrative Code.

2. Such doors serve no more than three levels within such vertical exit enclosure, which must be consecutive levels.

3. All levels served by such doors are served by at least one other exit.

4. Such doors are connected to a fire alarm system and installed in accordance with Section 715.4.8.3 and NFPA 80.

5. The hold-open devices of such doors:

5.1 Are capable of manual release at the fire command center or, if a fire command center is not required, at a fire alarm control panel that is near the main building entrance; and

5.2 Are capable of manual release by pulling the doors to the closed position.

§3. Section 715.4.8.3 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new item 12 to read as follows:

12. Doors serving vertical exit enclosures in accordance with the exception to Section 708.7.

§4. Section 907.3 of the New York city building code, as added by local law 141 for the year 2013, is amended by adding a new section 907.3.5 to read as follows:

907.3.5 Monitoring of hold-open devices and closers. All hold-open devices used in automatic-closing doors pursuant to the exception to Section 708.7 shall be electrically supervised to monitor the integrity of the wiring connections among the fire alarm system, the smoke detection system, and the hold-open devices.

§5. Section 911.1.5 of the New York city building code, as added by local law number 141 for the year 2013, is amended by adding a new item 8 to read as follows:

8. Manual controls for the release of doors that are automatic-closing by the actuation of smoke detectors or activation of the fire alarm in accordance with the exception to Section 708.7.

§6. Section 1022.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new exception 8 to read as follows:

8. Vertical exit enclosures with doors that are automatic-closing by smoke detection pursuant to the exception set forth in Section 708.7 may be used for travel between floors and this use shall not be deemed to interfere with function as a means of egress.

§7. Section 1022.8 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

1022.8 Stairway identification and floor level signs. Signs identifying stairways and floor levels shall comply with Sections 1022.8.1 through [1022.8.4] 1022.8.5.

§8. Section 1022.8 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new section 1022.8.5 to read as follows:

1022.8.5 Directions to openable doors. Where doors serving vertical exit enclosures are locked on the stair side, signage shall be posted in compliance with Sections 1030.4.1, 1030.4.2 and 1030.4.3.

§9. Section 703.2.2 of the New York city fire code, as added by local law number 148 for the year 2013, is amended to read as follows:

703.2.2 Hold-open devices and automatic door closers. Hold-open devices for fire doors and automatic door closers for self-closing fire doors, where provided, shall be inspected, tested, and otherwise maintained in accordance with FC 703.2 and 907.20. During the period that such hold-open device is out of service for repairs, the door it operates shall remain in the closed position.

§10. Section 907.20 of the New York city fire code, as amended by local law number 148 for the year 2013, is amended by adding a new subdivision 907.20.7 to read as follows:

907.20.7 Hold-open devices. The fire alarm system connections for hold-open devices installed on fire doors pursuant to the Building Code, including hold-open devices provided for vertical exit enclosure doors pursuant to the exception to Section BC 708.7 of the Building Code, shall be inspected, tested and otherwise maintained in accordance with FC 703.2 and 907.20 and NFPA 72. Hold-open devices and automatic door closers provided for such vertical exit enclosure doors shall be inspected and tested annually to ensure the proper functioning of:

1. the manual control on the fire alarm system control panel, or the fire command center where a fire command center is required, that transmits a signal to release the hold-open devices;

2. the fire alarm system output programming, which automatically transmits a signal to release the hold-open devices upon activation of an automatic alarm initiating device or manual elevator recall;

3. the circuitry for each hold-open device, which upon receipt of a manual or automatic signal, releases the door; and

4. each automatic door closer, which, upon release of the door by the hold-open device, mechanically moves the door to its fully closed position.

§ 11. This local law shall take effect on October 1, 2014, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JUMAANE D. WILLIAMS, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, April 29, 2014.

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

Report for Int. No. 263-A

Report of the Committee on Housing and Buildings in favor of approving and adopting as amended, a Local Law to amend the New York city building code, in relation to construction site lighting.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on April 10, 2014 (Minutes, page 1124), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 16-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 263-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. No. 263-A

**COMMITTEE:
Housing and
Buildings**

TITLE: A Local Law to amend the New York city building code, in relation to construction site lighting.
SPONSOR(S): Council Member Levin, Chin, Rose

SUMMARY OF LEGISLATION: The proposed legislation would amend the New York City building code to require energy efficient temporary lighting on construction sites. Specifically, the bill creates minimum energy efficiency standards for temporary lighting and power.

EFFECTIVE DATE: This local law shall take effect October 1, 2014, except that the commissioner of buildings shall take such measures as are necessary for its implementation.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there will be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because DOB will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: City Council Finance Division
 Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel
 Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: The Committee on Housing and Buildings held a hearing on Intro 263 on April 2, 2014, and the legislation was laid over. This legislation was introduced to the full council on April 10, 2014 as Proposed Intro. 263 and was referred to the Committee on Housing and Buildings. Intro 263 will be considered again by the Committee on April 29, 2014 and, upon successful vote, will be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 263-A:)

Int. No. 263-A

By Council Members Levin, Chin, Rose, Arroyo, Constantinides, Lander and Mealy.

A Local Law to amend the New York city building code, in relation to construction site lighting.

Be it enacted by the Council as follows:

Section 1. Section 3303.2.3 of the New York city building code is amended by adding a new section 3303.2.3.1 to read as follows:

3303.2.3.1 Temporary lighting for construction sites. *Temporary lighting for construction sites shall use high-efficacy lamps with the following minimum efficacies:*

1. 60 lumens per watt for lamps over 40 watts;
2. 50 lumens per watt for lamps over 15 watts but less than or equal to 40 watts; and
3. 40 lumens per watt for lamps 15 watts or less.

§2. This local law shall take effect October 1, 2014, except that the commissioner of buildings shall take such measures as are necessary for its implementation.

JUMAANE D. WILLIAMS, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK

LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, April 29, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 28

Report of the Committee on Land Use in favor of approving Application No. C 140132 ZSK submitted by Two Trees Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant Zoning Resolution Section 74-743(a)(1) to modify floor area distribution and lot coverage regulations, and Section 74-743(a)(2) to modify rear yards, waterfront yards, permitted obstructions and height and setback requirements in connection with a proposed mixed use development on property in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 12, 2014 (Minutes, page 708), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 140132 ZSK

City Planning Commission decision approving an application submitted by Two Trees Management, LLC, pursuant to Sections 197-c and 201 of the New York City Charter and, for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) – to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines; and
2. Section 74-743(a)(2) – to modify the yard requirements of Sections 62-332 (Rear yards and waterfront yards) and 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and to modify the height and setback requirements of 62-341 (Developments on land and platforms);

in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lot 1; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development.

INTENT

This special permit, in conjunction with the other related actions, would facilitate a 2.95 million-square-foot large-scale general development located at 264-350 and 317-329 Kent Avenue in Community District 1, Borough of Brooklyn.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Twenty **Witnesses Against:** Nineteen

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: *None* **Abstain:** Barron

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 29

Report of the Committee on Land Use in favor of approving Application No. C 140133 ZSK submitted by Two Trees Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant Zoning Resolution Section 74-744(b) to allow residential and non-residential uses to be arranged within a building without regard to regulations of Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 12, 2014 (Minutes, page 708), respectfully

REPORTS:

SUBJECT

BROOKLYN CB – 1

C 140133 ZSK

City Planning Commission decision approving an application submitted by Two Trees Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lot 1; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development.

INTENT

This special permit, in conjunction with the other related actions, would facilitate a 2.95 million-square-foot large-scale general development located at 264-350 and 317-329 Kent Avenue in Community District 1, Borough of Brooklyn.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Twenty **Witnesses Against:** Nineteen

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: *None* **Abstain:** *None*

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: *None* **Abstain:** Barron

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 30

Report of the Committee on Land Use in favor of approving Application No. C 140134 ZSK submitted by Two Trees Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant Zoning Resolution Section 74-745(a) to allow distribution of accessory off-street parking spaces without regard for zoning lot lines, in connection with a proposed mixed use development in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 12, 2014 (Minutes, page 709), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 140134 ZSK

City Planning Commission decision approving an application submitted by Two Trees Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(a) of the Zoning Resolution to allow the distribution of required or permitted accessory off-street parking spaces without regard for zoning lot lines, in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lot 1; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development.

INTENT

This special permit, in conjunction with the other related actions, would facilitate a 2.95 million-square-foot large-scale general development located at 264-350 and 317-329 Kent Avenue in Community District 1, Borough of Brooklyn.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Twenty **Witnesses Against:** Nineteen

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: *None* **Abstain:** *None*

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None **Abstain:** Barron

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 31

Report of the Committee on Land Use in favor of approving Application No. C 140135 ZSK submitted by Two Trees Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant Zoning Resolution Section 74-745(b) (as proposed in Application No. N 140131 ZRK) to waive certain loading berth requirements for certain retail or service uses where no single establishment exceeds 8,500 square feet for a zoning lot in connection with a proposed mixed use development, in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 12, 2014 (Minutes, page 709), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 C 140135 ZSK

City Planning Commission decision approving an application submitted by Two Trees Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to waive the requirements for loading berth for retail or service uses listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B & 14A, and where no single establishment exceeds 8,500 square feet for a zoning lot (Zoning Lot 3, Block 2428, Lot 1), in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lot 1; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development.

INTENT

This special permit, in conjunction with the other related actions, would facilitate a 2.95 million-square-foot large-scale general development located at 264-350 and 317-329 Kent Avenue in Community District 1, Borough of Brooklyn.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Twenty **Witnesses Against:** Nineteen

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None **Abstain:** Barron

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 32

Report of the Committee on Land Use in favor of approving Application No. C 140131 ZRK submitted by Two Trees Management, LLC pursuant to pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution concerning Section 62-352 (Inclusionary Housing) and Section 74-745 (Location of accessory parking spaces and loading births) relating to the inclusionary housing program and loading requirements within large scale general developments in the Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 12, 2014 (Minutes, page 709), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 N 140131 ZRK

City Planning Commission decision approving an application submitted by Two Trees Management LLC, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 62-352 (Inclusionary Housing) and Section 74-745 (Location of accessory parking spaces and loading births) relating to the inclusionary housing program and loading requirements within large scale general developments in the Borough of Brooklyn, Community District 1.

INTENT

This zoning text amendment, in conjunction with the other related actions, would facilitate a 2.95 million-square-foot large-scale general development located at 264-350 and 317-329 Kent Avenue in Community District 1, Borough of Brooklyn.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Twenty **Witnesses Against:** Nineteen

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

In connection herewith, Council Members Greenfield and Koo offered the following resolution:

Res. No. 216

Resolution affirming the designation by the Landmarks Preservation Commission of the 4th (Now 88th) Police Precinct Station House, located at 298 Classon Avenue, aka 414-420 DeKalb Avenue (Tax Map Block 1933, Lot 121) Borough of Brooklyn, Designation List No. 471, LP-2562 (L.U. No. 36; 20145287 HKK; N 140254 HKK).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on January 24, 2014 a copy of its designation dated January 14, 2014 (the "Designation"), of the 4th (Now 88th) Police Precinct Station House, located at 298 Classon Avenue, aka 414-420 DeKalb Avenue, Community District 2, Borough of Brooklyn as a landmark and Tax Map Block 1933, Lot 121, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on March 7, 2014, its report on the Designation dated March 5, 2014 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on April 23, 2014; and

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

RESOLVED:

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 39

Report of the Committee on Land Use in favor of approving Application no. 20145305 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Seven A Café Inc., for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 109 Avenue A, in the Borough of Manhattan, Community District 3, Council District 2.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 26, 2014 (Minutes, page 913), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20145305 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Seven A Café, Inc., d/b/a Seven A Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 109 Avenue A.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: April 23, 2014

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None

Abstain: None

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

Res. No. 217

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 109 Avenue A, Borough of Manhattan (20145305 TCM; L.U. No. 39).

By Council Members Greenfield and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 17, 2014 its approval dated March 14, 2014 of the petition of Seven A Café, Inc., d/b/a Seven A Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 109 Avenue A, Community District 3, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on April 23, 2014; 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.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 40

Report of the Committee on Land Use in favor of approving Application no. 20145306 TCM, pursuant to §20-226 of the Administrative Code of the City

of New York, concerning the petition of Mama Bar LLC, d/b/a Mama Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 32 Avenue B, in the Borough of Manhattan, Community District 3, Council District 2. 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(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 26, 2014 (Minutes, page 913), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20145306 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Mama Bar LLC, d/b/a Mama Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 32 Avenue B.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: April 23, 2014

Witnesses in Favor: Five

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None

Abstain: None

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

Res. No. 218

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 32 Avenue B, Borough of Manhattan (20145306 TCM; L.U. No. 40).

By Council Members Greenfield and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 17, 2014 its approval dated March 13, 2014 of the petition of Mama Bar LLC, d/b/a Mama Bar, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 32 Avenue B, Community District 3, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on April 23, 2014; 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.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 41

Report of the Committee on Land Use in favor of approving Application No. C 130336 ZMM submitted by 606 W. 57 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing M1-5 and M2-3 districts to a C4-7 district, in the Borough of Manhattan, Community District 4, Council District 6.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 26, 2014 (Minutes, page 913), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 130336 ZMM

City Planning Commission decision approving an application submitted by 606 W. 57 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8c:

1. changing from an M1-5 District to a C4-7 District property bounded by a line midway between West 57th Street and West 56th Street, a line perpendicular to the northerly street line of West 55th Street distant 300 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of Twelfth Avenue and northerly street line of West 55th Street, West 56th Street, a line 300 feet westerly of Eleventh Avenue, a line 145 feet southerly of West 56th Street, and the southerly prolongation of a line 157 feet easterly of Twelfth Avenue; and
2. changing from an M2-3 to a C4-7 District property bounded by West 57th Street, Eleventh Avenue, West 56th Street, a line perpendicular to the northerly street line of West 55th Street distant 300 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of Twelfth Avenue and northerly street line of West 55th Street, a line midway between West 57th Street and West 56th Street, and a line 157 feet easterly of Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated October 21, 2013, and subject to the conditions of CEQR Declaration E-324.

INTENT

This zoning map amendment action, in conjunction with the other related actions, would facilitate the development of a mixed-use building with up to 1.2 million gross square feet, containing residential units, including affordable housing, commercial or community facility floor area and up to 500 public parking spaces at 606 West 57th Street in Community District 4, Manhattan.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Eight

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor:Weprin, Gentile, Garodnick, Wills, Richards, Reynoso, Torres, Ignizio
Against: *None* **Abstain:** Williams

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Weprin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio
Against: *None* **Abstain:** Mendez, Williams

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 42

Report of the Committee on Land Use in favor of approving Application No. C 130339 ZSM submitted by 606 W. 57 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45, 13-451 and 13-454 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 500 spaces, on portions of the ground floor, P1, P2, and P3 levels of a proposed mixed use development on property located at 606 West 57th Street, (Block 1104, Lots 31, 40, 44 and 55), in a C4-7 District, within the Special Clinton District, Borough of Manhattan, Community District 4, Council District 6. 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 a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 26, 2014 (Minutes, page 914), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 130339 ZSM

City Planning Commission decision approving an application submitted by 606 W. 57 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45, 13-451 and 13-454 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 500 spaces, on portions of the ground floor, P1, P2 and P3 levels of a proposed mixed-use development on property located at 606 West 57th Street (Block 1104, Lots 31, 40, 44 and 55), in a C4-7 District, within the Special Clinton District.

INTENT

This special permit action, in conjunction with the other related actions, would facilitate the development of a mixed-use building with up to 1.2 million gross square feet, containing residential units, including affordable housing, commercial or community facility floor area and up to 500 public parking spaces at 606 West 57th Street in Community District 4, Manhattan.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Eight

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Wills, Richards, Reynoso, Torres, Ignizio
Against: *None* **Abstain:** Williams

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Weprin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio
Against: *None* **Abstain:** Mendez, Williams

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 43

Report of the Committee on Land Use in favor of approving Application No. C 130337 ZRM submitted by 606 W. 57 LLC c/o TF Cornerstone Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution relating to Article IX, Chapter 6 (Special Clinton District), and Appendix F concerning regulation in Northern Subarea C1 and Inclusionary Housing designated areas in the Borough of Manhattan, Community District 4, Council District 6.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 26, 2014 (Minutes, page 914), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

N 130337 ZRM

City Planning Commission decision approving an application submitted by 606 W. 57 LLC c/o TF Cornerstone Inc. 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 IX, Chapter 6 (Special Clinton District) and Appendix F concerning regulations in Northern Subarea C1 and Inclusionary Housing designated areas.

INTENT

This zoning text amendment action, in conjunction with the other related actions, would facilitate the development of a mixed-use building with up to 1.2 million gross square feet, containing residential units, including affordable housing, commercial or community facility floor area and up to 500 public parking spaces at 606 West 57th Street in Community District 4, Manhattan.

PUBLIC HEARING

DATE: April 1, 2014

Witnesses in Favor: Eight

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

feet southeasterly of Farragut Road; and

2. establishing within an existing R5D District a C2-3 District bounded by Rockaway Parkway, a line 300 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 96th Street, and a line 200 feet southeasterly of Farragut Road;

as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-230.

INTENT

To amend the Zoning Map, Section No. 23c, to allow a Physical Culture Establishment (PCE) in the Canarsie section of Brooklyn Community District 18.

PUBLIC HEARING

DATE: April 23, 2014

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None **Abstain:** None

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

Res. No. 220

Resolution approving the decision of the City Planning Commission on ULURP No. C 140155 ZMK, a Zoning Map amendment (L.U. No. 45).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 4, 2014 its decision dated April 2, 2014 (the "Decision"), on the application submitted by PFDNY LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 23c, to establish a C2-3 overlay in an existing R5D district, eliminating the existing C1-3 district and establishing a C2-3 district to permit a Physical Culture Establishment (PCE), which is inapplicable in the current district on property located at 1380 Rockaway Parkway in the Canarsie section of Brooklyn, (ULURP No. C 140155 ZMK) Community District 18, Borough of Brooklyn (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 23, 2014;

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, the negative declaration (CEQR No. 14DCP038K) issued on December 16, 2013, subject to the conditions of CEQR Declaration E-230 (the "Negative Declaration"). (Note: The 2009 Canarsie Rezoning, CEQR No. 09DCP052, applied an E-designation, E-230, to the applicant's site, Block 8165, Lot 48 for air quality. This

project will comply with the existing requirements under the E-designation, therefore no air quality impacts will occur);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and subject to the terms of CEQR Declaration E-230.

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 140155 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 23c:

1. eliminating from within an existing R5D District a C1-3 District bounded by Rockaway Parkway, a line 300 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 96th Street, and a line 200 feet southeasterly of Farragut Road; and

2. establishing within an existing R5D District a C2-3 District bounded by Rockaway Parkway, a line 300 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 96th Street, and a line 200 feet southeasterly of Farragut Road;

as shown on a diagram (for illustrative purposes only) dated December 13, 2013, and subject to the conditions of CEQR Declaration E-230, Community District 18, Borough of Brooklyn.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 46

Report of the Committee on Land Use in favor of approving Application No. C 110106 ZMR submitted by Zahra Marina and Hashem Araj pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d, establish a C1-2 overlay district within existing R3X and R3-1 Districts, in the Bulls Head section of the Borough of Staten Island, Community Board 2, Council District 50.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 10, 2014 (Minutes, page 1163), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 2

C 110106 ZMR

City Planning Commission decision approving an application submitted by Zahra Marina and Hashem Araj pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d:

1. establishing within an existing R3X District a C1-2 District bounded by Richmond Avenue, a line 145 southerly of Merrill Street, a line 160 feet westerly of Richmond Avenue, a line 95 feet southerly of Merrill Avenue, a line 100 feet westerly of Richmond Avenue and Merrill Avenue; and

2. establishing within an existing R3-1 District a C1-2 District bounded by Richmond Avenue, Merrill Avenue, a line perpendicular to Merrill Avenue distant 155 feet westerly from Richmond Avenue, the centerline of the block between Merrill Avenue and Jardine Avenue, a line perpendicular to Jardine Avenue distant 135 feet from Richmond Avenue and Jardine Avenue

as shown on a diagram (for illustrative purposes only) dated November 18, 2013.

INTENT

To amend the Zoning Map, Section No. 20d, by changing a portion of a block from an R3X district to an R3X district with a C1-2 overlay to facilitate the construction of a one-story, 6,440-square-foot commercial development, and also changing a portion of a block from an R3-1 district to an R3-1 district with a C1-2 overlay to bring existing development back into conformance on the eastern end of Block 1580 on Richmond Avenue, between Jardine Avenue and Merrill Avenue in the Bulls Head neighborhood of Staten Island.

PUBLIC HEARING

DATE: April 23, 2014

Witnesses in Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None **Abstain:** None

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

Res. No. 221

Resolution approving the decision of the City Planning Commission on ULURP No. C 110106 ZMR, a Zoning Map amendment (L.U. No. 46).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 4, 2014 its decision dated April 2, 2014 (the "Decision"), on the application submitted by Zahra Marina and Hashem Araj, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section 20d, to change a portion of a block from an R3X district to an R3X district with a C1-2 overlay to facilitate the construction of a one-story, 6,440-square-foot commercial development located on the eastern end of Block 2236 on Richmond Avenue, between Merrill Avenue and Victory Boulevard and to change a portion of a block from an R3-1 district to an R3-1 district with a C1-2 overlay to bring existing development back into conformance on the eastern end of Block 1580 on Richmond Avenue, between Jardine Avenue and Merrill Avenue in the Bulls Head neighborhood of Staten Island in Community District 2 (ULURP No. C 110106 ZMR), Borough of Staten Island (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 23, 2014;

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 including the negative declaration (CEQR No. 11DCP072R) dated November 18, 2013 (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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 110106 ZMR, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 20d:

1. establishing within an existing R3X District a C1-2 District bounded by Richmond Avenue, a line 145 southerly of Merrill Street, a line 160 feet westerly of Richmond Avenue, a line 95 feet southerly of Merrill Avenue, a line 100 feet westerly of Richmond Avenue and Merrill Avenue; and

2. establishing within an existing R3-1 District a C1-2 District bounded by Richmond Avenue, Merrill Avenue, a line perpendicular to Merrill Avenue distant 155 feet westerly from Richmond Avenue, the centerline of the block between Merrill Avenue and Jardine Avenue, a line perpendicular to Jardine Avenue distant 135 feet from Richmond Avenue and Jardine Avenue

as shown on a diagram (for illustrative purposes only) dated November 18, 2013, Community District 2, Borough of Staten Island.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 47

Report of the Committee on Land Use in favor of approving Application No. N 140191 ZRM submitted by BOP West 31st Street LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) in the Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 10, 2014 (Minutes, page 1163), respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 4

N 140191 ZRM

City Planning Commission decision approving an application submitted by BOP West 31st Street LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

INTENT

To amend the text of the Zoning Resolution of the City of New York to require enhanced public access areas in connection with the development of commercial and residential floor area on the Ninth Avenue Rail Yards and 450 West 33rd Street.

PUBLIC HEARING

DATE: April 23, 2014

Witnesses in Favor: Twelve **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None **Abstain:** None

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

Res. No. 222

Resolution approving the decision of the City Planning Commission on Application No. N 140191 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) in Community District 4, Borough of Manhattan (L.U. No. 47).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 21, 2014 its decision dated March 19, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by BOP West 31st Street LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) (Application No. N 140191 ZRM), Community District 4, Borough of Manhattan (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 23, 2014;

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, the negative declaration (CEQR No. 14DCP077M) issued on December 2, 2013 (the "Negative Declaration")

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140191 ZRM, incorporated by reference herein, the Council approves the Decision.

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

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

Article IX: Special Purpose Districts
Chapter 3: Special Hudson Yards District

93-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson Yards District# Plan.

The District Plan includes the following ~~six ten~~ maps in Appendix A of this Chapter:

Map 1 - Special Hudson Yards District, Subdistricts and Subareas

Map 2 - Mandatory Ground Floor Retail

Map 3 - Mandatory Street Wall Requirements

Map 4 - Mandatory Sidewalk Widening

Map 5 - Transit Facilities

Map 6 - Sites Where Special Parking Regulations Apply

Subdistrict Plans include the following five maps in Appendix B of this Chapter:

Map 1 – Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan

Map 2 ~~Map 7~~ - Subdistrict F: Site Plan

Map 3 ~~Map 8~~ - Subdistrict F: Public Access Area Plan

Map 4 ~~Map 9~~ - Subdistrict F: Mandatory Ground Floor Requirements

Map 5 ~~Map 10~~ - Subdistrict F: Mandatory Street Wall Requirements

The Maps ~~are located within Appendix A of this Chapter and~~ are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

* * *

93-04
Subdistricts and Subareas

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

* * *

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter. Additional requirements for specific subdistricts, or portions thereof, are outlined in Appendix B of this Chapter.

* * *

93-14
Ground Floor Level Requirements

* * *

(b) Retail continuity along designated streets in Subdistrict F

Map 4 ~~Map 9~~ (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B ~~Appendix A~~ specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's street# frontage, as indicated for each location on Map 4 in Appendix B ~~Map 9~~.

(1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

(2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section, the following #community facility uses# from Use Groups 3 and 4 as well as the

following #commercial use# from Use Group 6B shall be permitted within a #story# that has a floor level within five feet of #curb level# for frontages along designated #streets#, as shown on Map 4 in Appendix B ~~Map 9~~, other than Eleventh Avenue.

* * *

**93-17
Modification of Sign Regulations**

* * *

(b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 2 ~~Map 7~~ (Subdistrict F; Site Plan) in Appendix B ~~Appendix A~~ shall be considered a separate #zoning lot#.

* * *

**93-221
Maximum floor area ratio in the Farley Corridor Subdistrict B**

1. Western Blocks Subarea B1

In the Western Blocks Subarea B1 of the Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 Certification for residential use in Subdistricts A, B and E).

2. Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122.

3. Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted.

4. Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea) and Section 74-79 (Transfer of Development Rights from Landmark Sites), as modified by paragraph (b) of Section 93-054 (Applicability of Chapter 4 of Article VII).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

* * *

**93-522
Ninth Avenue ~~rail yard~~ Rail Yard**

The provisions of this Section shall apply within the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building or other structure# shall exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#. However, on a #narrow street#, a #building# may rise without setback provided no part of such #building# is within 15 feet of the #narrow street line#.

No #rear yard# or #rear yard equivalent# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

* * *

**93-56
Special Height and Setback Regulations in Subdistrict F**

The height and setback regulations set forth in this Section, inclusive, shall apply to specific development sites identified as Sites 1 through 6 on Map 2 ~~Map 7~~ (Subdistrict F; Site Plan) in Appendix B ~~Appendix A~~. All #buildings or other structures developed# or #enlarged# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widening) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93-61.

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 3 ~~Map 8~~ (Subdistrict F; Public Access Area Plan) in Appendix B ~~Appendix A~~, identifies the location of publicly accessible open spaces, private streets, and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B ~~Map 8~~) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

For the purposes of applying height and setback regulations, the term “#buildings#” shall include #buildings or other structures#.

**93-561
General rules for Subdistrict F**

The following regulations shall apply to all #buildings# within Sites 1 through 6:

(a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 3 ~~Map 8~~ (Subdistrict F; Public Access Area Plan) in Appendix B, the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 3 in Appendix B ~~Map 8~~. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent a #building#, to the sky, except as permitted:

* * *

**93-562
Street wall regulations for certain streets**

The locations of all #street walls# identified in this Section are shown on Map 5 ~~Map 10~~ (Subdistrict F Mandatory Street Wall Requirements) in Appendix B ~~Appendix A~~.

* * *

93-565

Site 3

* * *

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 2 Map-7 (Subdistrict F; Site Plan) in Appendix B Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower within Site 3 shall be a minimum of 100 feet taller than the tower height of Site 5.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

* * *

**93-566
Site 4**

* * *

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum base height of 120 feet shall be considered a tower and shall comply with the provisions of this paragraph, (c). Not more than one tower shall be permitted on Site 4.

(1) Maximum floor plate

The gross area of any such #story# shall not exceed 12,000 square feet.

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 2 Map-7 (Subdistrict F; Site Plan) in Appendix B Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower on Site 4 shall be a minimum of 100 feet taller than any tower located on Site 3.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

**93-567
Site 5**

All #stories# of a #building# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall comply with the provisions of this Section.

On Site 5, a #building# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 3 Map-8 (Subdistrict F; Public Access Area Plan) in Appendix B Appendix A.

* * *

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building# is located so that it has portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 2 Map-7 (Subdistrict F; Site Plan) in Appendix B Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

The maximum height of a tower on Site 5 shall be 350 feet.

**93-568
Site 6**

* * *

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 2 Map-7 (Subdistrict F; Site Plan) in Appendix B, may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

(1) the Chairperson of the City Planning Commission is in receipt of a letter from the School Construction Authority that describes the need for the additional area;

(2) the site and landscape plans for the Southwest Open Space have been approved by the Chairperson of the City Planning Commission, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F);

(3) no portion of a tower located on Site 6 extends beyond 395 feet west of the Eleventh Avenue #street line#; and

(4) any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# shall affect southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

* * *

**93-70
PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, the requirements as set forth in paragraph (h) of Section 93-71, shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-722 shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. ~~Such plan may~~

~~provide for the outdoor plaza described in Section 93-71, paragraph (b), to be constructed in phases.~~ The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732, respectively.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in paragraph (h) of Section 93-71, and Section 93-732. Issuance of a temporary or permanent certificate of occupancy for any #building# or portion of a #building# not occupied by an #ERY Culture, Festival and Exhibit facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

* * *

93-72

Public Access Areas at 450 West 33rd Street

~~The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, the Lincoln Tunnel Approach a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 1 and 15, existing on (date of adoption). Any #development# or #enlargement# in such area shall provide public access areas in accordance with the provisions of this Section, 93-72, inclusive.~~ However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue the Lincoln Tunnel Approach and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit. All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

(a) Through block connection

A publicly-accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the ~~Lincoln Tunnel Approach bridge~~ Dyer Avenue platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a #building# wall along the southern boundary of the through

block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

Notwithstanding the foregoing, an #enlargement# that does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) ~~Lincoln Tunnel Approach bridge~~ Dyer Avenue platform

~~A publicly accessible pedestrian bridge shall be provided over the Lincoln Tunnel Approach linking the through block connection required pursuant to paragraph (a) of this Section with the through block passageway required pursuant to Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) or the covered pedestrian space required pursuant to Section 93-731 (Special requirements for zoning lots with floor area ratios greater than 10). Such bridge may be open or enclosed, and shall have a minimum width of 30 feet. If enclosed, such bridge shall have a minimum clear height of 15 feet.~~

A permanent easement shall be provided along the eastern edge of 450 West 33rd Street, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter, for the purposes of constructing the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Such easement shall have a minimum width of 33 feet. Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue platform required paragraph (d) of Section 93-73, as shown on Map 1 in Appendix B. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of ten feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area (hereinafter referred to as the "Tenth Avenue podium") shall be provided at the corner of Tenth Avenue and West 31st Street, as shown on Map 1 in Appendix B. The Tenth Avenue podium shall have a minimum area of 1,800 square feet, be located at the same elevation as the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street #building#.

93-721

Design and maintenance requirements for Public Access Areas at 450 West 33rd Street

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 shall comply with the applicable design standards set forth in this paragraph (a).

(1) At least two litter receptacles in such public access areas shall be provided;

(2) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage systems). In addition, a minimum of two wayfinding #signs# shall be provided;

(3) The minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);

(4) No gates, fences or other barriers shall be permitted within such public access areas; and

(5) For the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-722

Certification for public access areas at 450 West 33rd Street

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), no temporary or permanent certificate of occupancy shall be issued by the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31st Street Passageway and the Tenth Avenue Podium, required pursuant to paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street), respectively, to be substantially complete and open to and useable by the public.

93-73

Public Access Areas on the Ninth Avenue Rail Yard

~~The provisions of this Section shall apply to any #development# or #enlargement# on a #zoning lot# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. For such #zoning lots# with a #floor area ratio# greater than 2.0, the following easements shall be required:~~

~~(a) a permanent easement shall be provided within 10 feet of and over the Lincoln Tunnel Approach for the purposes of facilitating the construction of the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72; and~~

~~(b) a permanent easement with a minimum width of 60 feet shall be provided within 10 feet of the prolonged center line of West 32nd Street connecting the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.~~

~~Where the #floor area ratio# on the #zoning lot# exceeds 4.0 but is not greater than 10.0, a publicly accessible through block passageway with a minimum width of 60 feet shall be provided within 10 feet of the prolonged center line of West 32nd Street. Such passageway shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge, required pursuant to paragraph (b) of Section 93-72, with Ninth Avenue.~~

~~No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.~~

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on (date of adoption). Any #development# in such area shall provide public access areas in accordance with the provisions of this Section, 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section, 93-73. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61 (Pedestrian Circulation Space). The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

(a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the “entry plaza”), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

(i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);

(ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;

(iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and

(v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the “central plaza”), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 187 feet north of and parallel to the northern #street line# of West 31st Street and a line 478 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 in Appendix B. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension as measured from the #building# walls of the #buildings# facing onto the central plaza of 100 feet. The central plaza shall be open to the sky, except for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped Area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space shall have a maximum area of 4,500 square feet and may contain a temporary stage or platform and temporary seating associated with events. When such event space is not being used for an event, it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables, and during the period April 1 to November 15, two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

(aa) pedestrian circulation paths extending the full length of the central plaza with an aggregate width of not less than 30 feet shall be provided;

(bb) at least two of the required circulation paths with a minimum clear width of twelve feet shall be located within 20 feet of the facade of each #building# facing the central plaza ;

(cc) in addition to the circulation paths required by paragraph (b)(2)(iv)(aa) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(bb) of this Section;

(dd) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and

(ee) a clear path with a minimum aggregate width of at least 20 feet shall be maintained where the entry plaza required pursuant to paragraph (a) of this Section and the central plaza required by paragraph (b) of this Section intersect and where the art plaza required pursuant to paragraph (c) of this Section and the central plaza required by paragraph (a) of this Section intersect, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza respectively.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements) and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements). Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion (and any seating associated with a use in the pavilion) shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such associated seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60 percent of the

exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(4) Closing of Event space

The City Planning Commission may allow the closing of the event space for up to 12 events per year pursuant to a restrictive declaration acceptable to the City and recorded in the office of the City Register for New York County and indexed against the property.

(c) Art Plaza(1) Location and minimum dimensions

A publicly accessible space open to the sky (hereinafter referred to as the "art plaza") shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street, as shown on Map 1 in Appendix B. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(2) Required amenities

The art plaza shall contain the following features and amenities:

(i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);

(ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;

(iii) a minimum of 45 linear feet of seating;

(iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and

(v) the transparency requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform(1) Location and Minimum Dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the "Dyer Avenue Platform"), as shown on Map 1 in Appendix B. The Dyer Avenue platform shall include the easement area described in paragraph (b) of Section 93-72 and shall directly connect with the central plaza and the West 31st Street connector required by paragraphs (b) and (e) of this Section, respectively. The Dyer Avenue platform shall have a minimum east-west dimension of 53 feet, and a minimum north-south dimension of 455 feet. However, such minimum east-west dimension may be reduced to accommodate an extension of such existing egress stair in order to adjoin the level of the platform, or to accommodate up to 15 inches of additional exterior wall thickness added to the eastern face of the existing #building# at 450 West 33rd Street. Except for any portion of the Dyer Avenue platform which on [insert effective date of text amendment], was covered by the #building# located at 450 West 33rd Street and the existing egress stairs on the eastern face on such #building#, or the permitted additions thereto, respectively, the Dyer Avenue platform shall be open to the sky.

(2) Required Amenities

The Dyer Avenue platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue platform located within the

easement provided pursuant to paragraph (b) of Section 93-72 (Public Access Areas at 450 West 33rd Street):

(i) a minimum of sixteen trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of twelve trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;

(ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street.

(iv) the glazing requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue platform; and

(v) at least two pedestrian circulation paths with a minimum clear path of 8 feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue platform, from West 31st to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue platform shall be considered a part of the Dyer Avenue platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and Minimum Dimensions

A publicly accessible connection (hereinafter referred to as the “West 31st Street connector”) shall be provided between the Dyer Avenue platform required pursuant to paragraph (e) of this Section and West 31st Street, as shown on Map 1 in Appendix B. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue platform and shall have a minimum area of 450 square feet.

(2) Required Amenities

The West 31st connector shall be directly accessible from West 31st Street by a staircase with a minimum width of 8 feet and by an elevator.

(f) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such passage.

93-731

Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

(1) Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;

(2) Where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section 37-742;

(3) Steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);

(4) Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73. Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in

Section 93-73;

(5) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage system). In addition, a minimum of two wayfinding #signs# shall be provided;

(6) Where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions);

(7) The aggregate number of litter receptacles in such public access areas shall be 21;

(8) No gates, fences or other barriers shall be permitted within such public access areas; and

(9) For the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-731

Special requirements for zoning lots with floor area ratios greater than 10

The provisions of this Section shall apply to any #development# or #enlargement# on #zoning lots# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. Where the #floor area ratio# for any such #zoning lot# exceeds 10.0, paragraphs (a) through (d) of this Section shall apply:

(a) Covered pedestrian space

A publicly accessible covered pedestrian space shall be provided within 10 feet of the prolonged center line of West 32nd Street. Such pedestrian space shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required, pursuant to paragraph (b) of Section 93-72, with Ninth Avenue. Such covered pedestrian space shall:

(1) be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet and a minimum clear path of 20 feet;

(2) have a roof of transparent material that allows for natural daylight to enter;

(3) provide direct access to any #building# adjacent to such covered space; and

(4) have retail uses fronting upon at least 50 percent of its northern and southern walls.

The maximum height of a #building# wall along the southern boundary of the covered pedestrian space shall not exceed the average height of the covered pedestrian space, or the height at which an arched or angled ceiling of the covered pedestrian space begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the covered pedestrian space.

Notwithstanding the provisions of this paragraph, (a), up to 40 percent of the area of a covered pedestrian space required pursuant to this paragraph, (a), may be open, provided such open area fronts upon Ninth Avenue and is directly accessible to the plaza required pursuant to paragraph (c) of this Section. Such open area shall be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.

In the event that such covered pedestrian space is not provided pursuant to this paragraph, (a), concurrently with a #development# or #enlargement# north of such covered pedestrian space, both shall be designed to allow for compliance with the provisions of this Section upon completion.

a) Through block connection

A publicly accessible through block connection, open to the sky, shall be provided along the eastern edge of the Lincoln Tunnel Approach. Such connection shall have a minimum width of 20 feet and provide a direct connection with the covered pedestrian space required pursuant to paragraph (a) of this Section.

a) Plaza

~~A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space or open area required pursuant to paragraph (a) of this Section. Such plaza shall be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.~~

~~b) Connection to below grade passage~~

~~Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# or #enlargement# shall be constructed that connects with such passage.~~

~~No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.~~

93-732

Certification for public access areas on the Ninth Avenue Rail Yard

No certification for the phased development of public access areas on the Ninth Avenue Rail Yard shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the Ninth Avenue Rail Yard, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction of a #building# located on the southeast corner of the Ninth Avenue Rail Yard and that in connection with the construction of a #building# on the southwest corner of the Ninth Avenue Rail Yard, the West 31st Street connector required by section (e) of Section 93-73 and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include: a site plan indicating the area and dimensions of the public access area, or portions thereof, and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73.

Plans for the public access areas shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Office of the City Register of the City of New York for New York County and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the plans for public access area, or portions thereof associated with such phase.

No temporary certificate of occupancy from the Department of Buildings may be issued for a #building#, or portion thereof, where the total amount of #floor area# that has been #developed# or #enlarged# on the Ninth Avenue Rail Yard exceeds 3,204,000 square feet until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street) and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 have been substantially completed and are open and useable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion provided that:

(a) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the West 31st Street passageway required by paragraph (c) of Section 93-72 was at any time subject to a lease with an expiration date of December 31, 2019 and was not able to obtain control of the areas subject to such lease on or before

December 31, 2017;

(b) a letter of credit has been posted in accordance with City requirements, and such letter of credit:

(1) is in an amount equal to 200 percent of the estimated cost to construct the public access area and the elevator at 450 West 33rd Street, required by paragraphs (c) and (d) of Section 93-72, respectively, as set forth in a cost estimate prepared by a professional engineer. Such cost estimate shall be based upon construction documents prepared by a registered architect and submitted with the application for certification pursuant to this Section, and shall be subject to review and acceptance by the City; and

(2) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the public by December 31, 2022;

(c) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area and elevator required by paragraphs (c) and (d) of Section 93-72, respectively, if they are not completed by the owner by December 31, 2022; and

(d) in addition to the foregoing, such letter of credit shall be maintained from the date of certification for temporary certificates of occupancy, pursuant to this Section, until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 have been substantially completed and are open and usable by the public, or until same have been substantially completed by the City. The Chairperson may, no more frequently than annually, require the submission of an updated or new letter of credit in an amount that reflects changes in costs over time, and such updated or new letter of credit shall be subject to the requirements and procedures of paragraph (b) of this Section, until such letter of credit is released based upon substantial completion.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-734 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with a phase of #development#, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that such public access area, or portions thereof, are open and useable by the public.

93-733

Certification to modify general requirements of public access areas for ventilation demands

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734

Certification to temporarily modify public access areas for construction staging

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that the area designated for public access will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer amenities and other features required pursuant to Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as site plan approval pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard) and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

* * *

93-75 Publicly Accessible Open Spaces in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the High Line as described within this Section, inclusive. Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A identifies the location of publicly accessible open spaces.

* * *

93-751 General requirements for the Western Open Space

* * *

(b) Location and minimum dimensions

The Western Open Space shall be located east of the High Line, and encompass the area between Sites 1 and 5 as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly street line of Twelfth Avenue.

* * *

(c) Core elements

The Western Open Space shall provide the following core elements:

* * *

(3) Supplemental area

* * *

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the West 32nd Street Extension's Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B Map 8, to the High Line, and the second such pedestrian access shall link the West 31st Street Extension to the High Line.

* * *

93-752 General requirements for the Central Open Space

* * *

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by buildings at the ground level as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A.

* * *

93-753 General requirements for the Southwest Open Space

* * *

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a building or other structure at the ground level as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A.

* * *

93-754 General requirements for the Northeast Plaza

A publicly accessible open space, (henceforth referred to as the "Northeast Plaza"), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A. The area of such space shall be at least 2,600 square feet, and shall have a minimum street frontage of 40 feet along each street. The Northeast Plaza shall be provided in accordance with the standards for public plazas, as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

* * *

93-755 General requirements for the Midblock Connection

A pedestrian way, (henceforth referred to as the "Midblock Connection"), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan), in Appendix B Appendix A.

* * *

93-76 Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

* * *

93-761 General requirements for the West 32nd Street Extension

A private street, (henceforth referred to as the "West 32nd Street Extension"), shall be provided south of and parallel to West 33rd Street.

(a) General purpose

* * *

(3) to provide a unique urban park-like experience for an active public street by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A; and

* * *

(b) Location and dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street street line, as shown on Map 3 in Appendix B Map 8, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a building entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

* * *

(c) Core elements

(2) Planting and seating requirements for the southern sidewalk and the Allee

* * *

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the

Connector shall henceforth be referred to as the Allee, as shown on Map 3 in Appendix B Map 8. No #building or other structure# shall be permitted within 15 feet of the southern edge of the Allee.

* * *

93-762

General requirements for the West 31st Street Extension

* * *

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/or paragraph (f) of Section 93-752 (General requirements for the Central Open Space), as applicable.

* * *

93-763

General requirements for the West 30th Street Corridor

* * *

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A.

* * *

93-764

General requirements for the Connector

* * *

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 3 Map 8 (Subdistrict F: Public Access Area Plan) in Appendix B Appendix A.

* * *

93-78

Site and Landscape Plans for Public Access Areas in Subdistrict F

* * *

(e) Where a phase of development results in all development sites in Subdistrict F, as shown on Map 2 Map 7 (Subdistrict F: Site Plan) in Appendix B Appendix A, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved, pursuant to paragraph (c) of this Section, at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

* * *

93-821

Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

(a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.

(b) For Use Group 5 #transient hotels#, the provisions of Section 13-131 shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.

(c) For Use Group 6B offices, not more than 0.16 #accessory# offstreet parking spaces may be provided for every 1,000 square feet of #floor area#.

(d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph, (d):

(1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;

(2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and

(3) in no event shall the total number of #accessory #offstreet parking spaces for all #uses# exceed 1,000.

(e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:

(1) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(1)(i), (e)(1)(ii) and (e)(1)(iii), is less than or equal to 5,084 spaces:

(i) the #reservoir surplus# or zero;

(ii) the #Hudson Yards development parking supply#; and

(iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and

(2) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(2)(i), (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv), is less than or equal to 5,905 spaces:

(i) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;

(ii) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;

(iii) the #Hudson Yards development parking supply#; and

(iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.

(3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.

(4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special

permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-822

Permitted parking when a reservoir deficit exists

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

(a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by Section 13-131.

(b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).

(c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:

- a) a #reservoir deficit# exists;
b) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and
c) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.

(d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

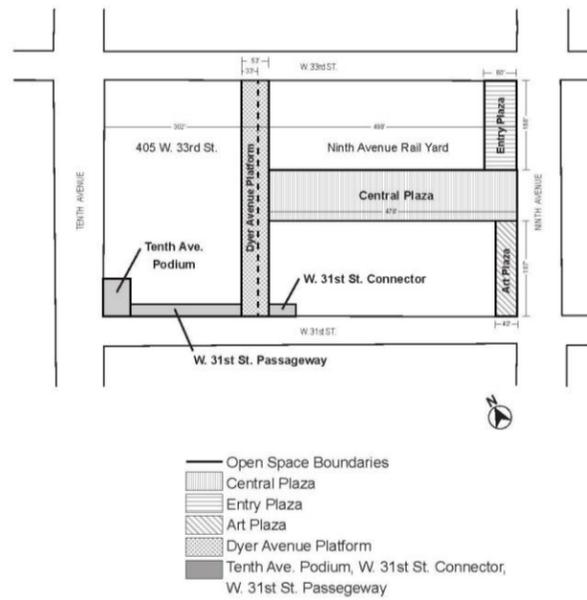
* * *

Appendix A
Special Hudson Yards District

* * *

Appendix B
Special Hudson Yards Subdistrict Maps

Map 1 – Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan



Map 2 Map 7 – Subdistrict F: Site Plan

* * *

Map 3 Map 8 – Subdistrict F: Public Access Area Plan

* * *

Map 4 Map 9 – Subdistrict F: Mandatory Ground Floor Requirements

* * *

Map 5 Map 10 – Subdistrict F: Mandatory Street Wall Requirements

* * *

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 48

Report of the Committee on Land Use in favor of approving Application No. C 140167 ZSM submitted by Kissling Realty Advisors pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of an existing six-story building located at 59-61 Thompson Street, Borough of Manhattan, Community District 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 10, 2014 (Minutes, page 1164), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 140167 ZSM

City Planning Commission decision approving an application submitted by Kissling Realty Advisors pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing six-story building, on property located at 59-61 Thompson Street (Block 489, Lot 36), in an M1-5B District.

INTENT

To modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing six-story building, on property located at 59-61 Thompson Street (Block 489, Lot 36), in an M1-5B District

PUBLIC HEARING

DATE: April 23, 2014

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: April 24, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Wills, Richards, Reynoso, Torres, Ignizio

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None **Abstain:** None

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

Res. No. 223

Resolution approving the decision of the City Planning Commission on ULURP No. C 140167 ZSM (L.U. No. 48), for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing six-story building, on property located at 59-61 Thompson Street (Block 489, Lot 36), in an M1-5B District, Borough of Manhattan.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 4, 2014 its decision dated April 2, 2014 (the "Decision"), on the application submitted by Kissling Realty Advisors, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing six-story building, on property located at 59-61 Thompson Street (Block 489, Lot 36), in an M1-5B District (ULURP No. C 140167 ZSM), Community District 2, Borough of Manhattan (the "Application");

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-781 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 23, 2014;

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

WHEREAS, the Council has considered the relevant environmental issues and has determined the Application to be a Type II action which requires no further environmental review;

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as the Application has been determined to be a Type II action.

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 140167 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 140167 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by George Rycar Architects PC filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
A-001.00	Site Plan / Zoning Analysis	09/12/13
A-002.00	Cellar Floor Plans	09/12/13
A-003.00	First Floor/Existing Use Groups	09/12/13
A-004.00	Front Elevation Longitudinal Section	09/12/13

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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. 51

Report of the Committee on Land Use in favor of approving Application No. 20145391 HHK submitted by the New York Health and Hospitals Corporation (HHC) pursuant to §7385(6) of the HHC Enabling Act requesting approval of a proposed lease by HHC to CAMBA Housing Ventures, Inc., of the "G Building" of Kings County Hospital Center Campus located at 560 Winthrop Street, Borough of Brooklyn, Community District 9, Council District 40.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 10, 2014 (Minutes, page 1165), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 9

20145391 HHK

Application submitted by the New York Health and Hospitals Corporation (HHC) pursuant to §7385(6) of its Enabling Act requesting the approval of the leasing of a parcel of land consisting of approximately 97,000 square feet on the site of the “G Building” of the Kings County Hospital Center campus located at 560 Winthrop Street for use by CAMBA Housing Ventures, Inc. for the development of low-income housing for the formerly homeless.

INTENT

To approve the lease of a parcel of land by HHC consisting of approximately 97,000 square feet on the campus of Kings County Hospital Center to facilitate the development of low-income housing and housing for former homeless people.

PUBLIC HEARING

DATE: April 23, 2014

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

SUBCOMMITTEE RECOMMENDATION

DATE: April 23, 2014

The Subcommittee recommends that the Land Use Committee approve the Lease by HHC to CAMBA Housing Ventures, Inc. pursuant to the agreement.

In Favor: Koo, Palma, Arroyo, Mendez, Levin, Barron, Kallos
Against: None **Abstain:** None

COMMITTEE ACTION

DATE: April 24, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio
Against: None **Abstain:** None

In connection herewith, Council Members Greenfield and Koo offered the following resolution:

Res. No. 224

Resolution approving the leasing of a parcel of land known as the “G Building” on the Kings County Hospital Center Campus, located at 560 Winthrop Street, Borough of Brooklyn (20145391 HHK; L.U. No. 51).

By Council Members Greenfield and Koo.

WHEREAS, the New York City Health and Hospitals Corporation, filed with the Council on April 1, 2014 notice of the Board of Directors authorization dated March 27, 2014 of the leasing agreement of a parcel of land consisting of 97,000 square feet known as the “G Building” on the Kings County Center Campus located at 560 Winthrop Street to CAMBA Housing Ventures, Inc., as tenant, upon the terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing said leasing, a copy of which is attached hereto (the "Leasing"), Community District 9, Borough of Brooklyn;

WHEREAS, the Leasing is subject to review and action by the Council pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act;

WHEREAS, upon due notice, the Council held a public hearing on the Leasing on April 23, 2014; and

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

RESOLVED:

Pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act, the Council approves the Leasing upon the terms and conditions set forth in the Board of Directors’ resolution authorizing the Leasing, a copy of which is attached hereto.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 24, 2014.

On motion of the Speaker (Council Member Mark-Viverito), 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

<u>Name</u>	<u>Address</u>	<u>District #</u>
Monisha C. Robinson	523 West 135 th Street #1B New York, N.Y. 10031	7
Roza Khaitova	64-85 Wetherole Street Rego Park, N.Y. 11374	29
Patrick S. Conway	307 Eastern Parkway #4D Brooklyn, N.Y. 11238	35
Robert Munoz	233 Troy Avenue #2L Brooklyn, N.Y. 11213	35
Judy Thorne	1289 Union Street #5D Brooklyn, N.Y. 11225	35

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
John L. Rivera	16 Monroe Street #11A New York, N.Y. 10002	1
Suzette Uricola	400 Chambers Street #8Y New York, N.Y. 10282	1
Nicole Freeman	113 East 13 th Street #10 F New York, N.Y. 10003	2
Renee Horowitz	365 West 25 th Street#10C New York, N.Y. 10001	3
David Warren	455 West 34 th Street #3C New York, N.Y. 10001	3
Richard Kneiling	306 East 83 rd Street New York, N.Y. 10028	5
Martha Chevalier	654 West 161 st Street New York, N.Y. 10032	7
Sheila Scott	55 LaSalle Street #1 New York, N.Y. 10027	7
Cynthia J. Davis	1015 Anderson Avenue Bronx, N.Y. 10452	8
Mary R. Frazier	700 Lenox Avenue #8G New York, N.Y. 10039	9
Donna Outlaw	262-4 West 123 rd Street #3A New York, N.Y. 10027	9
Mildred (aka Mimi) Minier	1334 Riverside Drive #51 New York, N.Y. 10033	10
Waqar R. Rizvi	304 West 260 th Street Bronx, N.Y. 10471	11
Freddy Sepulveda	2922 Grand Concourse #1F Bronx, NY. 10458	11
Marie M. Beaudouin	140 Alcott Place #20 Bronx, N.Y. 10475	12
Daniel W. Iseley	24-A Cooper Place	12

Abdool Majeed	Bronx, N.Y. 10475 2332 Laconia Avenue Bronx, N.Y. 10469	13	Sunday Ayanfodun	Brooklyn, N.Y. 11212 735 Lincoln Avenue #13E Brooklyn, N.Y. 11208	42
Shenese Talton	2141 Crotona Avenue #1G Bronx, N.Y. 10457	15	Tamishia C. Flowers	1420 Freeport Loop #2D Brooklyn, N.Y. 11239	42
Evelyn Astacio	590 East 166 th Street Bronx, N.Y. 10456	16	Gwendolyn Hernandez	744 Pennsylvania Avenue #B6 Brooklyn, N.Y. 11207	42
Lydia E. Cruz	3244 Third Avenue #A3 Bronx, N.Y. 10451	17	Edmund H. Hunte	2587 Bedford Avenue #1 Brooklyn, N.Y. 11226	45
Geisle T. Herring	5077 East 161 st Street #3E Bronx, N.Y. 10451	17	Kacey E. Nero	299 East 34 th Street Brooklyn, N.Y. 11203	45
Andre Horton	887 Bryant Avenue #3D Bronx, N.Y. 10474	17	Shirell Davis	1357 East 104 th Street Brooklyn, N.Y. 11236	46
Anna Roberts	5 West Farms Square Plaza #4G Bronx, N.Y. 10460	17	Patrick F. Falletta	1946 Bergen Avenue #2B Brooklyn, N.Y. 11234	46
Pamela E. Byass	1595 Metropolitan Avenue #MB Bronx, N.Y. 10462	18	Ahmet Kargi	8645 Bay Parkway #D2 Brooklyn, N.Y. 11214	47
Albert Camacho	199 Surf Drive Bronx, N.Y. 10473	18	Millia Brodsky	1814 East 19 th Street #2B Brooklyn, N.Y. 11229	48
Lisa Ebron	1598 Unionport Road #1D Bronx, N.Y. 10462	18	David Finkelshteyn	444 Neptune Avenue #5L Brooklyn, N.Y. 11224	48
Enea Gjoza	8-19 115 th Street Queens, N.Y. 11356	19	L. Byers-Bernardini	165 St Marks Place 49B Staten Island, N.Y. 10301	49
Carol L. Bouknight	91-09 Horace Harding Expressway #15B Rego Park, N.Y. 11368	21	Barry Greene	806 Henderson Avenue #2E Staten Island, N.Y. 10310	49
John Boyne	4-21 27 th Avenue #10I Astoria, N.Y. 11102	22	Trisha D. Munroe	416 Maryland Avenue #3B Staten Island, N.Y. 10305	49
Alexandra P. Coronel	25-08 83 rd Street East Elmhurst, N.Y. 11370	22	Miriam Roman	343 Mosel Avenue Staten Island, N.Y. 10306	49
Iqbal Muhammad Shaikh	88-73 193 rd Street 36F Queens, N.Y. 11423	23			
Cecilia Rodriguez	234-14 Seward Avenue Queens, N.Y. 11427	23			
Salvador Guevara	148-05 87 th Avenue Jamaica, N.Y. 11435	24			
Dory L. Quiroz	40-70 Hampton Street #2Q Queens, N.Y. 11373	25			
Luz A. Gonzalez	163-19 Phroane Avenue #1 Jamaica, N.Y. 11433	27			
Mary E. Pinckney	114-54 131 st Street Queens, N.Y. 11420	28			
Ginet Reyes	85-10 Forest Parkway Woodhaven, N.Y. 11421	30			
William F. Montero	69-40 Burchell Avenue Queens, N.Y. 11692	31			
Aron Moseson	769 Empire Avenue Queens, N.Y. 11691	31			
Jacob Moseson	769 Empire Avenue Queens, N.Y. 11691	31			
Luz Diaz	51-31 Beach Channel Far Rockaway, N.Y. 11691	32			
Yvonne Hernandez	102-26 86 th Avenue Richmond Hill, N.Y. 11418	32			
Jose A. Oliveras	13 McKibbin Court Brooklyn, N.Y. 11206	34			
Sakinah Springs	126 Maujer Street #3C Brooklyn, N.Y. 11206	34			
Sharon James-Leonce	212 Crown Street #3F Brooklyn, N.Y. 11225	35			
Sophia Go	974 54 th Street #2RR Brooklyn, N.Y. 11219	38			
Mildred Varela	651 48 th Street Brooklyn, N.Y. 11220	38			
Cannon N. Lee	530 2nd Street #F6 Brooklyn, N.Y. 11215	39			
Shimmell Simmons	75 Hawthorne street #4C Brooklyn, N.Y. 11225	40			
Nachman Yaakov Ziskind	551 Brooklyn Avenue Brooklyn, N.Y. 11225	40			
Garnet Lewis	870 Madison Street Brooklyn, N.Y. 11221	41			
Blanche Marie Riddick	210 East 96 th Street #2F	41			

On motion of the Speaker (Council Member Mark-Viverito), 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 16-A -** Requiring insulation of existing concealed pipes exposed during alteration or repair.
- (2) **Int 93-A -** Requiring the use of mold-resistant gypsum board and cement board in moisture-prone locations.
- (3) **Int 192 -** Amending the district plan of the Downtown-Lower Manhattan business improvement district.
- (4) **Int 193 -** Amending the district plan of the Kings Highway business improvement district.
- (5) **Int 194 -** Amending the district plan of the Church Avenue business improvement district.
- (6) **Int 203-A -** Hold-open devices and automatic closing of exit doors serving vertical exit enclosures.
- (7) **Int 263-A -** Construction site lighting.
- (8) **Res 190 -** Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (9) **L.U. 36 & Res 216 -** App. **20145287 HKK (N 140254 HKK)** the designation by the Landmarks Preservation Commission of the 4th (Now 88th) Police Precinct House.
- (10) **L.U. 39 & Res 217 -** App. **20145305 TCM**, Seven A Café Inc., unenclosed sidewalk café located at 109 Avenue A, Manhattan, Council District 2.
- (11) **L.U. 40 & Res 218 -** App. **20145306 TCM**, Mama Bar LLC, d/b/a Mama Bar, unenclosed sidewalk café 32 Avenue B, Manhattan, Council District 2.
- (12) **L.U. 44 & Res 219 -** App. **20145387 TCM**, 132 4th Avenue Restaurant LLC, unenclosed sidewalk café 132 4th Avenue, Manhattan, Council District 2.
- (13) **L.U. 45 & Res 220 -** App. **C 140155 ZMK** establish a C2-3 overlay district in an existing R5D district, in Canarsie section of the Brooklyn, Community Board 18, Council District 42.

- (14) L.U. 46 & Res 221 - App. C 110106 ZMR C1-2 overlay district within existing R3X and R3-1 Districts, in the Bulls Head section of the Borough of Staten Island, Community Board 2, Council District 50.
- (15) L.U. 47 & Res 222 - App. N 140191 ZRM (Special Hudson Yards District) in the Borough of Manhattan, Community District 4, Council District 3.
- (16) L.U. 48 & Res 223 - App. C 140167 ZSM 59-61 Thompson Street, Borough of Manhattan, Community District 2, Council District 3.
- (17) L.U. 51 & Res 224 - App. 20145391 HHK 560 Winthrop Street, Borough of Brooklyn, Community District 9, Council District 40.
- (18) L.U. 52 & Res 212 - Daniel Gilmartin Apartments, Block 1936, Lot 20, Queens, Community District No. 4, Council District No. 21.
- (19) L.U. 53 & Res 213 - Crotona Estates, Block 2940, Lots 11 and 32, Bronx, Community District No. 3, Council District No. 15.
- (20) L.U. 54 & Res 214 - Crotona IV, Block 3010, Lots 12 and 17, Bronx, Community District No. 3, Council District No. 15.
- (21) L.U. 55 & Res 215 - Evergreen Estates, Block 3737, Lots 49, 54, 58, 62, 66 and 70, Bronx, Community District No. 9, Council District No. 17.
- (22) Resolution approving various persons Commissioners of Deeds.

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – 50.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 16-A, 93-A, 192, 193, 194, 203-A, and 263-A.

INTRODUCTION AND READING OF BILLS

Res. No. 184

Resolution to Amend the Rules of the Council in relation to improving the responsiveness, transparency, fairness, and inclusiveness of the City Council.

By The Speaker (Council Member Mark-Viverito) and Council Members Lander, Johnson, Arroyo, Crowley, Gentile, King, Koo, Levine, Reynoso, Richards, Rose, Vallone, Barron and Kallos.

2.15. Attendance Policy - The Speaker shall formulate an attendance policy for committee, stated, charter, and special meetings.

2.40. Personnel and Fiscal Reports - The Speaker shall provide to each member an annual report, which may be included as part of the annual accounting of the Council's actual expenditures required by this rule, detailing the names of all individuals receiving compensation for work performed for the Council, its members or any of its committees, the amount of such compensation for Central staff only, and a title and job description (including identification of the function or division of the Council to which the individual is assigned). Each report shall also set forth the amount of allowance in lieu of expenses received by each Committee chairperson. The Speaker shall publish [quarterly] an annual accounting[s] of the Council's actual [and planned] expenditures by September 30 of each year, which covers the previous fiscal year, and which is sufficiently detailed to indicate the positions and purposes which have been funded as well as the activities and categories of materials and supplies purchased. Such accountings shall be accompanied by a summary description specifying, at a minimum, the amounts devoted to the following functions and divisions of the Council: [the finance division; the land use division; the

infrastructure division; the human services division; the investigations and oversight division; the legal division;] the divisions responsible for the budget and fiscal analysis, the Council's role in the land use process, legislative drafting, and legal services; the Council press office; each committee; the Sergeant at Arms and other security functions; each member's office; [and] the Speaker's staff, including all amounts paid to all consultants as well as the functions of such consultants; and any changes in each of these amounts, other than changes in compensation of members of Central staff, from the Council budget adopted for the fiscal year covered by such accounting.

2.50. Proposed Council Budget - The Speaker shall provide to members copies of the proposed budget of the Council for the following year as soon as practicable. Such proposed budget shall include, at minimum, the amounts devoted to the following functions and divisions of the Council: the divisions responsible for the budget and fiscal analysis, the Council's role in the land use process, legislative drafting, and legal services; the Council press office; each committee; the Sergeant at Arms and other security functions; each member's office; and the Speaker's staff, including all amounts paid to all consultants as well as the functions of such consultants.

2.55. Discretionary Funding - a. The Speaker shall establish a policy to ensure the integrity and transparency of the Council discretionary funding process. Such policy shall require that all organizations that wish to be considered for discretionary funding from the expense budget or for discretionary funding from the capital budget for a "non-City capital project" shall file an application with the Council or relevant City offices and/or agencies. For the purposes of this rule, a "non-City capital project" is a project for which the applicant organization is required to submit a Capital Funding Request Form for Not-for-Profit Organizations. Applications for discretionary funding from the expense budget or for discretionary funding from the capital budget for a non-City capital project shall be reviewed by the Council and/or relevant City offices and/or agencies to ensure that they are legally eligible to receive the City funds, are capable of providing the services for which they seek funding, are seeking funding for a public purpose, and are in compliance with all applicable laws and regulations. All expense applications received by the Council shall be made available to the public in a searchable on-line database in summary form. All allocations for discretionary funding from the expense budget or for discretionary funding from the capital budget [for a non-City capital project] shall be made available to the public in a searchable on-line database and in a downloadable, machine-readable format. All organizations that receive discretionary funding from the expense or capital budgets shall be required to complete a brief summary of how they have utilized such awarded funds.

In addition, such policy shall require completion of conflicts of interest disclosure/certification forms as specified by the Speaker from i) all organizations seeking discretionary funding from the expense budget or discretionary funding from the capital budget for a non-City capital project, ii) all Council Members sponsoring discretionary funding allocations and iii) all Council Members prior to voting to designate discretionary funds. Such disclosure/certification forms shall contain either disclosure of any relationship between an organization and applicable City officials and associated persons or firms so that a determination may be made as to whether funding such organization is consistent with the City's Conflicts of Interest Laws and if so whether disclosure is necessary, or a certification that no such relationships exist.

b. Allocation of discretionary funds from the expense budget or discretionary funds from the capital budget for a non-City capital project, designation of recipients of discretionary funds from the expense budget or discretionary funds from the capital budget for a non-City capital project, and delineation of the uses of such funds shall be made solely through the budget adoption or modification process or through a discretionary funding transparency resolution. All such funds shall be distributed between and among sponsoring Council Members for allocation pursuant to a publicly disclosed formula that allocates funds either equally among members, or based upon publicly available data about differences between districts, or some combination thereof. The Speaker shall be responsible for proposing no more than one half of all dollars allocated by the Council discretionary expense funding process.

5.00. Minutes - The Legislative Document Unit shall prepare and [cause to be printed] make available on the Council's website minutes containing the proceedings of each meeting and accurate records of the members actually in attendance. All papers submitted shall constitute a part of the proceedings of each meeting.

5.10. Public Access - The Office of the Speaker shall keep accurate records of the meetings of the committees of the Council, including the members present, committee reports, a description of each matter considered, the memorandum of support and fiscal impact statement accompanying each proposed local law or resolution, the names of witnesses appearing before the committee and copies of their written testimony, when submitted. Such materials shall be open to public inspection free of charge and copying at reasonable fees at such times as is practicable. Proceedings and records of the Committee on Standards and Ethics shall be privileged and confidential. Any person requesting copies of such materials shall set forth in writing a specific description of the material sought which shall be submitted to the Office of the Speaker. A complete transcript of each committee meeting shall be available for public inspection at the Office of the City Clerk, Clerk of the Council, free of charge within sixty days of such meeting. [Copies of transcripts requested shall be provided to the public by the Clerk of the Council at a reasonable

fee to cover the cost of copying and, if necessary, mailing.] The Speaker shall develop a Public Technology Plan for improving public access to Council materials and meetings, and shall periodically update such Plan as necessary.

[5.20. Calendars; Contents - The Legislative Document Unit shall prepare and cause to be printed for the first stated meeting of each month a cumulative list of all proposed local laws, resolutions and other matters submitted for consideration to the Council and referred to a committee, which shall be known as the Calendar. The Calendar shall also include a list of all proposed local laws and resolutions sponsored by each Council Member, with a notation indicating whether such member is a prime sponsor of each such item. The Calendar shall be indexed by subject area and shall indicate the date of introduction and any committee action taken on proposed local laws and resolutions. The Calendar shall also include all local laws and resolutions passed by the Council during the current session. The Calendar shall be made available to the public as practicable.]

5.30. Certification - The certificate of the Clerk of the Council shall be attached to every proposed local law or resolution to the effect that the same has been duly passed by a vote, as required by the provisions of the New York City Charter [of the City of New York]. The Legislative Document Unit shall transmit the proposed local law or resolution to the Mayor.

[5.40. Records - The Legislative Document Unit shall keep index records convenient for reference of all local laws, resolutions, communications, petitions and other matters introduced in or presented by the Council, together with a complete chronological record of all action taken thereon by the Council or any of its committees. Such records shall be made available to the public during regular business hours.]

5.50. Rules and Charter - The Legislative Document Unit shall furnish to each member a copy of the Rules of the Council as prepared and printed under the direction and supervision of the Committee on Rules, Privileges and Elections and shall make available a copy of "Robert's Rules of Order, Newly Revised"[.] and the City Charter.

5.80. Sergeants-at-Arms; Duties - The Sergeants-at-Arms shall be in constant attendance at all sessions of the Council, and, under the direction of the presiding officer, shall aid in enforcing order on the floor, in the gallery, in the lobbies and in the rooms adjoining the Chamber, and also see that no person remains on the floor, unless entitled to the privileges of the same. They shall also place on the desks of the Acting President Pro-Tempore and other members, before each meeting, the journals containing the Proceedings of the Council, the calendars and agendas provided for in these Rules, papers and the proposed local laws and resolutions.

5.110. Legislative Tracking - The Office of the Speaker shall make available on the internet for use by the public a legislative tracking database containing the number, text, sponsorship and status of all proposed local laws and resolutions, committee reports, agendas, hearing testimony, transcripts, videos, committee assignments, [and] voting records of members and other associated materials in the public record that can practicably be made available. All proposed local laws and resolutions in the public record as well as any information associated with each proposed local law or resolution available through the database will be provided to the general public in a computer readable format at no cost and without restriction as soon as practicable, in order to facilitate public engagement with the Council through the use of third-party software.

6.00. Preparation and Presentation of Papers - The word paper when used herein shall include all local laws, resolutions, petitions, communications from City, county and borough offices and reports which may be proposed to the Council for action. All papers other than committee reports shall be presented in writing and in quadruplicate, endorsed with the name of the introducer or originator, and with the exception of committee reports, must be deposited with the Office of the Speaker before 1 p.m., at least three business days, excluding municipal holidays [Sundays,] preceding the meeting day.

The style of local laws shall be "Be it enacted by the Council as follows." Every local law shall embrace only one subject. The title shall briefly refer to the subject matter.

Every other paper shall be endorsed with a short statement of its subject matter. All proposed local laws and resolutions are to be assigned a chronological introduction or resolution number and shall appear on the agenda in alphabetical order according to the name of the first-named prime sponsor, except that the Speaker's name shall appear first. If amended, the number of the proposed local law or resolution shall be followed by a designation beginning with the letter A, and continuing sequentially through the alphabet with each amended version.

6.20. Sponsors - a. The first-named sponsors on all proposed local laws and resolutions shall be deemed to be the prime sponsors. In the event the Speaker of the Council is not a prime sponsor, the name of such member shall appear in the sequence in which such member requested to be added as a sponsor.

b. The first-named prime sponsor's approval shall not be necessary before the names of any co-prime sponsors may be added to proposed local laws or resolutions. However, approval shall be necessary where the first-named prime sponsor has so indicated. In either event, a member may add his or her name as a sponsor [within 48

hours] after the introduction of a proposed local law or resolution by making such request in writing to the Legislative Document Unit.

c. Certain legislative matters, as designated by the Speaker, may be introduced under the sponsor name, "by the Committee on Rules, Privileges and Elections Committee". Legislative matters sponsored under such process shall continue to be assigned to the appropriate committee for its consideration.

6.30. Papers Referred to Committee; Change of Reference - Every proposed local law or resolution introduced shall, upon its introduction, be referred by the Speaker to a committee to consider and report thereon. The Speaker may also refer proposed local laws or resolutions to two committees for their joint consideration. When a matter is jointly referred, each committee shall vote separately on the matter and an affirmative vote of both committees shall be required in order to report such matter to the full Council. At any time prior to the first meeting of such committee to consider such proposed local law or resolution, such reference may be changed by the Speaker. The first-named prime sponsor may, at any time prior to the first meeting of such committee to consider such proposed local law or resolution, petition the Speaker to change the committee to which the matter has been referred.

6.40. Type of Enactment - a. All enactments shall be by local law or resolution.

b. The introduction of all proposed local laws shall be accompanied by a [memorandum in support] plain language summary of the bill which shall be posted on the Council's legislative tracking database and updated when the applicable bill is amended[include a brief explanation of the intent of the proposed local law].

6.55 Preliminary Fiscal Estimate - A first named prime sponsor of any proposed local law that has been introduced may request the preparation of a preliminary fiscal estimate for such proposed local law at any time, which shall be produced within 60 days of such a request to the extent practicable.

6.60. Legislative Drafting Services - a. The Speaker shall ensure that the Council central staff provides legislative drafting services to all members on an equitable and confidential basis. Confidentiality precludes Council central staff from refusing to provide legislative drafting services to any member on the basis that similar legislation is currently being drafted.

b. Some or all of such drafting services shall be provided by a dedicated drafting unit within Council central staff, the primary function of which is the drafting of legislation.

c. Members shall have access to a tracking database that identifies the staff member to whom each of their requests has been assigned, and which provides the status of each such request.

d. Members shall submit all proposed local laws and resolutions and proposals for laws and resolutions to [such unit] the legislative division prior to introduction; provided that any proposed local law or resolution submitted by any member to the Speaker's office in conformance with the rules of this chapter shall be deemed to have been approved by the legislative [drafting unit] division.

e. Central staff, to the extent practicable, shall respond to requests for legislation in the order in which they were received, providing a draft of the proposal to the requesting Member within sixty days of the date of [making] such request.

f. Upon request, a member may view any legal memorandum drafted by staff of the legislative division regarding a request such member has made for legislation.

g. Members may request amendments to legislation for which they are the first-named prime sponsor at any time, and such amended legislation shall be posted to the Council's website.

7.00. Appointment a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract[s] Services and collection agency contracts.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS - Department of Cultural Affairs, [Libraries] libraries, [Museums] museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol [International Business], Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection and Office of Long Term Planning and Sustainability.

JUVENILE JUSTICE – [Department of Juvenile Justice] Division of Youth and Family Justice within the Administration for Children’s Services.

MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, [DRUG] SUBSTANCE ABUSE AND DISABILITY SERVICES - Department of Health and Mental Hygiene (issues of mental health, developmental disability and alcoholism services) and Mayor’s Office for People with Disabilities.

RECOVERY AND RESILIENCY – Office of Recovery and Resiliency, [Issues] issues relating to recovery in Hurricane Sandy-affected communities, including the Build It Back Program, and the Office of Long Term Planning and Sustainability as it relates to efforts to make New York City more resilient in the face of climate change, and preparing for, responding to, and recovering from emergencies.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

7.10. Ex-Officio Members - The Public Advocate, Speaker, Majority Leader, Minority Leader, and the Deputy Leader for Policy shall be ex-officio members of all committees. Ex- Officio members of committees may ask questions and make statements, but shall not have the right to vote on matters before any committee to which they are an Ex-Officio member.

7.40. Staff - Each standing committee shall have at least one full-time staff person assigned to it from Council central staff, as practicable. The senior [staff person] counsel assigned to each committee shall be subject to the ongoing approval of [designated by] the chairperson of such committee.

7.50. Meetings - a. All committee meetings shall be held at the call of the chairperson of the committee. The Speaker may not prevent a committee meeting called by the chairperson of a committee from taking place except by a written finding that the topic is outside the jurisdiction of the committee, no room is available for such meeting at the time called, or there are insufficient staff resources for such meeting and such committee has already met or planned to meet once in that month. The majority of any committee may petition, in writing, the chairperson of said committee to call a meeting to consider the subject matter of such petition. If the chairperson of said committee fails to call such meeting within ten days from the receipt of said petition, said majority may petition, in writing, the Speaker, who shall issue such call.

b. No committee meeting shall be convened on the day of a stated or special meeting of the Council unless the item to be considered by such committee, will, out of necessity, be proposed as a General Order for that day or such committee meeting is called with the consent of two-thirds of the members of such committee.

c. Each standing committee, except for the Committees on State Legislation, Standards and Ethics, Oversight and Investigations, and Rules, Privileges and Elections, beginning in the month subsequent to the first appointment of members to committees, at the beginning of the Council term, shall meet no less than once [a month] every two months; except that the Committee on Land Use shall meet no less than once a month; and except that no committees are required to meet during the months of July and August. Subcommittees or special committees shall meet as needed to complete their work.

d. Committees shall provide reasonable advance notice at least seventy-two hours where practical of committee meetings to the public. Such notice shall be given to the news media and shall be posted in a public location at City Hall and the web site.

e. [Written agendas for committee meetings shall be prepared and distributed, as complete as practicable, to all members of the committee at least five days prior to the call of such meeting.] The chairperson of each committee shall ensure that representatives of City governmental entities affirm prior to testifying at a committee meeting that their testimony is truthful to the best of their knowledge, information and belief.

[7.80. Reports of the Council Committees - Each committee shall report, in writing, on all matters that receive a hearing before it, with a brief statement of facts and its opinion in relation thereto, proposing the necessary action by the Council, except that a report of the Committee on Standards and Ethics on a disciplinary matter regarding a particular person shall also contain the findings of fact reached after conducting a review or hearing and upon which the Committee bases its recommendations. The report itself shall not be subject to amendment. Every report shall state the time when the subject matter of such report was referred to the committee by the Council, and the action, if any, taken by the committee pursuant to any instructions of the Council.

When a majority of a committee has reported to the Council its recommendation concerning a proposed local law, resolution or other matter, any member or members who have voted in the minority may present a minority report. All such majority and minority reports shall be in writing and signed by the members of the committee voting either in favor of or against the report as the case may be. The minority report shall not be deemed to reflect the legislative intention of the committee or the Council.]

7.110. [Rights of Ex-Officio Members - Ex- Officio members of committees may ask questions and make statements, but shall not have the right to vote.] Supermajority Bill Sponsorship - If a proposed local law or resolution is sponsored by at least 34 members, a meeting of the committee to which such proposed local law or resolution has been referred shall be scheduled within 60 days of such threshold being reached for the purpose of determining future action. Such meeting shall not be required if (i) the number of sponsors of such proposed local law or resolution drops below 34 members at any point prior to the end of such 60 day time period, or prior to such meeting, whichever is earlier; or (ii) at any time, the first-named prime sponsor of such proposed local law or resolution writes to the chair of the committee to which such legislation has been referred requesting a deferral of such meeting. The first-named prime sponsor may retract a deferral request by writing to the chair of the relevant committee, after which such hearing shall be scheduled within 60 days. At a meeting held pursuant to this rule, the committee must vote on whether or not to schedule a hearing on the proposed local law or resolution.

8.20. Admission to Floor of Council Chamber - No person, including but not limited to registered lobbyists, shall be admitted to the floor of the Council Chamber during the stated and special meetings except for the following individuals, who shall be permitted on the floor in those areas as the Speaker may designate:

a. The Mayor, Deputy Mayors or employees of the Mayor’s Office of Intergovernmental Affairs.

b. The employees of the Council and the Clerk of the Council and his or her employees as are required by the Council to assist in the performance of its functions, including the Counsel to the Minority Leader when required by the Minority Leader to assist in the performance of his or her duties at such meeting.

c. Heads of City departments and agencies, when their presence is requested or required by the Council.

d. Members of the press in the sections of the Chamber assigned for their use. Such other persons as may be granted the courtesy of admission to the floor.

e. Former Council Members[, including but not limited to those former Council Members who are registered lobbyists,] in the area of the Council Chambers designated for VIPs.

9.160. Two Minute Rule – [a.] A member desiring to be excused from voting, or to explain a vote at a stated meeting may, when his or her name is called, make a statement for no more than two minutes, of the reasons for making such request, or for voting in such a manner, provided that if such member has engaged in debate under the ten (10) minute rule, he or she may not explain his or her vote.

[b. Only one sponsor of a matter, at the time of introduction, shall have the privilege to speak thereon but he or she shall not speak for more than two minutes.]

9.220. General Discussion - Any member, when recognized by the presiding officer, may speak on any issue, including any matter being introduced, during the period of general discussion. Such member may enter written materials or prepared statements of no more than five (5) pages into the official record [of] or may speak for no more than a total of two (2) minutes unless permission to extend the time is granted by a majority of the members of the Council present.

10.25. Rule Advisory Opinions - Any member may request an advisory opinion from the counsel to the Committee on Rules, Privileges and Elections with respect to questions about any Council rule or rules, including any questions relating to compliance therewith.

10.40. [Television] Video Coverage - The Council and its committees shall make their public meetings and hearings available for cablecasting and broadcasting, and by webcast where practicable.

11.10. Subcommittees - a. The Land Use Committee shall have the following subcommittees: (i) Zoning and Franchises; (ii) Planning Dispositions and Concessions; (iii) Landmarks, Public Sitings and Maritime Uses; and (iv) such others as shall be determined by the Speaker. The Speaker shall determine the jurisdiction of the subcommittees and shall promulgate a list, which the Speaker may amend from time to time, of those matters within the jurisdiction of each subcommittee.

b. [The Speaker shall appoint the chairs of the subcommittees.] The chair of the committee or a subcommittee may appoint a member of the committee or subcommittee as the case may be, to act as a temporary chair to conduct a meeting in the chair’s absence.

c. The chair of the Land Use Committee shall be an ex-officio member of all the subcommittees. As an ex-officio member, the chair may vote on matters before a subcommittee only if the chair’s vote is required to break a tie.

d. The hearings and meetings of each subcommittee shall be held at the call of the chair of the subcommittee pursuant to the notice and other requirements of section 11.30 and other applicable provisions of these rules.

e. Each subcommittee shall consider all matters referred to the subcommittee at a meeting and shall report on any action it takes to the Land Use Committee pursuant to a schedule that will enable both the Land Use Committee and the Council to act within any time limits for Council action prescribed by law. The chair of the Land Use Committee may call-up to the committee any matter referred to a subcommittee if a call-up is necessary to enable the committee and the Council to act on a matter within any time limit for Council action prescribed by law. The Land Use Committee

may close the record of the public hearing on any such matter, if the record has not already been closed by the subcommittee.

11.30. Calendar and Public Notice - a. The chairs of the Land Use Committee and the subcommittees shall cause to be prepared a regular calendar of the meetings of the Land Use Committee and each of its subcommittees. The calendar shall be posted on the Council's website, electronically delivered to each Council Member, shall be made available to the public free of charge at City Hall, and shall be [mailed] electronically delivered to each borough president[,] and each community board[and a main branch of the public library in each borough]. Each calendar shall include all matters referred to the committee and subcommittees and shall indicate the meetings of the committee and the subcommittees at which each matter is scheduled for public hearing or consideration. The failure to include a matter in the calendar shall bar the committee and its subcommittees from voting with respect to the matter unless the matter is added to the agenda as far in advance of the meeting at which the vote is to occur as is practicable and not less than two thirds of the members of the committee vote to add the matter to the agenda. The failure to include a matter in the calendar shall bar the committee and its subcommittees from holding a public hearing on the matter unless (i) the matter is added to the agenda as far in advance of the hearing as is practicable, (ii) any notice requirements in the City Charter are satisfied, and (iii) not less than two thirds of the members of the committee or subcommittee vote to add the matter to the agenda. The chair of the Land Use Committee may call meetings of the Land Use Committee in addition to those meetings on the calendar, and the chair of a subcommittee may call meetings of the subcommittee in addition to those meetings on the calendar, pursuant to the notice and other requirements of this section and the other applicable provisions of these rules.

b. Public notice of the time and place of each Land Use Committee and subcommittee meeting scheduled at least one week prior thereto shall be given to the news media and shall be posted [in a public location at City Hall at least seventy-two hours before such meeting] on the Council's website. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be posted [in a public location at City Hall at a reasonable time prior thereto] on the Council's website. In addition, public notice of all public hearings of the Council, the Land Use Committee and its subcommittees required pursuant to section 197-d of the City Charter shall be published in the City Record not less than five days prior to such hearing.

Referred to the Committee on Rules, Privileges and Elections.

Int. No. 287

By Council Members Arroyo and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to gas station road signs.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 20-672 of title 20 of the administrative code of the city of New York is amended to read as follows:

b. In addition to any sign or placard required pursuant to subdivision five of section one hundred ninety-two of the agriculture and markets law, there shall be a sign, poster or placard clearly visible to drivers of approaching motor vehicles on the premises of every location at which gasoline and/or diesel motor fuel are sold or offered for sale. Such sign shall be in a size and style to be determined by the commissioner. *The owner or operator of such location may apply to the commissioner for a waiver from the requirement that there be such a sign, poster or placard on the grounds that compliance with this requirement will result in a violation of otherwise applicable zoning regulations.*

1. Such sign, in addition to any other sign, poster or placard that advertises the selling price of gasoline and directly or indirectly refers to a premises where the advertised gasoline and/or diesel motor fuel are sold or offered for sale, shall state the name, trade name, brand, mark or symbol and grade or quality classification of such gasoline or diesel motor fuel, together with the total selling price per gallon. Total selling price shall be the sum of the basic price per gallon plus all applicable taxes. Such sign, poster or placard shall conform to the rules and regulations of all governmental agencies with jurisdiction as to structure and location.

[1]2. A retail dealer shall only sell at the total selling price. Any such price when posted may not be raised for a period of not less than twenty-four hours.

[2]3. Where the total selling price for purchases made with cash is less than the total selling price for purchases made with credit card, debit card or other form of non-cash payment, such sign, poster or placard shall state the total selling price for each type of accepted payment.

c. All numbers referring to price shall be the same height, width and thickness. Identification of the gasoline or diesel motor fuel offered for sale, and any non-numerical language distinguishing the total cash selling price from the total credit card, debit card or other form of non-cash payment selling price shall be in letters and numbers not less than one-half of the height, width and thickness of the numbers referring to price. Letters and numbers shall be black on a white background *unless such letters and numbers are displayed on an illuminated light-emitting diode (LED) sign.*

§ 2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

Res. No. 185

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.1218 and A.1790, legislation that would link income threshold increases for the senior citizen rent increase exemption (SCRIE) program to changes in the consumer price index.

By Council Members Chin, Koslowitz, Ferreras, Johnson, Arroyo, Constantinides, Dickens, Eugene, Gentile, Gibson, Koo, Lander, Levine, Rose, Vallone, Wills, Van Bramer, King, Vacca, Palma, Levin, Barron and Rosenthal.

Whereas, In 1970, New York City instituted the senior citizen rent increase exemption (SCRIE) program to shield low-income seniors from rising housing costs by offering landlords a property tax abatement in exchange for freezing the rent of eligible senior tenants; and

Whereas, Tenants are eligible for the SCRIE program if they are at least 62 years old, have a total household income that does not exceed \$50,000 as of July 1, 2014, reside in a rent controlled or rent stabilized apartment, rent regulated hotel, or an apartment owned by a Mitchell-Lama development, and spend more than one-third of monthly income on rent; and

Whereas, More than 53,000 senior households are protected from rent increases under the SCRIE program; and

Whereas, Income eligibility requirements for SCRIE are set forth in State law and thus can only be amended with the approval of the State Legislature and the Governor; and

Whereas, The State has only acted to raise the maximum income levels for SCRIE eligibility twice in the past ten years; and

Whereas, Allowing the maximum income level for SCRIE to remain static leaves seniors vulnerable to losing program eligibility due to increases in inflation and cost of living adjustments to entitlement programs such as Social Security; and

Whereas, In January 2013, New York State Senator Bill Perkins and Assembly Member Joan Millman introduced S.1218 and A.1790, legislation that would provide for an annual adjustment of the maximum income threshold for eligibility for SCRIE to reflect any increase in the consumer price index (CPI); and

Whereas, Linking SCRIE to the regional CPI would ensure that thousands of New York City seniors are able to remain in the program without relying on State action; now, therefore, be it

Resolved, That the Council of the City calls upon the New York State Legislature to pass and the Governor to sign S.1218 and A.1790, legislation that would link income threshold increases for SCRIE program to changes in the consumer price index.

Referred to the Committee on Aging.

Int. No. 288

By Council Members Crowley, Johnson, Koo, Mealy, Rose and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to conflict of interest disclosures from officers of city-funded not-for-profit organizations.

Be it enacted by the Council as follows:

Section 1. Paragraph i of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law 5 for the year 1991, the opening paragraph as amended by local law 44 for the year 1992, subparagraph 1 as amended by local law number 21 for the year 1992, subparagraph 22 as amended and subparagraph 23 as added by local law number 49 for the year 1992, is hereby amended to read as follows:

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York city affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to:

(1) the current addresses and telephone numbers of:

A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different,

B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site,

C. any other names under which the contractor has conducted business within the prior five years, and

D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years;

(2) the dun & bradstreet number of the contractor, if any;

(3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract;

(4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation;

(5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years;

(6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers;

(7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractors;

(8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers;

(9) the principal owners and officers of every subcontractor;

(10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section;

(11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract;

(14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending;

(15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor;

(16) whether city of New York income tax returns, where required, have been filed for the past five years;

(17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city;

(18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity;

(19) criminal proceedings pending against the contractor and any principal owner or officer of such contractor;

(20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status;

(21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates;

(22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending;

(23) the name and main business address of anyone who the contractor retained, employed or designated influence the preparation of contract specifications or the solicitation or award of this contract[.];

(24) if the contractor is a city-funded not-for-profit organization, whether the contractor has certified that its officers have filed annual disclosure reports pursuant to section 12-110 of the administrative code of the city of New York.

§2. Subdivision i of section 6-116.2 of the administrative code of the city of New York, as added by local law 5 for the year 1991, as amended by local law 44 for the year 1992, is hereby amended to read as follows:

i. Except as otherwise provided, for the purposes of subdivision b of this section,

[(1)] "affiliate" shall mean an entity in which the parent of the contractor owns more than fifty percent of the voting stock, or an entity in which a group of principal owners which owns more than fifty percent of the contractor also owns more than fifty per cent of the voting stock;

[(2)] "cautionary information" shall mean, in regard to a contractor, any adverse action by any New York city affiliated agency, including but not limited to poor performance evaluation, default, non-responsibility determination, debarment, suspension, withdrawal of prequalified status, or denial of prequalified status;

"city-funded not-for-profit organization" shall mean any entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section five hundred one of the United States internal revenue code, and has, according to its most recent federal 990 form, received more than fifty percent of its income from the city.

[(3)] "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at one hundred thousand dollars or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at ten thousand dollars or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at one hundred thousand dollars or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by paragraphs 7, 8, 9 and 12 of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

[(4)] "contractor" shall mean and include all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract, as defined in paragraph three herein, with an agency, New York city affiliated agency, elected official or the council;

[(5)] "officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;

[(6)] "New York city affiliated agency" shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials, but shall not include any entity established under the New York city charter, this code or by executive order, any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility;

"officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;

[(7)] "parent" shall mean an individual, partnership, joint venture or corporation which owns more than fifty percent of the voting stock of a contractor;

[(8)] "principal owner" shall mean an individual, partnership, joint venture or corporation which holds a ten percent or greater ownership interest in a contractor or subcontractor;

[(9)] "subcontract" shall mean any contract[, as defined in paragraph three herein,] between a subcontractor and a contractor; and

[(10)] "subcontractor" shall mean an individual, sole proprietorship, partnership, joint venture or corporation which is engaged by a contractor pursuant to a contract[, as defined in paragraph three herein].

§3. Subdivisions a and b of section 12-110 of the administrative code of the city of New York, as added by local law 43 for the year 2003, as amended by local law 58 for the year 2012, are hereby amended to read as follows:

a. Definitions. As used in this section:

1. The term "affiliated" shall mean a firm that is a subsidiary of another firm, or two firms that have a parent in common, or two firms with a stockholder in common who owns at least twenty-five per cent of the shares of each such firm.

2. The term “agency” or “city agency” shall mean a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to the council, the offices of each elected city official, the board of education, community boards, the health and hospitals corporation, the New York city industrial development agency, the offices of the district attorneys of the counties of Bronx, Kings, New York, Queens and Richmond, and of the special narcotics prosecutor, the New York city housing authority, and the New York city housing development corporation, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility or any advisory committee as that term is defined in subdivision one of section twenty-six hundred one of the charter.

3. The term “business dealings” shall mean any transaction involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving a public servant's residence or any ministerial matter.

4. The term “city” shall mean the city of New York and shall include an agency of the city.

5. *The term “city-funded not-for-profit organization” shall mean any entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section five hundred one of the United States internal revenue code, and has, according to its most recent federal 990 form, received more than fifty percent of its income from the city.*

[5.]6. The term “conflicts of interest board” or “board” shall mean the conflicts of interest board appointed pursuant to section twenty-six hundred two of the New York city charter.;

[6.]7. The term “domestic partners” shall mean persons who have a registered domestic partnership, which shall include any partnership registered pursuant to section 3-240 of the administrative code of the city of New York.

[7.]8. The term “gift” shall mean anything of value for which a person pays nothing or less than fair market value and may be in the form of money, services, reduced interest on a loan, travel, travel reimbursement, entertainment, hospitality, thing, promise, or in any other form. “Gift” shall not include reimbursements.

[8.]9. The term “income” shall include, but not be limited to, salary from government employment, income from other compensated employment whether public or private, directorships and other fiduciary or advisory positions, contractual arrangements, teaching income, partnership income, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property.

[9.]10. The term “independent body” shall mean any organization or group of voters which nominates a candidate or candidates for office to be voted for at an election, and which is not a political party as defined in paragraph [twelve]thirteen of this subdivision.

[10.]11. The terms “local authority,” “local public authority” or “city public authority” shall be given the same meaning as the term “local authority” is given in subdivision two of section two of the public authorities law and shall include only such entities that have their primary office in the city of New York.

[11.]12. The term “local political party official” shall mean:

(a) any chair of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more;

(b) that person (usually designated by the rules of a county committee as the “county leader” or “chair of the executive committee”) by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

(1) the principal political, executive and administrative officer of the county committee;

(2) the power of general management over the affairs of the county committee;

(3) the power to exercise the powers of the chair of the county committee as provided for in the rules of the county committee;

(4) the power to preside at all meetings of the county executive committee if such a committee is created by the rules of the county committee or exists de facto, or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;

(5) the power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law or for the purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of

such committee are elected; provided, however, that in no event shall such power encompass the power of a chair of an assembly district committee or other district committee smaller than a county and created by the rules of the county committee, to call a meeting of such district committee for such purpose;

(6) the power to direct the treasurer of the party to expend funds of the county committee; or

(7) the power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee. The terms “constituted committee” and “political committee” as used in this subparagraph shall have the same meanings as those contained in section 14-100 of the election law.

[12.]13. The term “policymaking position” shall mean the position held by a person charged with “substantial policy discretion” as referenced in paragraphs twelve and fifteen of subdivision b of section twenty-six hundred four of the New York city charter and as defined by rule of the conflicts of interest board.

[13.]14. The term “political party” shall mean any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor.

[14.]15. The term “political organization” shall mean any political party as defined in paragraph thirteen of this subdivision, or independent body, as defined in paragraph nine of this subdivision, or any organization that is affiliated with or a subsidiary of a party or independent body.

[15.]16. The term “reimbursements” shall mean any travel-related expenses provided by non-governmental sources, whether directly or as repayment, for activities related to the reporting person's official duties, such as speaking engagements, conferences, or fact-finding events, but shall not include gifts.

[16.]17. The term “relative” shall mean the spouse, domestic partner, child, stepchild, brother, sister, parent, or stepparent of the person reporting, or any person whom the person reporting claimed as a dependent on his or her most recently filed personal income tax return, and each such relative's spouse or domestic partner.

[17.]18. The term “securities” shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and such other evidences of indebtedness and certificates of interest as are usually referred to as securities.

[18.]19. The terms “state agency” and “local agency” shall be given the same meanings as such terms are given in section eight hundred ten of the general municipal law.

[19.]20. The term “unemancipated child” shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report, and shall also include any son or daughter of the spouse or domestic partner of such person who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report.

b. Persons required to file an annual disclosure report.

The following persons shall file with the conflicts of interest board an annual disclosure report, in such form as the board shall determine, disclosing certain financial interests as hereinafter provided. Reports shall, except as otherwise provided by the board, be filed electronically, in such form as the board may determine.

1. Elected and political party officials.

(a) Each elected officer described in sections four, twenty-four, twenty-five, eighty-one, ninety-one and eleven hundred twenty-five of the New York city charter, and each local political party official described in paragraph eleven of subdivision a of this section, shall file such report not later than such date designated by the conflicts of interest board each year.

(b) A local political party official required to file a report pursuant to subparagraph (a) of this paragraph who is also subject to the financial disclosure filing requirements of subdivision two of section seventy-three-a of the public officers law may satisfy the requirements of paragraph one by filing with the conflicts of interest board a copy of the statement filed pursuant to section seventy-three-a of the public officers law, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by paragraph one of this subdivision.

2. Candidates for public office.

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek nomination or election and who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed which has not been declined, for an office described in paragraph one of subdivision b of this section shall file such report on or before the last day for filing his or her designating petitions pursuant to the election law.

(b) Each person, other than any person described in paragraph one, who was a write-in candidate at the primary election for an office described in paragraph one of subdivision b of this section and whose name is thereafter entered in the nomination book at the board of elections, shall file such report within twenty days after such primary election.

(c) Each person, other than any person described in paragraph one, who has been designated to fill a vacancy in a designation or nomination for an office described in paragraph one of subdivision b of this section shall file such report within fifteen days after a certificate designating such person to fill such vacancy is filed with the board of elections, or within five days before the election for which the certificate is filed, whichever is earlier.

(d) The conflicts of interest board shall obtain from the board of elections lists of all candidates for the elected positions set forth below, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such reports, filed the reports required by this section.

3. (a) The following categories of persons who had such status during the preceding calendar year or up until the date of filing their annual disclosure report shall be required to file a report not later than the date designated by the conflicts of interest board each year:

(1) Each agency head, deputy agency head, assistant agency head, and member of any board or commission who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board;

(2) Each officer or employee of the city in the mayor's office, the city council, a district attorney's office, the office of the special narcotics prosecutor, or any other agency that does not employ M-level mayor's management plan indicators for its managers, whose responsibilities on the date designated by the board for filing involve the independent exercise of managerial or policymaking functions or who holds a policymaking position on such date, as defined by rule of the board and as annually determined by the appointing authority of his or her agency, subject to review by the board;

(3) Each officer or employee of the city, other than an officer or employee of the city in the mayor's office, the city council, a district attorney's office or the special narcotics prosecutor's office, who, on the date designated by the board for filing, is paid in accordance with the mayor's management pay plan at level M4 or higher, or who holds a policymaking position on such date, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board;

(4) Each officer or employee of the city whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the board and as annually determined by his or her agency head, subject to review by the board.

(5) Each assessor required to file a report solely by reason of section three hundred thirty-six of the real property tax law.

(6) Each of the following members, officers and employees of city public authorities:

(i) Each member of the authority;

(ii) Each head, deputy head or assistant head of the authority;

(iii) Each officer and employee of the authority who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her authority, subject to review by the board; and

(iv) Each officer or employee of the authority whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the conflicts of interest board and as annually determined by the head of his or her authority, subject to review by the board.

(7) *Each officer of a city-funded not-for-profit organization.*

[(7)](8) Any person required by New York state law to file an annual disclosure report with the conflicts of interest board.

(b) Separation from service:

(1) Each person described in this paragraph shall, following separation from service, file such report for the portion of the last calendar year in which he or she served in his or her position within sixty days of his or her separation from service or on or before the date designated by the conflicts of interest board for filing pursuant to subparagraph (a) of this paragraph, whichever is earlier, if such person met the criteria of this subparagraph on his or her last day of service. Each such person who leaves service prior to the date designated by the board for filing pursuant to subparagraph (a) of this paragraph shall also file a report for the previous calendar year within sixty days of his or her separation from service or on or before such date designated by the board, whichever is earlier.

(2) Each such person who is terminating or separating from service shall not receive his or her final paycheck, and/or any lump sum payment to which he or she may be entitled, until such person has complied with the requirements of this section.

(3) Each elected officer and each local political party official described in paragraph eleven of subdivision a of this section shall, after leaving office, file such report for the previous calendar year, if such officer or local political party official has not previously filed such report, and shall file such report for the portion of the last calendar year in which he or she served in office, within sixty days of his or her last day in office or on or before the date designated by the board for filing pursuant to subparagraph (a) of paragraph one of this subdivision, whichever is earlier.

§4. Paragraph 1 of subdivision d of section 12-110 of the administrative code of the city of New York, as added by local law 58 for the year 2012, is hereby amended to read as follows:

d. Information to be reported.

1. Officers and employees of the city; members of city boards and commissions entitled to compensation; *officers of city-funded not-for-profit organizations*; candidates for public office; elected and political party officials. The report filed by officers and employees of the city, members of city boards and commissions entitled to compensation, *officers of city-funded not-for-profit organizations*, candidates for public office, elected officials, political party officials, and any other person required

by state law to file a report other than a person described by paragraph three or four of this subdivision, shall contain the information required by this paragraph on such form as the board shall prescribe. For purposes of filing an annual disclosure report, members of the New York city housing development corporation shall be deemed to be members of a city board or commission entitled to compensation.

§5. This law shall take effect forty-five days after its enactment into law and shall apply to contracts for which a request for bids or proposals is issued on or after the effective date.

Referred to the Committee on Contracts.

Res. No. 186

Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign legislation that would amend the Tax Law, in relation to providing a tax deduction for the installation of mechanical insulation property.

By Council Members Crowley and Gentile.

Whereas, Mechanical insulation is defined to encompass all thermal, acoustical and personnel safety requirements for mechanical piping, equipment and Heating, Ventilating and Air Conditioning (HVAC) applications; and

Whereas, Mechanical insulation can be used in a variety of commercial buildings and industrial manufacturing facilities, such as power plants, refineries, hospitals, schools, universities, government and office buildings, high-rise multi-family dwellings, hotels and motels, retail and wholesale establishments, and similar types of commercial and industrial facilities; and

Whereas, According to a report prepared by the National Insulation Association (NIA), a not for profit trade association, mechanical insulation is a proven technology long revered for its energy saving qualities and is a great source for green job opportunities; and

Whereas, Buildings are responsible for 40% of the energy demand and 40% of the greenhouse gases, making efficiency gains in this area crucial; and

Whereas, According to the NIA, although mechanical insulation will greatly benefit the environment and create jobs, it is often viewed as an additional expense of building rather than an investment; and

Whereas, A building's mechanical system constantly undergoes routine maintenance, and many times this results in removal of mechanical insulation from portions of the building's HVAC system, which is often not replaced; and

Whereas, In the State's Legislature previous legislative session, legislation was introduced that would amend the tax law to provide for a tax deduction for the installation of mechanical insulation property; and

Whereas, This bill would provide a tax deduction for the installation of mechanical insulation property in any taxable year; and

Whereas, This deduction would be the lesser of 30% of the cost of the mechanical insulation property placed in service or the excess energy savings provided by such mechanical insulation property; and

Whereas, The cost of the mechanical insulation property would include amounts paid for the installation of such mechanical insulation property and labor to install; and

Whereas, This bill would encourage commercial industrial entities to go beyond the current minimum requirements as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers for new construction or retrofit projects; and

Whereas, According to the NIA, New York City has the largest district energy steam system in the world, which contains more than 105 miles of mains and service piping; and

Whereas, Mechanical insulation reduces energy consumption, lowers harmful emissions, creates green jobs, and provides residual savings; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to introduce and pass and the Governor to sign, legislation that would amend the Tax Law, in relation to providing a tax deduction for the installation of mechanical insulation property.

Referred to the Committee on Housing and Buildings.

Res. No. 187

Resolution in support of A.8586/S.6385, which would amend the Vehicle and Traffic Law by requiring individuals with a revoked or suspended driver's license to surrender the certificates of registration and number plates of all motor vehicles registered to that individual.

By Council Members Crowley and Vacca.

Whereas, Driving is a privilege conferred by the New York State Department of Motor Vehicles on individuals who have met eligibility and testing requirements; and

Whereas, Drivers who abuse that privilege by committing certain acts may have their license suspended or revoked; and

Whereas, Pursuant to the Vehicle and Traffic Law, a person's license can be revoked or suspended for a variety of reasons including having accumulated too many points for driving infractions, to more serious offenses such as being convicted of: (i) homicide with a motor vehicle; (ii) assault with a motor vehicle resulting in death; (iii) driving while intoxicated; and (iv) leaving the scene of a fatal accident or accident resulting in personal injury; and

Whereas, In addition to having their driver's license suspended or revoked, drivers can have their vehicle registrations suspended or revoked; and

Whereas, Drivers who continue to put the public at risk by driving a motor vehicle or motorcycle with a license that has been suspended or revoked should be required to surrender their registration and number plates to decrease the likelihood they will drive without a license; and

Whereas, According to the AAA Foundation for Traffic Safety, drivers who have a suspended or revoked license are 3.7 times more likely to be involved in a fatal crash than are validly licensed drivers; and

Whereas, On January 18, 2014, Angela Hurtado was killed when she was allegedly struck by a vehicle as she crossed Grand Avenue at 69th Place in Queens; the driver of the vehicle, Abel Tinoco, 28, was charged with a misdemeanor for driving with a suspended license; and

Whereas, Another deadly motor vehicle accident took place in Queens when an 8-year-old boy, Noshat Nahian, a third grader at PS 152, was hit and killed by a tractor-trailer truck operated by a driver whose license was suspended; and

Whereas, Current State law fails to sufficiently punish those drivers who drive with suspended or revoked licenses; and

Whereas, A.8586, sponsored by Assembly Member Margaret Markey, and companion bill, S.6385, sponsored by Senator Michael Gianaris, currently pending in the New York State Assembly and Senate, respectively, would protect New Yorkers from individuals who should be kept off of our roads; and

Whereas, A.8586/S.6385 would amend the Vehicle and Traffic Law by requiring drivers who have had their license suspended or revoked to surrender the certificates of registration and number plates of all motor vehicles belonging to that individual; and

Whereas, A.8586/S.6385 would set the length of the surrender of the registration to last as long as the suspension or revocation of the driver's license; and

Whereas, It is imperative to help ensure the safety and well-being of those who use New York's roadways, now, therefore, be it

Resolved, That the Council of the City of New York supports A.8586/S.6385, which would amend the Vehicle and Traffic Law by requiring individuals with a revoked or suspended driver's license to surrender the certificates of registration and number plates of all motor vehicles registered to that individual.

Referred to the Committee on Public Safety.

Int. No. 289

By Council Members Cumbo, Williams, Deutsch, Chin, Cornegy, Eugene, Gibson, Koo, Levine, Reynoso, Rose, Treyger and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of housing applications in multiple languages by the department of housing preservation and development.

Be it enacted by the Council as follows:

Section 1. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2095.1 to read as follows:

§ 27.2095.1 *Application forms; languages required.* a. *For purposes of this section the following terms have the following meanings:*

"Application form" means any application form or corresponding instruction materials that the department uses to select persons to whom it will provide services.

"Mandatory language" means English and any other language set forth in subdivision j of section 8-1002 of the administrative code of the city of New York.

"Optional language" means any language other than a mandatory language.

b. *The department shall make all application forms available in all mandatory languages.*

c. *The department may make application forms available in any optional language.*

d. *The department shall provide a notice with all application forms that such application forms are available in all mandatory languages and any optional language used pursuant to subdivision c of this section. Such notice shall be written in fourteen-point or larger font size in all mandatory languages and any optional language in which application forms are provided pursuant to this section.*

e. *The department shall prominently display, on its website and in portions of its offices that are open to the public, notices that application forms are available in all mandatory languages and any optional language in which application forms are provided pursuant to this section.*

§ 2. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner shall take any actions necessary, including the promulgation of rules, before its effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 188

Resolution calling upon the New York State Education Department to require certified arts teachers in all New York City public schools.

By Council Members Cumbo, Johnson, Chin, Constantinides, Crowley, Dickens, King, Levine, Richards, Rose, Treyger, Wills and Koslowitz.

Whereas, Over the years, numerous research has shown that arts education can enhance students' cognitive, social and emotional development, and is an important element in a well-rounded education; and

Whereas, The New York State Education Department outlines a continuum of arts educational requirements based on grade levels; and

Whereas, Each stage of development brings important reasons for the importance of arts; for example, as students move from elementary to middle school, the arts become an important vehicle for self-expression; and

Whereas, According to the New York City Department of Education (DOE), the arts education goal for DOE is to "provide all public school students with universal access to a high quality arts education;" and

Whereas, The Office of the Arts and Special Projects (OASP) at the DOE defines its mission as "to provide New York City public school communities – students, teachers, school leaders and parents – with information and resources that will enable every student to achieve a full education in the arts, based on New York State requirements and standards for arts learning, and guided by New York City's Blueprint for Teaching and Learning in the Arts, PreK-12;" and

Whereas, A recent audit by the New York State Comptroller Thomas P. DiNapoli found that New York City public high school students are not getting the arts education required by State regulations; and

Whereas, Additionally, an April 2014 report by New York City Comptroller Scott Stringer, found many of the City's public schools are in violation of New York State Law, which sets minimal instruction requirements that schools must meet for the arts at each grade level; and

Whereas, Additionally, many arts advocates believe that current educational trends and "Common Core" conversations are shortchanging arts education for all students; and

Whereas, According to the Center for Arts Education (CAE) there is growing recognition by employers that we need high school and college graduates who are critical thinkers, creators, innovators, entrepreneurs, and collaborators, all skills that can be developed through quality instruction in the arts; and

Whereas, In light of these reports and findings, the time is right for arts education to receive attention and improvement rather than being left out of school reform plans; and

Whereas, New York City is a cultural capital and should leverage this cultural infrastructure by making its schools a leader in arts and creative education; and

Whereas, New York State should ensure adequate and dedicated funding and resources to ensure high quality arts education in all schools; and

Whereas, Arts educators are important to the educational growth of all students and certification should be required; and

Whereas, Recent reports have shown New York schools to be lacking in arts education, and now is the time for New York State and New York City to invest wholeheartedly in the future by providing students with the highest quality education available which includes arts; now, therefore, be it

Resolved, That the Council of the City of New York upon the New York State Education Department to require certified arts teachers in all New York City public schools.

Referred to the Committee on Education.

Int. No. 290

By Council Members Deutsch, Constantinides, Cumbo, Mealy, Koslowitz, Espinol and Matteo.

A Local Law to amend the administrative code of the city of New York, in relation to tree planting abutting private residential property owned by a senior citizen or disabled person.

Be it enacted by the Council as follows:

Section 1. Title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§18-142 *Tree planting on sidewalks abutting property owned by a senior citizen or disabled person.* a. *Except as provided herein, prior to the planting of a tree under the jurisdiction of the department on a sidewalk abutting a one-family, two-family or three-family dwelling, owned by at least one person sixty-five years of age or over who qualifies for a real property tax exemption pursuant to section 11-245.3 of the administrative code or by at least one person who has a disability and*

qualifies for a real property tax exemption pursuant to section 11-245.4 of the administrative code, the department shall provide written notification by regular mail or by personal delivery to the owner of such dwelling of its intention to plant a tree at such location.

b. Such notice pursuant to subdivision a of this section shall provide the owner with the opportunity to reply to the notice and accept or reject the intended tree planting at such location. The department shall not plant a tree at the location identified in such notice unless the owner of the dwelling abutting such location has accepted the planting or has not responded to such notice within thirty days from the date of such notice.

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

Referred to the Committee on Parks and Recreation.

Int. No. 291

By Council Members Dromm, Cabrera, Chin, Constantinides, Cornegy, Koo, Rose, Wills and Koslowitz.

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 allow individuals to request certain records through its website.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-155, to read as follows:

§14-155. *Records available on the world wide web.* The department's website shall provide a manner in which individuals may submit an on-line request for certain records, including but not limited to (a) reports verifying a crime or listing lost property and (b) police accident reports.

§ 2. This local law shall take effect 180 days after its enactment into law, provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules and regulations.

Referred to the Committee on Public Safety.

Int. No. 292

By Council Members Dromm, King, Lancman, Johnson, Chin, Cohen, Crowley, Dickens, Gibson, Lander, Levine, Rose and Wills.

A Local Law to amend the administrative code of the city of New York in relation to requiring the commissioner of the department of correction to post a monthly report on its website regarding punitive segregation statistics for city jails, including the use of solitary confinement.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-132 to read as follows:

§ 9-132. *Jail punitive segregation statistics.* a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:

1. "Department" shall mean the New York city department of correction.

2. "Mental health unit" ("MHU") shall mean any separate housing area staffed by mental health clinicians where inmates with mental illness who have been found guilty of violating department of correction rules are housed, including, but not limited to Restrictive Housing Units ("RHU") and Clinical Alternative to Punitive Segregation Units ("CAPS").

3. "Punitive segregation" shall mean city jail housing units where inmates who have been found guilty of violating department of correction rules may be temporarily housed as a sanction for their offense(s) and restricted to their cells more than 15 hours per day.

4. "Serious injury" shall mean a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional injury as defined by the department.

5. "Staff" shall mean anyone, other than an inmate, working at a facility operated by the department.

6. "Use of force" shall mean the use of chemical agents or physical contact between a uniformed member of service and an inmate, but shall not include physical contact used in a non-confrontational manner to apply mechanical restraints or to guide an inmate.

7. "Use of force A" shall mean a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

8. "Use of force B" shall mean a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.

b. Commencing on June 16, 2014, and on the fifteenth day of each month thereafter, the commissioner of correction shall post a report on the department website containing information relating to the use of punitive segregation in city jails during the prior month. Such monthly report shall include separate indicators, disaggregated by facility, for the total number of inmates housed in punitive segregation. Such monthly report shall also include the following information regarding the punitive segregation population, also disaggregated by facility: (i) the number of inmates in each security risk group as defined by the department's classification system directive, (ii) the number of inmates subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of inmates sent to punitive segregation during the period, (iv) the number inmates sent to punitive segregation from mental observation housing areas, (v) the number of inmates, by highest infraction offense grade as classified by the department, (Grade 1, 2, 3), (vi) the number of inmates serving punitive segregation in the following specified ranges: less than 10 days, 10 - 30 days, 31 - 90 days, 91 - 180 days, 181 - 365 days, more than 365 days, (vii) the number of inmates receiving mental health services, (viii) the number of inmates under 21 years of age, (ix) the number of inmates over 21 years of age in 10 year intervals, (x) the race and gender of inmates, (xi) the number of inmates who received infractions while in punitive segregation, (xii) the number of inmates who received infractions that lead to the imposition of additional punitive segregation time, (xiii) the number of inmates that committed suicide, (xiv) the number of inmates that attempted suicide, (xv) the number of inmates on suicide watch, (xvi) the number of inmates that caused injury to themselves (excluding suicide attempt), (xvii) the number of inmates seriously injured while in segregation, (xviii) the number of inmates who were sent to non-psychiatric hospitals outside the city jails, (xix) the number of inmates who died (non-suicide), (xx) the number of inmates transferred to a psychiatric hospital from punitive segregation (not MHU), (xxi) the number of inmates transferred to a psychiatric hospital from MHU, disaggregated by program (xxii) the number of inmates moved from general punitive segregation to MHU, disaggregated by program (xxiii) the number of inmates placed into MHU following a disciplinary hearing, disaggregated by program, (xxiv) the number of inmates moved from MHU to punitive segregation, disaggregated by program (not MHU), (xxv) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxvi) the number of requests made by inmates for medical or mental health treatment and the number granted, (xxvii) the number of requests made by inmates to attend congregate religious services and the number granted, (xxviii) the number of requests made by inmates for assistance from the law library and the number granted, (xxix) the number of requests made by inmates to make telephone calls and the number granted, (xxx) the number of requests made by inmates who asked to attend recreation and the number granted, (xxxi) the number of requests made by inmates to shower and the number granted, (xxxii) the number of inmates who received visits, (xxxiii) the number of instances of allegations of use of force, (xxxiv) the number of instances of use of force A, (xxxv) the number of instances of use of force B, (xxxvi) the number of instances in which contraband was found, (xxxvii) the number of instances of allegations of staff on inmate sexual assault, (xxxviii) the number of instances of substantiated staff on inmate sexual assault, (xxxix) the number of instances of allegations of inmate on staff sexual assault, (xxxx) the number of instances of substantiated inmate on staff sexual assault.

§2. This local law shall take effect 30 days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 189

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.9036/S.6516, authorizing local governments to establish and enforce higher levels of minimum wage.

By Council Members Dromm, Miller, Johnson, Levine, Maisel, Chin, Constantinides, Dickens, Gibson, Lander, Rose, Menchaca, Richards, Van Bramer, Cohen, Levin, Kallos, Torres, Williams, Rosenthal, Barron, Crowley, Arroyo, Reynoso and Rodriguez.

Whereas, During his 2014 State of the Union Address, President Barack Obama called upon the United States Congress to raise the minimum wage to \$10.10 per hour; and

Whereas, During his 2013 State of the State Address, Governor Andrew Cuomo called upon the New York legislature to raise the minimum wage from \$7.25 per hour to \$8.75 and for future increases to be automatically indexed to inflation; and

Whereas, The 2013 New York State budget passed by the legislature and signed by Governor Cuomo raised the minimum wage from \$7.25 per hour to \$9 per hour over the course of three years, beginning with \$8 by the end of 2013, \$8.75 by the end of 2014 and \$9 by the end of 2015 with no index to inflation; and

Whereas, Since the recent minimum wage increase in New York State, before taxes, a full time minimum wage worker in New York earning \$8 per hour, working 40 hours a week, 52 weeks a year, will earn \$64 per day, \$320 per week, or \$16,640 per year; and

Whereas, According to several cost of living calculators, a minimum wage worker earning \$16,640 per year in Albany, New York would need to earn twice that amount in order to afford to live in Brooklyn, New York; and

Whereas, The cost of living varies greatly throughout New York State; and

Whereas, According to data from the United States Bureau of Labor Statistics, the average price of food in New York City and the surrounding metropolitan area increased by nearly 5 percent from August 2010 to August 2011; and

Whereas, According to estimates by CNNMoney, such a worker from Brooklyn rather than Albany would pay 184 percent more for housing, 22 percent more for groceries, 36 percent more for utilities and 16 percent more for health care; and

Whereas, According to the most recent available data from the New York City Center for Economic Opportunity, the New York City poverty threshold for a family unit consisting of two people is \$30,945 per year, and poverty in New York City has increased since 2008, with twenty-one percent of residents living at or below the poverty level; and

Whereas, According to the Fiscal Policy Institute, workers of color and women are more likely to earn low wages, and 90 percent of fast food workers are individuals of color; and

Whereas, According to the New York Times, on March 26, 2014, the Connecticut State Legislature passed a law raising the state minimum wage to \$10.10 by 2017; and

Whereas, In the November 5, 2013 election, the people of New Jersey voted by referendum to raise the minimum wage to \$8.25 and to index future increases to inflation; and

Whereas, The cities of Washington, D.C., San Francisco, Santa Fe, San Jose and Albuquerque have city-wide minimum wage rates higher than their corresponding state and the overall federal minimum wage; and

Whereas, Cities like Chicago, San Francisco and Seattle are currently considering raising their local minimum wages to \$15 per hour, according to MSNBC; and

Whereas, Minimum wage workers in New York City would be helped by the establishment of a separate and higher minimum wage rate which would counter regional cost of living variances; and

Whereas, However, New York State law currently prohibits municipalities like New York City from setting their own minimum wage; and

Whereas, According to economic research, a higher minimum wage would likely increase spending on locally produced goods and services by workers benefiting from such increased wages, which in turn would likely produce greater demand and help stimulate the local economy; and

Whereas, New York City residents in minimum wage jobs should be provided with an increased wage to better support their families and provide them with food and shelter; and

Whereas, New York State Senate Bill S.6516, by Senator Andrea Stewart-Cousins, and Assembly Bill A.9036 by Assembly Member Karim Camara would authorize municipalities to raise the minimum wage locally; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.9036/S.6516, authorizing local governments to establish and enforce higher levels of minimum wage.

Referred to the Committee on Civil Service and Labor.

Int. No. 293

By Council Members Eugene, Constantinides, Crowley, Koo, Rose, Treyger and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute material on emergency preparedness to high school students.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter two of title three of the administrative code of the city of New York is amended by adding a new section 3-209.3 to read as follows:

§3-209.3 *Distribution of emergency preparedness materials.* a. *For the purposes of this section, the following terms shall have the following meanings.*

1. *"Department" shall mean the New York city department of education.*

2. *"High school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grade nine through grade twelve.*

b. *The department shall ensure that the publication "Get Ready NY" or any subsequent written or electronic publication or material prepared by the office of emergency management for use by high school students designed to help prepare such students for all types of emergencies is made available: (i) to each high school for distribution to every student upon his or her entry into grade nine and to each new student upon his or her entry into a high school; (ii) in the main administrative office in each high school for students, parents and employees who wish to obtain such materials; and (iii) on the individual web portal of each high school in electronic format.*

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Education.

Int. No. 294

By Council Members Ferreras, Cabrera, Cornegy, Crowley, Dickens, Gibson, King, Koo, Rose, Vallone and Ulrich.

A Local Law to amend the New York city charter, in relation to limiting the fees charged by the City for making online payments.

Be it enacted by the Council as follows:

Section 1. Chapter 48 of the New York city charter is amended by adding a new section 1076 to read as follows:

§1076 *Limits on Fees Charged for Online Payments.* *The maximum fee that an agency or other City governmental entity may charge for the payment of a tax, penalty, fee or other payment to the City of New York online, rather than payment by other means, shall be fifty dollars, or two percent of the amount of such payment, whichever is less.*

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

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 190

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

By Council Member Ferreras.

Whereas, On June 27, 2013 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; now therefore be it

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Sexual Assault Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the changes in the designation, specifically a name change, of certain organizations receiving local discretionary

funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for a certain organization receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 190 printed in these Minutes).

Int. No. 295

By Council Members Garodnick, Johnson, Chin, Cohen, Constantinides, Crowley, Dickens, Gentile, King, Koo, Lancman, Lander, Levine, Miller, Richards, Rose, Vallone, Cornegy, Espinal, Palma, Cumbo, Barron, Maisel, Wills, Rosenthal, Koslowitz, Deutsch, Ferreras, Menchaca, Dromm, Torres, Treyger, Vacca, Rodriguez, Kallos and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits.

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 chapter 8 and a new section 19-801 to read as follows:

Chapter 8 - Mass Transit Benefits

§19-801 Election of qualified transportation benefits in lieu of taxable dollar compensation for certain non-governmental employees.

a. Except as provided in subdivision c of this section, every individual, corporation or other entity with twenty or more employees in the city of New York shall offer such employees the opportunity to use pre-tax earnings to purchase qualified transportation benefits, other than qualified parking, in accordance with federal law.

b. Except as provided of subdivision d of this section, any individual, corporation or other entity that fails to offer the opportunity required in subdivision a of this section shall be subject to a civil penalty returnable at the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice of fifty dollars for each day that such failure occurs for each employee that fails to receive the opportunity required by subdivision a of this section.

c. Subdivision a of this section shall not apply to government employers or where a collective bargaining agreement exists between any group of workers and such individual, corporation, government or other entity.

d. The provisions of this section may be enforced by the department of finance. Not less than thirty days nor more than ninety days prior to assessing a monetary penalty for violation of subdivision a of this section, the department of finance shall issue a written warning to such individual, corporation or other entity. The department of finance shall promulgate rules setting forth such warning period.

§2. This local law shall take effect one hundred eighty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 296

By Council Members Gentile, Rose and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to notification of the STAR registration program.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 11-245.8 of the administrative code of the city of New York, as amended by local law 15 for the year 2011, is amended to read as follows:

a. The commissioner of finance or his or her designee, shall provide a notice relating to the lien sale process to all property owners, included with the notice of value sent to property owners by the department of finance pursuant to section 1511 of the New York city charter and, in addition, no later than October thirty-first of each year, to any property owner who is delinquent in the payment of any real property taxes, assessments, or any other charges that are made a lien subject to the provisions of chapter three of this title, except sewer rents, sewer charges and water rents, if such delinquency, in the aggregate, equals or exceeds the sum of one thousand dollars. This notice shall include, but not be limited to, actions homeowners can take if a lien is sold on such property; the type of debt that can be sold in a lien sale; a timeline of statutory notifications required pursuant to section 11-320 of this

title; a clear, concise explanation of the consequences of the sale of a tax lien; the telephone number and electronic mail address of the employee or employees designated pursuant to subdivision f of section 11-320 of this title; a conspicuous statement that an owner of any class of property may enter into a payment plan for the satisfaction of delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents, and any other charges that are made a lien subject to the provisions of chapter three of this title, or exclusion from the tax lien sale; and credits and property tax exemptions that may exclude certain class one real property from a tax lien sale. Such notice shall also include information on the following real property tax credits or real property tax exemptions:

1. the senior citizen homeowner exemption pursuant to section 11-245.3 of this chapter;

2. the exemption for persons with disabilities pursuant to section 11-245.4 of this chapter;

3. the exemptions for veterans pursuant to sections four hundred fifty-eight and four hundred fifty eight-a of the real property tax law;

4. the school tax relief (STAR) exemption pursuant to section four hundred twenty-five of the real property tax law, *and, in addition, for owners of properties that are receiving the basic STAR exemption during the two thousand twelve to two thousand thirteen school year, no later than July first two thousand fourteen, information relating to the requirement to register with the New York State Department of Taxation and Finance, as prescribed by subdivision 14 of section four hundred twenty-five of the real property tax law. Such information shall include, but not be limited to, the deadline for registration, instructions regarding late registrations, and the web address and telephone number, if applicable and available, to register with the New York State Department of Taxation and Finance;*

5. the enhanced school tax relief (STAR) exemption pursuant to subdivision four of section four hundred twenty-five of the real property tax law;

6. the state circuit breaker income tax credit pursuant to subsection (e) of section six hundred six of the tax law; and

7. any other credit or residential real property tax exemption, which, in the discretion of the commissioner, should be included in such notice.

Upon such property owner's written request, or verbal request to 311 or any employee designated pursuant to subdivision f of section 11-320 of this title, a Chinese, Korean, Russian or Spanish translation of such notice shall be provided promptly to such property owner.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 297

By Council Members Gentile, Chin, Constantinides, Richards, Rose and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation air quality monitoring at designated "heavy use" thoroughfares.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that there is ample evidence that poor air quality is associated with adverse health impacts. Documented adverse health impacts include increased risk of mortality from lung cancer, cardiovascular diseases, and respiratory diseases. Recent studies also show that children are particularly susceptible to exposure to air pollution which is known to lower IQ scores even before birth and can leave children more susceptible to respiratory diseases later in life. Prenatal exposure to air pollution is linked with genetic abnormalities at birth and developmental delays by age three. Among obese children, more pronounced deficits in lung function have been observed in response to air pollution than among children of normal weight. Similarly, air pollution can have devastating impacts on people with compromised immune systems, the elderly and individuals with respiratory diseases.

The Council further finds that pollution from mobile sources represents a significant threat to children because one in three public schools in the United States is located within four hundred meters of a major highway which usually serve as routes for trucks and other traffic. The location of schools and school playgrounds in proximity to major highways and to mobile sources pollution generated by vehicles affects children more than adults because children spend more than thirty percent of their day on school grounds, in classrooms and, after school, involved in extracurricular activities at school. Finally, the Council finds that the Environmental Protection Agency is proposing a new and more stringent national standard for nitrogen dioxide ("NO₂") caused by emissions from cars, trucks, buses, power plants and industrial facilities. The new proposed standard is based upon current scientific evidence linking short-term NO₂ exposures to respiratory effects in people with asthma and other respiratory diseases and at-risk populations such as children and the elderly. The proposed NO₂ standard would add NO₂ monitoring within fifty meters of major roads but would not require any NO₂ monitoring near schools, parks or playgrounds.

Therefore the Council finds that it is in the best interests of the City to designate heavy traffic thoroughfares and to require that air monitors be placed at designated heavy use thoroughfares and outside of parks, playgrounds, ball fields and school playgrounds that adjoin designated heavy use thoroughfares, and to require annual reports on the results of the ambient air quality monitoring.

§ 2. Section 24-108 of the administrative code of the city of New York is

amended by adding a new subdivision g to read as follows:

(g) (1) For purposes of this subdivision the following terms shall have the following meanings:

(i) "Heavy use thoroughfare" means any highway, roadway or other traffic corridor that has traffic volume greater than the fiftieth percentile of the average New York city roadway corridors or have traffic in excess of 100,000 vehicles on an annual basis. Designation of heavy use thoroughfares shall be based upon verifiable usage and traffic volume data obtained from transportation planning agencies including, but not limited to, the New York metropolitan transportation council, the New York city department of transportation and the New York state department of transportation.

(ii) "Recreational area" means any park, playground, ball field and school playground that abuts a heavy use thoroughfare.

(iii) "Regulated air contaminant" means oxides of nitrogen, volatile organic compounds, sulfur dioxide, particulate matter, carbon monoxide, carbon dioxide, polycyclic aromatic hydrocarbons or any other air contaminant for which a national ambient air quality standard has been promulgated; or any air contaminant that is regulated under section 112 of the Clean Air Act, as amended.

(iv) "At risk populations" means infants and children sixteen years of age or younger, pregnant women, adults sixty years of age or older, and persons with weakened immune systems.

(2) The department shall, no later than June thirtieth, two thousand fifteen, designate heavy use thoroughfares in every borough.

(3) The department shall install street level air monitors at a minimum at two major intersections on every designated heavy use thoroughfare and at every recreational area by December thirtieth, two thousand fifteen. Commencing on December thirtieth, two thousand sixteen and every December thirtieth thereafter, the department shall issue a report to the mayor and to the speaker of the council containing the results of the air quality monitoring of designated heavy use thoroughfares. Such report shall also be posted on the department's website annually.

(4) Where the results of the air quality monitoring on adjoining heavy use thoroughfares indicate that levels of any regulated air contaminant constitute a violation of an existing standard for that regulated air contaminant or contribute to an actual or potential danger to public health or the environment or present a health risk to at-risk populations based upon the most recent research available, the department of environmental protection along with the departments of transportation and education shall collaboratively identify, develop and require the implementation of corrective mitigation measures that significantly reduce or eliminate short-term and long term exposure risks.

§3. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of environmental protection 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 Environmental Protection.

Res. No. 191

Resolution calling upon the New York State Homes and Community Renewal to release the addresses of illegally deregulated rental units upon their return to the rent regulatory system.

By Council Members Johnson, Chin, Gibson, Lander, Levine, Richards, Rose and Wills.

Whereas, New York State's rent-regulation programs, known as rent control and rent stabilization, cover about 1 million apartments in New York City, which represents most of the city's affordable rental housing stock; and

Whereas, The New York State Homes and Community Renewal (HCR) is the state agency responsible for administering rent regulation laws in order to protect tenants in privately owned buildings from illegal rent increases, unlawful harassment, unwarranted evictions, and to require that habitable building conditions be maintained; and

Whereas, A regulated unit can be removed from the regulatory system if a vacant unit's permitted rent increases to above \$2,500 a month or if an occupied unit's rent exceeds \$2,500 a month and the tenant's annual income is \$200,000 or more for two consecutive years; and

Whereas, Some property owners are violating rent regulation laws by charging market rate rent for apartments required to be rent regulated; and

Whereas, This practice has greatly exacerbated the city's severe lack of affordable housing by taking thousands of affordable units off the market; and

Whereas, HCR is limited to a four-year statute of limitations to investigate rent overcharge and unit registration complaints unless there is evidence of fraud; and

Whereas, The New York City Guidelines Board recently stated that 9,499 rent stabilized apartments were deregulated in 2012 with approximately 249,355 rent stabilized units deregulated between 1994 and 2012 because of high rent amounts, coop/condo conversions, the expirations of tax benefits and other property alterations; and

Whereas, The Governor in 2012 created the Tenant Protection Unit (TPU), a division at HCR, to proactively enforce compliance with the State's rent laws and investigate those involved in schemes to illegally deregulate apartments; and

Whereas, TPU has increased the level of scrutiny on property owners' business practices by conducting proactive outreach to those who have failed to register units and audits on properties that have significantly increased rent upon vacancy; and

Whereas, Through these initiatives, TPU identified more than 28,000 illegally deregulated apartments and has added these units back to the rent stabilization system, entered into settlement agreements with property owners to refund rent overcharges and revised tenant leases impacted by such illegal activity; and

Whereas, Despite these steps, more transparency and accountability is needed to ensure that the landlords that engaged in these types of activities do not continue to flout the law or have more units that should be returned back to rent regulated status; and

Whereas, Tenants affected by such illegal activities may not be aware that they may be due a refund or that their unit has been reregulated; and

Whereas, Knowledge of the location of illegally deregulated units would allow advocates to reach out to affected tenants to educate them on their rent-regulated rights, and aid in the enforcement of the rent regulatory system; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Homes and Community Renewal to release the addresses of illegally deregulated rental units upon their return to the rent regulatory system.

Referred to the Committee on Housing and Buildings.

Res. No. 192

Resolution calling upon the United States Congress to pass and the President to sign H.R. 4240, the Health Equity and Access under the Law (HEAL) for Immigrant Women and Families Act to expand access to health care services for immigrant women, men, and families by removing legal barriers to health insurance coverage.

By Council Members Johnson, Arroyo, Chin, Dickens, Eugene, Gibson, Koo, Levine, Reynoso and Rose.

Whereas, The United States (U.S.) Census Bureau's 2011 American Community Survey (ACS) estimates the U.S. immigrant population at almost 40.4 million; and

Whereas, Around one-third of immigrants are uninsured, according to the 2011 ACS; and

Whereas, A number of restrictions on access to care have been put in place over the last two decades, which has put affordable health care out of reach for many immigrants in the United States; and

Whereas, Undocumented immigrants and lawfully present immigrants residing in the U.S. for less than five years are currently ineligible for federally funded health coverage; and

Whereas, Although a 2014 Gallup poll reports that the implementation of the Patient Protection and Affordable Care Act (ACA) has helped nearly 10 million people obtain health insurance, many immigrants have been excluded from this expanded coverage due to their status; and

Whereas, According to the Henry J. Kaiser Family Foundation, the uninsured receive less preventive care and recommended screenings, are more likely to postpone and forgo care, are generally not as healthy, have significantly higher mortality rates, and are at higher risk for preventable hospitalizations and for missed diagnoses than the insured; and

Whereas, Especially concerning is the possibility of immigrant women forgoing sexual, reproductive, and maternal health services due to lack of insurance, including prenatal visits, contraceptives, sexually transmitted infection screenings, breastfeeding support, and cancer screening; and

Whereas, According to the Kaiser Family Foundation, uninsured individuals are almost twice as likely as those with health insurance coverage to have trouble paying medical bills and the average uninsured household has no net assets, leaving them vulnerable to mounting debt; and

Whereas, This cost is passed to everyone in the form of taxes to support Federal Disproportionate Share Hospital (DSH) payments, available to hospitals that serve a large percentage of uninsured, and through increased premiums for those who are insured; and

Whereas, The Health Equity and Access under the Law (HEAL) for Immigrant Women and Families Act, H.R. 4240, sponsored by U.S. Representative Michelle Lujan Grisham, would remove the roadblocks that have prevented immigrants who reside legally in this country from obtaining health insurance; and

Whereas, Specifically, the HEAL for Immigrant Women and Families Act would eliminate the ban on enrollment until five years after an immigrant has established lawful status, providing access to Medicaid and the Children's Health Insurance Program (CHIP) for all lawfully present immigrants who are otherwise eligible; and

Whereas, H.R. 4240 would also allow lawfully present young people granted Deferred Action for Childhood Arrivals (DACA) status to participate fully in ACA, allowing them to buy coverage on the health insurance marketplaces, obtain subsidies designed to make coverage affordable, and access care through the Basic Health Program, Medicaid or CHIP if they are eligible; and

Whereas, Denying coverage or imposing waiting periods for coverage puts an unnecessary strain on immigrant families, preventing them from taking responsibility for their own health and accessing the services necessary to plan whether and when to have a child; and

Whereas, Removing legal barriers to affordable health insurance coverage based on immigration status will create healthier communities and a stronger economy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 4240, the Health Equity and Access under the Law (HEAL) for Immigrant Women and Families Act to expand access to health care services for immigrant women, men, and families by removing legal barriers to health insurance coverage.

Referred to the Committee on Health.

Res. No. 193

Resolution calling upon the New York City Department of Education to mandate training in Cardiopulmonary Resuscitation for all enrollees in every high school under its control.

By Council Members Johnson, Constantinides, Chin, Cornegy, Eugene, Koo and Rose.

Whereas, As many as 70 percent of Americans do not know how to perform cardiopulmonary resuscitation (CPR) according to the American Heart Association (AHA); and

Whereas, Approximately 383,000 instances of cardiac arrest occur outside of hospitals annually, in places of work, schools, or other public areas, according to the AHA; and

Whereas, According to the American Health and Safety Institute, youths under 18-years-old face a 5.4 percent survival rate for Emergency Medical Services (EMS) treated cardiac arrest; and

Whereas, In the event of cardiac arrest outside of a hospital, prompt and effective administration of CPR can double or triple a victim's chances of survival; and

Whereas, A victim's chances of survival are reduced by 7 to 10 percent with every minute that passes without CPR, according to the Sudden Cardiac Arrest Foundation (SCAF); and

Whereas, However, only 32 percent of cardiac arrest victims receive CPR from a bystander, according to SCAF; and

Whereas, In an effort to make it easier for people to perform CPR, the AHA recently revised its CPR guidelines by placing a greater emphasis on chest compressions; and

Whereas, This process, known as hands-only CPR, is easier to teach and has survival rates comparable to conventional CPR with both compressions and breath; and

Whereas, The AHA reports that studies have shown that trainees can become proficient at CPR with just thirty minutes of instruction; and

Whereas, Individuals with some training, even if they lack full, up-to-date CPR certification, can be the difference between life and death in cases of cardiac arrest; and

Whereas, Given the high rate of cardiac arrest outside of hospitals, the relative ease with which CPR can be taught, and the important impact it can have on survival rates, teaching New York City schools students CPR can save many lives; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to mandate training in Cardiopulmonary Resuscitation for all enrollees in every high school under its control.

Referred to the Committee on Education.

Int. No. 298

By Council Member Kallos, Constantinides, Crowley, Gentile, Reynoso, Wills, Chin, Koo, Lancman, Maisel, Miller, Eugene, Richards, Levine and Rose.

A Local Law to amend the New York city building code, in relation to rigging.

Be it enacted by the Council as follows:

Section 1. Section 3302.1 of the New York city building code is amended by adding a new definition for "CLIMBER CRANE," in appropriate alphabetical order, and by amending the definition of "MOBILE CRANE," as added by local law number 33 for the year 2007, to read as follows:

CLIMBER CRANE. *A crane erected upon and supported by a building or other structure and which may be raised or lowered to different floors or levels of the building or structure.*

MOBILE CRANE. *A commercial truck mounted crane, crawler crane, wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).*

Exception: *This term shall not include climber cranes.*

§2. Section 3316.9.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3316.9.1 Supervision. The hoisting or lowering of any article on the outside of any building in the city shall be performed by or under the direct and continuing supervision of a licensed rigger.

Exceptions:

1. In lieu of a licensed rigger, the hoisting or lowering of a sign may be performed by or under the direct and continuing supervision of a licensed sign hanger.

2. Suspended scaffold operations shall meet the requirements of Section 3314.

3. In lieu of a licensed rigger, the hoisting or lowering of articles on the outside of a building may be performed by or under the supervision of a competent person registered in accordance with Section 3316.9.1.2 and designated by the contractor using the equipment provided the following conditions are met:

3.1 The hoisting or lowering occurs in conjunction with:

3.1.1 The construction of a new building; *or*

3.1.2 The full demolition of an existing building;

[3.1.3 The vertical or horizontal enlargement of an existing building; *or*

3.1.4 The alteration, maintenance, or repair of a façade of a major building where a site safety plan is required by Section 3310.3.]

3.2 All individuals involved in the work are certified or trained in accordance with Section 3316.9.2, where such certification or training is required;

3.3 The hoisting or lowering does not meet the definition of industrial rope access;

3.4 The article being hoisted or lowered is not [a boiler or tank;] *one of the following:*

3.4.1 *A boiler or tank; or*

3.4.2 *Mechanical or electrical equipment, or a major component thereof, in weighing in excess of 2,000 pounds (907 kg); and*

3.5 The article being hoisted or lowered is not related to the assembly, jumping, or disassembly of a tower or climber crane[; and].

[3.6 Where the hoisting or lowering meets the definition of a critical pick, such critical pick is:

3.6.1 Performed in accordance with a plan developed by either a:

3.6.1.1 Licensed master rigger; *or*

3.6.1.2 Registered design professional who has demonstrated knowledge or experience with safe loads and computation thereof, types of rigging, size and strength of ropes, cables, blocks, and any other rigging equipment to be used during the critical pick; *and*

3.6.2 Immediately prior to the pick, onsite verification is made to ensure conformance with the plan by either:

3.6.2.1 The licensed master rigger who developed the plan;

3.6.2.2 The registered design professional who developed the plan; *or*

3.6.2.3 A registered design professional employed by and working under the direct and continuing supervision of the registered design professional who developed the plan.]

4. Where the building or lowering is performed under the direct and continuing supervision of a licensed rigger, a specialty crew who is not in the direct employ of the licensee or business of the licensee may be utilized, provided:

4.1 The work requires a specialty trade, including but not limited to work with hazardous materials or chemicals;

4.2 The crew is in accordance with rules promulgated by the commissioner; *and*

4.3 The members of the crew are approved by the commissioner.

3316.9.1.1 Supervisor. The individual supervising the hoisting or lowering in accordance with Section 3316.9.1 shall:

1. Be present at the site during all times articles are being attached or detached;
2. Have the ability to communicate with all individuals involved with such work; and
3. Be in the line of sight of either the:
 - 3.1 Attaching operation,
 - 3.2 Detaching operation, or
 - 3.3 The hoisting equipment.

3316.9.1.2 Registration of competent supervisors. Where required by this code, competent persons supervising the hoisting or lowering of articles on the outside of a building shall be registered in accordance with rules promulgated by the department. The department shall make such registrations publicly available online.

§2. Section 3316.9.2 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3316.9.2 Certification of training. All individuals who attach or detach articles from the hook of hoisting equipment in conjunction with the hoisting or lowering of an article outside of a building, or in connection with the construction of a new building or the full demolition of an existing building, the [supervisor of] competent person registered in accordance with Section 3316.9.1.2 supervising such individuals, and signalpersons communicating with such individuals, shall, eighteen months after the effective date of this section, [either:

1. Possess a valid certification for both rigging and signaling from an organization acceptable to the commissioner and accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI). The certification shall be valid for a term of no more than five years before it has to be renewed and shall cover areas including, but not limited to, the inspection and use of rigging hardware, basic rigging techniques, signaling, and hazards associated with rigging. The certification for a supervisor shall, in addition to the foregoing, include calculations and problem solving with respect to rigging; or

2. Have] have completed an initial department-approved training course, and four years following the completion of the initial training course, and every four years thereafter, complete a department-approved refresher course. The courses shall be in accordance with the following:

[2.1] 1. The initial training course for individuals who attach or detach articles from the hook of hoisting equipment and signalpersons communicating with such individuals shall be, at a minimum, 16 hours long, with the refresher course, at a minimum, 8 hours long. The initial training course for a supervisor shall be, at a minimum, 32 hours long, with the refresher course, at a minimum, 16 hours long.

[2.2] 2. The training course shall be conducted by a registered New York State Department of Labor apprenticeship training program or by an educational institution or school chartered, licensed or registered by the New York State Department of Education or by a provider approved by the department and presented by an instructor acceptable to the commissioner.

[2.3] 3. Training courses and refresher courses shall cover areas including, but not limited to, the inspection and use of rigging hardware, basic rigging techniques, signaling, and hazards associated with rigging. The training course and refresher course for a supervisor shall, in addition to the foregoing, include calculations and problem solving with respect to rigging. The training course and refresher course, both for crew members and supervisors, shall include a significant portion of hands on training.

[2.4] 4. Successful completion of the initial training course and refresher course shall be based upon passage of a written and a practical exam.

[2.5] 5. Successful completion of the initial training course and refresher course shall be evidenced by a wallet size certificate card issued by the training provider and acceptable to the commissioner. Such certificate card shall be readily available to the commissioner upon request and shall contain, at a minimum, the following information:

[2.5.1] 5.1 The name of the individual to whom it was issued;

[2.5.2] 5.2 A photograph of the individual to whom it was issued; and

[2.5.3] 5.3 Any other information required pursuant to rules promulgated by the commissioner for a department approved training course.

[2.6] 6. For individuals who fail to complete the required refresher course within any 4 year period, a refresher course shall be considered timely if completed within 1 year after the expiration date of the last previously completed initial or refresher course. During such period, such individual shall not perform or supervise any activity for which the lapsed training is required to perform or supervise such activity until such individual has successfully completed such refresher course. Where more than 1 year has lapsed, such individual shall be required to successfully recomplete the initial training course.

Exceptions: Training [or certification] is not required for:

1. Individuals working under the direct and continuing supervision of a licensed rigger or sign hanger.

2. The loading or unloading of a *building* material delivery truck provided the material is loaded or unloaded only between the ground and the truck, or vice versa, and also provided that the material is not raised more than 12 feet (3658 mm) above the bed of the truck during the loading or unloading process.

3. The use of *vehicle-mounted* hoisting equipment that has a *boom not exceeding fifty feet in length (15 240 mm) and a manufacturer's rated capacity of 2,000 pounds (907 kg) or less.*

§3. Section 3316.9.3 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3316.9.3 Industrial rope access. Any person using industrial rope access methods to descend or ascend outside a building, including the individual supervising such, [must be] *shall be under the direct and continuing supervision of a licensed master rigger, or a foreman designated by such licensed master rigger in accordance with rules promulgated by the department*, certified by either the Society of Professional Rope Access Technicians ("SPRAT") or the Industrial Rope Access Trade Association ("IRATA"), or an equivalent acceptable to the department. Only hand tools, securely attached to a person, may be carried by such person during the use of industrial rope access methods. Any other tools or equipment must be separately hoisted or lowered.

§4. This local law shall take effect on October 1, 2014, except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings 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 Housing and Buildings.

Int. No. 299

By Council Members Kallos, Constantinides, Crowley, Deutsch, Ferreras, Gentile, Gibson, Reynoso, Wills, Koo, Lancman, Levin, Levine, Maisel, Miller, Rodriguez, Richards, Chin, Cornegy, Espinal, Mealy, Eugene, Vacca, King, Cohen, Weprin and Rose.

A Local Law to amend the New York city building code, in relation to the operation of hoisting machines.

Be it enacted by the Council as follows:

Section 1. Section 28-405.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-405.1 Hoisting machine operator license required. It shall be unlawful for any persons to take charge of or operate any power-operated hoisting machine used for hoisting purposes or cableways under the jurisdiction of the department, unless such person is licensed under the provisions of this article or is a holder of a certificate of qualification as a hoisting machine operator issued prior to December 6, 1968 and not allowed to lapse.

Exceptions:

1. Operators of mobile cranes of a limited size and capacity exempted from the requirements of this article under chapter 33 of the New York city building code, or exempted in accordance with rules promulgated by the commissioner.

2. Hoisting machines with a [manufacturer's rated] capacity of one ton or less, *as determined by the department.*

3. Power-operated scaffolds and window-washing machines.

§2. Item 3 of section 28-405.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

3. Class C license: Special hoisting machine operator license to operate a specified class of hoisting machine of limited size and capacity as follows:

Class C1: License to operate wheel mounted cranes (*single control station*) with telescoping, hydraulic, articulating or folding booms, including jibs and any other extensions to the boom, not exceeding 200 feet in length (60 960 mm) with a manufacturer's rated capacity of 50 tons (51 t) or less;

Class C2: License to operate boom trucks with telescoping, hydraulic, articulating or folding booms, including jibs and any other extensions to the boom, not exceeding 200 feet (60 960_ mm) in length with a manufacturer's rated capacity of 50 tons (51 t) or less;

Class C3: License to operate boom trucks with telescoping, hydraulic, articulating or folding booms, including jibs and any other extensions to the boom, not exceeding 135 feet (41 148 mm) in length with a manufacturer's rated capacity of three tons or less, used exclusively for the erection, maintenance or removal of signs.

§3. Section 28-405.3.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-405.3.1 Class A license. An applicant for a class A basic hoisting machine operator license shall:

1. [have] *Have* at least three years of experience within the five years prior to application under the direct and continuing supervision of a licensed hoisting machine operator; *provided that at least two years of such qualifying experience must have been undertaken in the city of New York; and*

2. *Have successfully completed a written examination and a practical examination, in accordance with section 28-405.6 of this article.*

§4. Section 28-405.3.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-405.3.2 Class B license. An applicant for a class B hoisting machine operator license shall have a class A basic hoisting machine operator license, and shall:

1. [have] *Have* at least two years of experience prior to application under the direct and continuing supervision of a Class B licensed hoisting machine operator operating the equipment for which he or she is applying for endorsement;

2. [and shall satisfactorily demonstrate] *Have satisfactorily demonstrated* by operation that he or she is competent to operate a crane with a boom, including jibs and other extensions, exceeding 200 feet (60 960 mm) in length or a truck-mounted tower crane exceeding 200 feet (60 960 mm) in height[, or as otherwise provided in rules of the department]; *and*

3. *Have successfully completed a practical examination, in accordance with section 28-405.6 of this article.*

§5. Article 405 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-405.6 to read as follows:

§ 28-405.6 Examinations. *Where required by this article, written or practical examinations shall be developed and administered by the department or by another city agency as determined by the commissioner and shall address the unique challenges of safely operating the equipment for which the examinee is applying for licensure or endorsement, as applicable, within the city's environment and all federal, state and local laws, rules and regulations enforced by the city applicable to such operation.*

§6. Section 3302.1 of the New York city building code is amended by adding a new definition for "CLIMBER CRANE," in appropriate alphabetical order, and by amending the definition of "MOBILE CRANE," as added by local law number 33 for the year 2007, to read as follows:

CLIMBER CRANE. *A crane erected upon and supported by a building or other structure and which may be raised or lowered to different floors or levels of the building or structure.*

MOBILE CRANE. A commercial truck mounted crane, crawler crane, wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).

Exception: *This term shall not include climber cranes.*

§7. This local law shall take effect on October 1, 2014, except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings 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 Housing and Buildings

Res. No. 194

Resolution calling upon the New York State Legislature to pass, and the Governor to sign into law legislation that would prohibit companies and their affiliates who profited from the Holocaust and have not yet paid restitution, from being awarded government contracts.

By Council Members Kallos, Levine, Johnson, Cabrera, Chin and Koslowitz.

Whereas, According to an estimate by Francis Nicosia in the Columbia Guide to the Holocaust, the total death toll of the Holocaust, which was perpetrated by Nazi Germany and its allies, was over 17 million people, including 6 million Jews, 3 million Soviet Prisoners of War, 2 million ethnic Poles, and 1.5 million Romani; and

Whereas, Such a large and complex killing infrastructure would not have been possible without the collaboration of major corporations that also profited significantly from their involvement; and

Whereas, According to investigative journalist Edwin Black, these corporations included, among others, IBM, which created the punch card system that allowed the Nazis to track prisoners as they were captured and transported to concentration camps, and similar allegations have been made at Yad Vashem, the Holocaust memorial in Israel, against corporations such as the pharmaceutical company Bayer, which was part of IG Farben that tested lethal chemicals on concentration camp prisoners, and Siemens, which helped construct concentration camps and profited from the use of slave labor; and

Whereas, Although in the aftermath of World War II some of the executives at German corporations were tried and sentenced at the Nuremberg trials for their collaboration, many foreign collaborators were not held to account for their horrendous actions, and many of the companies have either not paid any restitution to their victims and their families, only paid a token amount, and/or have not admitted to any guilt or liability even though their current size and success is in part based on the large profits that they secured during the war; and

Whereas, This is a gross injustice that must be corrected, both to address the crimes of the past, and to ensure that corporations know that they will be held to account if they engage in similar collaborations in the future; and

Whereas, An important way to hold these corporations to account would be to change New York State procurement law to disallow any company or its affiliate that profited from the Holocaust and has not paid proper restitution from being awarded a state or local government contract; and

Whereas, Maryland State Senator Joan Conway has introduced Senate Bill 754 in the Maryland State Senate which would prohibit government agencies in Maryland from entering into contracts with private entities that participated in the Holocaust but have not paid reparations to its victims; and

Whereas, New York State should join this movement to ensure that victims and their families are compensated, and to help ensure that corporations are held accountable for their actions in the future; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign into law legislation that would prohibit companies and their affiliates who profited from the Holocaust and have not yet paid restitution, from being awarded government contracts.

Referred to the Committee on Contracts.

Int. No. 300

By Council Members King, Koo, Mealy, Reynoso, Rose, Wills and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to the removal of snow, ice, dirt and other material from fire hydrants.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-123 of the administration code of the city of New York is amended to read as follows:

§16-123 Removal of snow, ice and dirt from sidewalks *and fire hydrants*; property owners' duties. a. Every owner, lessee, tenant, occupant, or other person, having charge of any building or lot of ground in the city, abutting upon any street where the sidewalk is paved, shall, within four hours after the snow ceases to fall, or after the deposit of any dirt or other material upon such sidewalk *and any fire hydrant on such sidewalk*, remove the snow or ice, dirt, or other material from the sidewalk [and] , gutter, *and any fire hydrant on such sidewalk*, the time between nine post meridian and seven ante meridian not being included in the above period of four hours. Such removal shall be made before the removal of snow or ice from the roadway by the commissioner or subject to the regulations of such commissioner. In the boroughs of Queens and Staten Island, any owner, lessee, tenant or occupant or other person who has charge of any ground abutting upon any paved street or public place, for a linear distance of five hundred feet or more, shall be considered to have complied with this section, if such person shall have begun to remove the snow or ice from the sidewalk [and], gutter, *and any fire hydrant on such sidewalk* before the expiration of such four hours and shall continue and complete such removal within a reasonable time.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 301

By Council Members Lancman, Cabrera, Cohen, Crowley and Koslowitz.

A Local Law to amend the New York city charter, in relation to the reporting of revenue from the issuance of violations and the imposition of related fines.

Be it enacted by the Council as follows:

Section 1. This bill shall be known and may be cited as the “Fine Accountability Act.”

§2. Section 487 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.

§3. Paragraphs (3) and (4) of subdivision e of section 556 of the New York city charter are amended, and a new paragraph (5) is added to such subdivision, to read as follows:

(3) provide for membership on such state or federally authorized committees as may be appropriate to the discharge of the department’s functions, powers and duties; [and]

(4) By January 1, April 1, July 1, and October 1 of each year, report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this paragraph. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website; and

(5) perform such other acts as may be necessary and proper to carry out the provisions of this chapter and the purposes of the mental hygiene law.

§4. Section 645 of the New York city charter is amended by adding a new subdivision (e) to read as follows:

(e) By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.

§5. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.

§6. Section 2203 of the New York city charter is amended by adding a new subdivision (h) to read as follows:

(h) By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.

§7. Section 2903 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.

§8. This local law shall take effect immediately, and the first reports required by this law shall be due by October 1, 2014, covering revenue collected from January 1, 2014 until the date each such report is issued.

Referred to the Committee on Governmental Operations.

Int. No. 302

By Council Members Lander, Johnson, Chin, Cohen, Cornegy, Levine, Reynoso and Vacca.

A Local Law to amend the New York city charter, in relation to additional reporting by the board of elections to the council regarding performance.

Be it enacted by the Council as follows:

Section 1. Section 12 of chapter one of the New York city charter is amended by adding a new subsection f to read as follows:

f. (1) Not later than December fifteenth each year, the board of elections of the city of New York shall provide to the council information regarding its performance for the first four months of the current fiscal year relative to any program performance goals and measures established for such year by the council in consultation with the mayor.

(2) Not later than August first each year, the board of elections of the city of New York shall provide to the council information regarding its performance for the entire previous fiscal year relative to any program performance goals and measures established for such year by the council in consultation with the mayor.

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 195

Resolution calling upon the New York City Housing Authority to conduct a survey of its entire portfolio to determine how much leasable property is owned throughout the city.

By Council Members Levin, Cabrera, Chin, Gibson and Koo.

Whereas, The New York City Housing Authority (“NYCHA”) is a public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

Whereas, The majority of NYCHA’s housing stock is over fifty years old; and

Whereas, In 2006, a physical needs assessment conducted by NYCHA indicated that NYCHA must invest \$25 billion in capital funds over 15 years to keep its housing in a state of good repair, which includes making needed repairs and upgrades to brickwork, roofs, elevators, building systems and apartment interiors; and

Whereas, The bulk of NYCHA’s capital funds come from federal grants and these grants have declined substantially in recent years, falling from \$420 million annually in 2001 to \$256 million annually in 2013; and

Whereas, Since 2001, NYCHA has experienced a cumulative federal grant funding loss of approximately \$1 billion; and

Whereas, According to an August 2008 report by former Manhattan Borough President Scott Stringer entitled "Land Rich, Pocket Poor (“the Report”)," there are 30.5 million square feet of unused development rights in NYCHA developments throughout Manhattan alone; and **Whereas**, In order to generate revenue and address its funding gap, in 2013, NYCHA identified land on the grounds of eight housing developments in Manhattan which could be leased for development; and

Whereas, NYCHA should conduct a thorough survey to determine exactly how much leasable property it owns throughout the city; and

Whereas, The data should be identified by block and lot, lot area, lot frontage, lot depth, potential gross floor area, square footage, buildable square footage and existing zoning and floor area ratio potential; and

Whereas, Additionally, NYCHA should estimate the number of buildings, floors and units that can be built on each site and what number and percentage of those units might be used for residential purposes including affordable housing; and

Whereas, NYCHA should also estimate the market value of each lot they identify; and

Whereas, These survey results should be posted on NYCHA’s website and made searchable in an open data format by borough, block, development, community district, council, senate, assembly and congressional districts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to conduct a survey of its entire portfolio to determine how much leasable property is owned throughout the city.

Referred to the Committee on Public Housing.

Res. No. 196

Resolution calling on the New York State legislature to pass and the Governor to sign S6477/A8637, which would allow health care professionals to prescribe or dispense an opioid antagonist by a non-patient specific order, and provide protections against criminal and civil liability as well as professional disciplinary action resulting from such prescribing.

By Council Members Levin, Johnson and Rose.

Whereas, According to the U.S. Food and Drug Administration (FDA), opioids are narcotics that work by changing the way the brain perceives pain; and

Whereas, Heroin is an opioid drug and according to the FDA, is an illegal street drug that is very addictive and overdose may result in serious, harmful symptoms or death; and

Whereas, According to information from the New York City Department of Health and Mental Hygiene (DOHMH) provided in 2014, fatal overdose deaths from both prescription opioids such as hydrocodone or oxycodone and heroin have increased over the last two years for which complete statistics are available (2011 and 2012); and

Whereas, DOHMH advises in a September 2013 report that heroin-related deaths increased 84% from 2010 to 2012 in New York City, and involved 52% of all overdose deaths in 2012; and

Whereas, According to the FDA, Naxolone, a popular opioid antagonist, prevents or reverses the effects of opioids including respiratory depression, sedation and hypotension; and

Whereas, According to the U.S. Centers for Disease Control and Prevention, over 53,000 drug users were reached through Naxolone distribution and the drug was used in more than 10,000 opioid-overdose reversals between 1996 and mid-2010; and

Whereas, Currently in New York, Naxolone is only available via State certified Opioid Overdose Prevention Programs, and New York City only has 52 of these programs; and

Whereas, DOHMH filed a public letter to the Food and Drug Administration in 2012 with a recommendation that Naxolone be approved for over-the-counter use, a request that was supported with information that more than 500 reported reversals of overdoses occurred when civilians administered the antidote; and

Whereas, The City launched a pilot program last fall to supply police officers with Naloxone on the North Shore of Staten Island where the mortality rate from overdose is 7.4 per 100,000 compared to 2.4 per 100,000 citywide; and

Whereas, According to a DOHMH Press Release issued on February 6, 2014, 190 officers have been trained to administer Naloxone, and the first police officer-reversed overdose occurred in January 2014; and

Whereas, According to a February 2014 statement by New York City's interim Health Commissioner Daniel Kass, "[i]ncreasing access to Naxolone for people most at risk may give them an opportunity for a second chance at the moment they need it"; and

Whereas, In the press release issued on February 6, 2014, DOHMH also urged the State Legislature to approve pending legislation, S6477/A8637, which would increase access to Naxolone; and

Whereas, S6477/A8637, sponsored by Senator Hannon and Assemblyman Dinowitz, would amend New York Public Health Law (PHL) to expand a health care professional's authority to prescribe, dispense, and distribute an opioid antagonist directly or by non-patient specific order to a person at risk of experiencing an opioid-related overdose, or to a family member, friend or other person in a position to help a person at risk of an overdose; and

Whereas, In addition, the proposed legislation would also amend the PHL to protect a health care professional who prescribes or dispenses an opioid antagonist, in good faith and with reasonable care, from criminal or civil liability; and

Whereas, The proposed legislation would also allow a person or organization acting under a non-patient specific order to store and dispense an opioid antagonist; and

Whereas, If enacted, S6477/A8637 would expand access to Naxolone by enabling a lay person trained to dispense Naxolone to assist those at risk of overdose; now, therefore be it

Resolved, That the Council of the City of New York calls on the New York State legislature to pass and the Governor to sign S6477/A8637, which would allow health care professionals to prescribe or dispense an opioid antagonist by a non-patient specific order, and provides protections against criminal and civil liability as well as professional disciplinary action resulting from such prescribing.

Referred to the Committee on Health.

Int. No. 303

By Council Members Levine, Chin, Constantinides, King, Miller and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on the holiday of Vesak.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-163 of subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, *on Vesak*, and all state and national holidays.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 197

Resolution calling on New York State to increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.

By Council Members Maisel, Arroyo and Wills.

Whereas, New York City has over eight million residents and is one of the most densely populated cities in the world; and

Whereas, Social media can be a great medium to promote rapid dissemination of information to the general public, especially in large, dense urban areas such as New York City; and

Whereas, Social media sites, such as Facebook and Twitter, have been used by individuals to network, voice ideas, and organize political movements; and

Whereas, Although social media sites often circulate constructive ideas and information, social media can also be used for negative purposes; and

Whereas, This is a growing national and international problem that continues to impact society; and

Whereas, In December of 2013, reports indicated that a flash mob of hundreds of out-of-control teens stormed the Kings Plaza Shopping Center in Mill Basin, Brooklyn, trashing stores, attacking security guards, and assaulting innocent individuals; and

Whereas, According to the national British newspaper the Guardian, in 2011, during widespread rioting in England, there were reports that the BlackBerry Messenger service played a key role in organizing looting and rioting; and

Whereas, According to the British Broadcasting Corporation, there were more than 3,100 individuals arrested for participating in the 2011 British riots; and

Whereas, Section 240.08 of the New York State Penal Code ("Penal Code") states that "a person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm," which carries a penalty of a Class A misdemeanor; and

Whereas, Social media and mass electronic communication has the capability to incite thousands of individuals to riot, therefore potentially compounding the number of individuals injured and amount of property damaged; and

Whereas, New York State should increase the penalty for individuals who use social media as a means to incite to riot to a Class E Felony, which would carry a penalty of up to four years in prison and a fine not exceeding five thousand dollars; and

Whereas, Increasing penalties when there is evidence that social media or mass electronic communication has been used to incite to riot would help further safeguard the public safety of all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State to increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.

Referred to the Committee on Public Safety.

Int. No. 304

By The Public Advocate (Ms. James) and Council Members Johnson, Chin, Cornegy, Crowley, Koo, Lancman and Rose.

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. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§17-198 *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 cut, 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 a nail salon 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 by the material safety data sheets for products that may cause skin irritation and charcoal dust masks for use when filing or shaping artificial nails or the type of dust mask that is recommended in the product material safety data sheets of products that may cause respiratory irritation. All nail salon employers shall be required to ensure that proper ventilation at each work station, through the use of an effective ventilation system, is provided and functioning at all times during business hours.

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 include 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 employers 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 by nail salon employees, the health effects of nail salon products, 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 not affect the validity of 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. 305

By The Public Advocate (Ms. James) and Council Members Johnson, Chin, Crowley, Eugene, Koo, Levine Reynoso, Rose and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of housing preservation and development to report on the number of dwellings and dwelling units created or preserved through department programs.

Be it enacted by the Council as follows:

Section 1. Title 27 of the administrative code of the city of New York is amended by adding a new article 3 of subchapter 4 of chapter 2 to read as follows:

**Article 3
Reporting**

§27-2109.2 Reporting. *The commissioner shall provide to the mayor and the speaker of the council on a bi-annual basis a report identifying the type and number of all dwellings and dwelling units created, sponsored or preserved by the department or through programs administered by the department during the preceding six months which shall include, but shall not be limited to, rental dwelling units; dwellings or dwelling units available for ownership; dwellings or dwelling units rehabilitated or maintained as affordable housing through a preservation program; dwellings or dwelling units created, preserved or sponsored through the use of federal funding and any other dwellings or dwelling units created, sponsored or preserved through other programs or initiatives. For each such dwelling or dwelling unit, the report shall identify its funding source and the area median income for the community district in which the dwelling or dwelling unit is located. The report shall also be disaggregated by community board and must identify all dwellings or dwelling units that are anticipated or under consideration for development for the next year.*

§2. This local law shall take effect on June 1, 2014, except that the commissioner of housing preservation and development shall take such actions, including the promulgations of rules, as are necessary for implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 306

By The Public Advocate (Ms. James) and Council Members Johnson, Cabrera, Chin, Crowley, Koo, Levine, Rose, Vacca and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to requiring optional HIV/AIDS tests when anyone is released from a department of juvenile justice facility or a corrections facility.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-104.1 to read as follows:

§ 17-104.1 HIV/AIDS testing. a. For the purposes of this section, the following term shall be defined as follows:

“HIV/AIDS test” shall mean any one of the seven FDA-approved rapid HIV tests.

b. The department shall also offer a free HIV/AIDS test to anyone released from a department of juvenile justice facility or a corrections facility after serving more than six months time. The department shall provide a waiver form for signature to any person refusing such a test acknowledging that they have chosen to opt-out of such test.

c. If the offer to test pursuant to subdivision b of this section is accepted the department must make every reasonable attempt to contact the individual with results and counseling as to any needed health care services.

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

Referred to the Committee on Youth Services.

Int. No. 307

By the Public Advocate (Ms. James) and Council Members Cornegy, Gentile, Gibson, Koo and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the maintenance of vacant buildings.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that inadequately secured vacant properties can be the cause of numerous problems affecting neighborhoods across New York City, such as fire and public safety hazards, urban blight, and depressing local property values. Currently rules promulgated by the Department of Buildings allow the use of concrete block or plywood to seal and secure doors and windows in vacant buildings. Rules promulgated by the Department of Housing Preservation and Development allow for the use of concrete block, sheet metal, or plywood to seal and secure buildings. Over time, doors and windows secured with concrete blocks, sheet metal or plywood can become vulnerable to the elements or torn off by vandals or criminals wishing to gain access to the building. Cities such as Boston and Chicago have addressed the issue of inadequately secured vacant properties by strengthening their ordinances to require the installation of internal metal security panels on windows and doors in buildings that have remained vacant for longer than a prescribed period of time. Amending the New York City Administrative Code to require the installation of internal metal security panels on buildings that have remained vacant and insufficiently secured for more than six months will increase the likelihood that such buildings will be protected from unauthorized entry, which will serve to stabilize and protect neighborhoods.

§2. Section 28-216.1.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-216.1.2 Vacant buildings. *i Any vacant building not continuously guarded or not sealed and kept secure against unauthorized entry shall for the first six months it is vacant have all openings sealed in a manner approved by the commissioner, and it shall be the duty of the owner thereof promptly to make any repairs that may be necessary for the purpose of keeping such building sealed and secure.*

ii. For any building that has been vacant for more than six months, the owner must implement and provide proof to the department that said building either (i) is secured as described in section 28-216.1.2.1 of this article or (ii) contains all of the security features set forth in section 28-216.1.2.2 of this article.

§ 28-216.1.2.1 Secured buildings. *For purposes of this chapter the term “secured” refers to a building that has a permanent door or window, as applicable, in each appropriate building opening; has each such door or window maintained in a manner so as to prevent unauthorized entry; and has all of its door and window components including, but not limited to, frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes, intact and unbroken.*

§ 28-216.1.2.2 Steel security panels. *Any building found not to be secured as set forth in section 28-216.1.2.1 of this article that has been vacant for six months or more must have every exterior opening larger than one square foot, including door openings, which are in the cellar, basement or first story, on the course of a fire escape, are less than six feet measured horizontally from an opening in an adjoining building or which are less than ten feet from grade closed and secured with a commercial-quality 14-gauge, rust-proof steel security panel or door. Such panel or door shall have an exterior finish that allows for easy graffiti removal and shall be secured from the interior of the building to prevent unauthorized removal.*

§ 28-216.1.2.3 Penalty. *In addition to any other penalty provided by law, it shall be a violation of this article for a vacant building not to be secured in accordance with the provisions of this section. Where the owner has presented proof to the department of compliance with section 28-216.1.2.1 or section 28-216.1.2.2 but the commissioner determines, based on an inspection by the department or a report prepared by another city agency and provided to the department, that the owner is not in compliance, the commissioner shall send by certified mail a written notice of violation to the owner of record. Within 30 days of the mailing of such*

notice of violation, the owner shall be required to comply with the provisions of section 28-216.1.2.2 of this article.

§3. This law shall take effect ninety days after its enactment, except that the commissioner of buildings and the commissioner of housing preservation and development shall take such actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 308

By The Public Advocate (Ms. James) and Council Members Cabrera, Chin and Koo.

A Local Law to amend the New York city charter, in relation to public notice prior to the permanent removal of any emergency medical service station.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 487 of chapter 19 of the New York City Charter is amended to read as follows:

§487. Powers. a. The commissioner shall have sole and exclusive power and perform all duties for the government, discipline, management, maintenance and direction of the fire department and the premises and property in the custody thereof, however, the commissioner shall provide written notice with supporting documentation at least forty-five days prior to the permanent closing of any firehouse or the permanent removal or relocation of any fire fighting unit or emergency medical service station to the council members, community boards and borough presidents whose districts are served by such facility or unit and the chairperson of the council's [public safety] fire and criminal justice services committee. For purposes of this section, the term "permanent" shall mean a time period in excess of six months. In the event that the permanent closing of any firehouse or the permanent removal or relocation of any firefighting unit or emergency medical service station does not occur within four months of the date of the written notice, the commissioner shall issue another written notice with supporting documentation prior to such permanent removal or relocation. The four months during which the written notice is effective shall be tolled for any period in which a restraining order or injunction prohibiting the closing of such noticed facility or unit shall be in effect.

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 309

By the Public Advocate (Ms. James) and Council Members Cabrera, Chin, Cornegy, Eugene, Koo and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of protective devices for seniors and persons with a disability who reside in multiple dwellings, and the provision of a tax abatement for certain related installations.

Be it enacted by the Council as follows:

Section 1. Article 11 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is hereby amended by adding a new section 27-2046.3 to read as follows:

§ 27-2046.3 Protective devices for senior citizens and persons with a disability; notification to tenants. a. It shall be the duty of the owner, lessee, agent or other person who manages or controls a multiple dwelling to:

1. provide, install and maintain in a safe manner grab bars on the walls of shower and bathtub stalls and adjacent to each toilet or water closet in each residential unit when requested by a senior citizen or tenant residing therein who is a person with a disability, or by a tenant residing therein with a senior citizen or person with a disability;

2. provide, install and maintain in a safe manner treads on the floors of showers and bathtub stalls in each residential unit when requested by a senior citizen or tenant residing therein who is a person with a disability, or by a tenant residing therein with a senior citizen or person with a disability; and

3. cause to be delivered to each residential unit a notice advising occupants of the obligation of such owner, lessee, agent or other person who manages or controls a multiple dwelling to install the protective devices referred to in paragraphs 1 and 2 of this subdivision at no cost to the tenants. Such notice shall be provided on an annual basis in a form and manner approved by the department.

b. The department shall promulgate such rules as it deems necessary to comply with the provisions of this section with regard to the annual notice to tenants, and the safety standards and maintenance of the protective devices required by this section.

c. Any person who violates the provisions of this section, or the rules promulgated pursuant to this section, shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars or imprisonment for up to six months or both. In addition, such a person shall also be subject to a civil penalty of not more than five hundred dollars per violation.

d. As used in this section, the following terms have the following meanings:

1. "Senior citizen" means a person who is at least sixty years of age.

2. "Person with a disability" means an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility.

§2. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.9 to read as follows:

§ 11-245.9 Tax abatement for the installation of grab bars. a. For the purposes of this section, the following terms have the following meanings:

1. "Eligible owner" means a person who does not reside in a residential unit and installed grab bars on the walls of shower and bathtub stalls and adjacent to each toilet or water closet in each residential unit upon a request by a senior citizen or person with a disability residing therein or by a tenant residing therein with a senior citizen or person with a disability.

2. "Multiple dwelling unit" means a dwelling unit in a building in which there is either rented, leased, let or hired out to be occupied, or is occupied as the residence or home of two or more occupants living independently of each other.

3. "Person with a disability" means an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility which would entitle him or her to receive the protective devices referred to in paragraphs 1 and 2 of subdivision a of section § 27-2046.3 of this code.

4. "Senior citizen" shall mean a person who is at least sixty years of age.

b. For fiscal years beginning on and after the first of July, two thousand fourteen, an eligible owner of a multiple dwelling unit shall be eligible to receive an abatement of taxes imposed on such multiple dwelling unit for each grab bar installed in such multiple dwelling unit in one of the following amounts:

(i) where the eligible owner purchases and installs a grab bar within the tub area requiring anchoring by screws or toggles where there is no removal of surface tiles or surrounding facade, an amount not to exceed two hundred fifty dollars; or

(ii) where the eligible owner purchases and installs a grab bar requiring anchoring that entails the removal and replacement of surrounding surface tiles or facade, an amount not to exceed four hundred dollars; or

(iii) where such owner purchases and installs a grab bar requiring anchoring that entails the removal and replacement of surface lines and underlayment behind the removed tiles, an amount not to exceed eight hundred dollars.

c. Notwithstanding the provisions of subdivision b of this section, no abatement of real property taxes in accordance with this section shall exceed the actual cost to the eligible owner of the purchase and installation of a grab bar.

d. Any application for the real property tax abatement provided for in this section shall be submitted in such manner and in such form as shall be established by the commissioner by rule.

§3. This local law shall take effect ninety days after enactment except that the commissioner of housing preservation and development and the commissioner of finance shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 310

By The Public Advocate (Ms. James) and Council Members Crowley, Eugene, Koo, Levine and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to conducting audits of asbestos and lead inspections.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision e of section 24-146.1 of the administrative code of the city of New York is amended by adding a new subparagraph e to read as follows:

e. The commissioner shall audit for accuracy no less than forty percent of the asbestos inspection reports received by or filed with the department.

§2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-197 to read as follows:

§17-197 Audit of final lead inspection reports. The commissioner shall audit for accuracy no less than forty percent of the final lead inspection reports received by or filed with the department pursuant to an order to abate issued by the commissioner pursuant to New York city health code §173.13.

§3. This local law shall take effect ninety days after enactment.

Referred to the Committee on Environmental Protection.

Int. No. 311

By The Public Advocate (Ms. James) and Council Members Koo and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to a study on materials used to repair street defects.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-156 to read as follows:

§19-156 *Study of alternative materials to repair street defects.* The department and the department of environmental protection shall conduct a study on the possible use of technologies for repair of street defects that are more environmentally sustainable. Such study shall include the following: (i) various types of environmentally sustainable materials that may be used to repair street defects, including but not limited to those with recycled content; (ii) the expected costs of such materials and the projected feasibility of using such materials, including but not limited to availability, durability, operational function and performance; (iii) the volume of such materials anticipated to be used for such repair as compared to the volume of materials currently used to repair such defects; (iv) recommendations and limitations regarding the use of such materials on roadways under the jurisdiction of the department; (v) the effect on utilities and other entities that will need to make cuts in roadways; and (vi) a determination on whether a uniform standard on the use of environmentally sustainable materials in roadways within the city of New York is appropriate, based on the results of the study required pursuant to this section. If such uniform standards are deemed appropriate, the department, in consultation with other agencies including but not limited to the department of design and construction, shall make recommendations and exceptions to such uniform standard. Such study shall be completed and delivered to the speaker of the council and posted on the department's website not more than twelve months following the effective date of the local law that added this section.

§ 2. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Transportation.

Int. No. 312

By The Public Advocate (Ms. James) and Council Members Cabrera, Chin, King, Koo and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive program to respond to air quality alert days.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that air quality in New York City has been consistently in violation of the Clean Air Act criteria air pollutants standards since those standards were put into place. During the summer months ground level ozone and particulate matter (PM) concentrations routinely rise significantly above the national standards stated in the Clean Air Act of 0.075 parts per million (ppm) causing serious health risks, especially for the most vulnerable New York City residents.

Therefore, the Council finds that it is in the best interests of the City to enact a more robust program for residents of the City, to be notified of, and protected on air quality alert days.

§ 2. Title 17 of the administrative code of the city of New York is amended by adding and new chapter 17 to read as follows:

CHAPTER 17

AIR QUALITY ALERT RESPONSE PROGRAM

§17-1701 *Definitions.*

§17-1702 *Air Quality Alert Response Program.*

§17-1701 *Definitions.* a. For purposes of this section the following terms shall have the following meanings:

1. "Air quality alert day" means a day when the air quality index rises into the unhealthy range pursuant to the federal national ambient air quality standards for ozone and particulate matter and is specifically forecast to be unhealthy for susceptible persons.

2. "Susceptible person" means any person who has a current diagnosis of a breathing problem or a lung disease, such as chronic obstructive pulmonary disease or asthma.

3. "Telework" or "teleworking" means a flexible work arrangement through which an employee performs the duties and responsibilities of his or her employment, and other authorized activities, from a worksite approved by the employer other than the location at which the employee would normally work.

§17-1702 *Air quality alert response program.* a. The department shall establish an air quality alert response program which shall operate between March fifteenth and September fifteenth each year. This program shall include, at a minimum:

(i) the creation of a notification registry that allows city residents to sign up to receive notification of air quality alerts by telephone, electronic mail or text message. Such alerts shall provide current and forecasted ozone concentrations and recommendations on whether susceptible persons should stay home or avoid

exertion out of doors. These alerts shall also contain the following language: "If you have been diagnosed with a breathing problem or a lung disease such as chronic obstructive pulmonary disease or asthma you may be entitled to a reasonable accommodation from your employer, such as, where feasible, teleworking on days identified as air quality alert days by this notification system.";

(ii) a telework tool kit, to be published on the department's website and available in hardcopy upon request, with recommendations for employers and employees to promote teleworking or other accommodations for employees who are susceptible persons throughout the program period and especially on air quality alert days, which shall include, at a minimum, (i) advice on selecting a telework coordinator and a team dedicated to monitoring and promoting telework initiatives; (ii) advice on how to implement technology that makes more employment positions compatible with teleworking; and (iii) a list of resources available to incentivize teleworking and make it accessible to more employees; and

(iii) outreach to city residents and city employers to increase awareness of the air quality alert response system by such means as the commissioner shall determine by rule.

b. Not later than 3:00 p.m. the day prior to a forecasted air quality alert day, the commissioner shall send air quality notifications to persons who have signed up with the notification registry.

c. No city vehicles, other than those used for emergency response purposes, shall be refueled from 12:30 p.m. until 6:00 p.m. on air quality alert days. On the fourth or subsequent consecutive air quality alert day, all city non-emergency vehicle use shall be reduced by the maximum extent practicable. Every city agency shall designate a person to receive air quality alerts from the commissioner for purposes of determining whether city vehicles will be subject to this restriction on the following day.

d. The department shall encourage the reduction of vehicle use by private vehicles and businesses and teleworking on air quality alert days, and shall conduct an annual survey sampling of public and private entities and, based on such survey, estimate the citywide reduction, attributable to teleworking or other measures implemented on air quality alert days, to (i) net business expenses, (ii) vehicle miles traveled, and (iii) vehicular emissions.

e. The department shall initiate measures designed to protect the health of susceptible persons and public health, including the health of individuals younger than sixteen years of age and older than sixty-two years of age whether or not they meet the definition of susceptible person set forth herein, in neighborhoods with the highest morbidity and mortality rates due to lung or chronic obstructive pulmonary disease, asthma and other respiratory diseases. Such measures, shall include, but shall not be limited to, a telephone tree to alert susceptible persons who do not have access to the Internet, and a cooling system distribution program aimed at lowering the number of hospitalizations and fatalities in these neighborhoods.

§ 3. This local law shall take effect one hundred eighty days after its enactment, except that the commissioner of health and mental hygiene 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 Environmental Protection.

Res. No. 198

Resolution calling upon the New York City Department of Education (DOE) to require all high schools under its control, excluding specialized high schools and schools defined by the State as Schools Persistently Low Achieving (PLA), to be assigned "over the counter" late applicant students based on a consistent percentage of the school's total enrollment.

By Council Member s Reynoso, Chin, King, Levine, Miller, Rose and Espinal.

Whereas, According to the New York City Department of Education (DOE), the high school admissions process is centered on the principles of equity and choice; and

Whereas, This process, often described as complex by advocates and parents, requires a student to list up to 12 schools on his/her application, which are then matched based on various criteria; and

Whereas, Depending on the school, a number of variables are used to decide upon acceptance; and

Whereas, For example, screened schools require high grades and good attendance records; some schools accept everyone who lives in their zone, and yet others may accept students by lottery; and

Whereas, However, for various reasons, some students may not be matched and others may not even apply through this traditional process and yet still need placement in high school; and

Whereas, Many of these students are more likely to be new immigrants, have special needs, have a prior history of behavioral issues or be homeless; and

Whereas, According to a 2013 report by Brown University's Annenberg Institute for School Reform, every year approximately 36,000 students enroll in New York City high schools without participating in the high school choice process; and

Whereas, These students are labeled as "over-the-counter" or OTC students and are assigned a school by the DOE; and

Whereas, This report, entitled "Over the Counter, Under the Radar," Inequitably Distributing New York City's Late-Enrolling High School Students" ("the report"),

indicates that these OTC students are disproportionately assigned to high schools that have higher percentages of low-performing students and English language learners (ELLs); and

Whereas, The report's findings indicate that many of the OTC students who have special needs are being placed in schools that are less equipped to handle their needs; and

Whereas, In addition the report reveals that the higher the eighth grade scores of a school's incoming freshmen class, the lower the assignment rate of late-enrolling students; and

Whereas, Further findings show that struggling high schools had a population of late-enrolling students that was almost twice that of better performing schools; and

Whereas, According to media reports, State Education Commissioner John King has voiced concerns that it appears the City has concentrated high-needs students in some schools without providing them suitable support; and

Whereas, Thus the report makes several recommendations in order to remedy such disparities; for example, the researchers suggest that the DOE should assign OTC students to all high schools at an annual rate of between 12 and 20 percent of their respective student populations; and

Whereas, Further, the report makes recommendations for steps to be taken by the DOE in order to achieve its stated purpose of equity in admissions; and

Whereas, One recommendation calls for the DOE to commission an independent study of the demographics and academic performance of OTC students; and

Whereas, The findings could then be used to identify high schools in which these students are shown to achieve in order to replicate such practices in other schools; and

Whereas, Furthermore, another recommendation calls for all schools be assigned students based on a consistent percentage of the school's population with exceptions for schools identified by the State as Persistently Low Achieving until such school improves enough to be removed from the State's list; and

Whereas, Many school reform advocates such as the Annenberg Institute assert it is imperative that the DOE adjust its practices to provide equitable access for all students entering high school in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education (DOE) to require all high schools under its control, excluding specialized high schools and schools defined by the State as Schools Persistently Low Achieving (PLA) to be assigned "over the counter" late applicant students based on a consistent percentage of the school's total enrollment.

Referred to the Committee on Education.

Int. No. 313

By Council Member s Richards, Johnson, Chin, Constantinides, Eugene, Gentile, Gibson, Levine, Reynoso, Williams, Espinal and King.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an air quality task force.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that air pollution is now the "single largest environmental health risk," according to the World Health Organization. The majority of the deaths associated with air pollution are due to heart disease, stroke, chronic obstructive pulmonary disease and lung cancer. According to the Department of Health and Mental Hygiene, air pollution in the City of New York is a major health concern, contributing to approximately 6% of all deaths. According to the Department of Health and Mental Hygiene, 2,200 persons die prematurely from poor air quality annually, or six persons per day. The Council further finds that according to a recent report by Mt. Sinai Hospital, asthma rates have tripled in the past three decades and are now the leading cause of hospital emergency room visits, hospitalizations, and school absenteeism for children.

Therefore, the Council finds that it is in the best interests of the City of New York to establish an air quality task force to make recommendations to address intermittent, long-standing and chronic air pollution problems that are contributing to impaired health, poor scholastic performance, morbidity and mortality in New York City.

§ 2. Section 24-106 of the administrative code of the city of New York is amended to add a new subdivision a to read as follows:

§24-106 Air quality task force. a. There is hereby established a New York city air quality task force to make recommendations for expanded air quality monitoring and data collection with respect to adverse air quality impacts from industrial activities and sources, small area sources, mobile sources and air pollution hot spots and other unaddressed sources of air pollution in the city of New York. Such task force shall consist of nineteen members as follows:

Seventeen members shall be appointed by the mayor, provided that there is/are: (i) one representative of a national environmental organization working for improved air quality; (ii) one representative of the department of health and mental hygiene; (iii) one representative of the department of environmental protection with experience in air quality related issues; (iv) one representative of the mayor's office of long-term planning and sustainability; (v) three representatives, one each from community boards 3, 13 and 14 in the borough of Queens, respectively; (vi) two

representatives, one each from community boards 9 and 11 in the borough of Manhattan; (vii) two representatives, one each from community boards 1 and 2 in the borough of the Bronx; (viii) five representatives of environmental justice organizations, one from each borough of the city of New York, respectively; and (ix) one representative of a research hospital engaged in public health air quality research; and

2. Two members shall be appointed by the speaker of the council, provided that: (i) one member shall be a person with experience in environmental issues; and (ii) one member shall be a person with experience in transportation issues.

b. Members of the air quality task force shall serve without compensation and meet quarterly, with the first meeting to take place not more than three weeks after the final member of the task force is appointed. At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.

c. The task force may adopt rules and procedures with respect to the conduct of its meetings and other affairs not inconsistent with any law.

d. Each member shall serve for a term of twelve months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force occurring other than by expiration of term shall be filled in the same manner as the original position was filled for the unexpired portion of the term. The members of the task force shall be appointed within sixty days of the effective date of the local law that added this section.

e. No member of the task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

f. The task force may request from any department, division, board, bureau, commission, borough president, agency or public authority of the city of New York such information and data as will enable the task force to properly carry out its functions.

g. The task force shall issue a report to the mayor and council no later than twelve months after the final member of the task force is appointed, and not less frequently than annually thereafter. Such report shall include the following:

1. An analysis of the sufficiency of the current laws to address impaired air quality; and

2. Recommendations for state or local legislative or policy changes or mitigation measures that would help the city increase accountability for impaired air quality and improve air quality.

h. The task force shall continue in existence until such time as the air quality in city of New York is in compliance with the national ambient air quality standards for criteria pollutants for three consecutive years.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 314

By Council Member s Ulrich and Vallone.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of a department of veterans' affairs, and repealing section 14 of chapter one of the New York city charter and subchapter 3 of chapter one of title 3 of the administrative code of the city of New York.

Be it enacted by the Council as follows:

Section 1. Section 14 of chapter one of the New York city charter is REPEALED.

§ 2. The New York city charter is amended to add a new chapter 75 to read as follows:

Chapter 75

Department of veterans' affairs

§ 3100. Department; commissioner.

§ 3101. Definition.

§ 3102. Powers and duties.

§ 3103. Veterans' advisory board.

§ 3100. Department; commissioner. There shall be a department of veterans' affairs, the head of which shall be the commissioner of veterans' affairs.

§ 3101. Definition. When used in this chapter, the term "veteran" shall mean a person who has served in the active military service of the United States and who has been released from such service otherwise than by dishonorable discharge.

§ 3102. Powers and duties. a. Except as otherwise provided by law, the commissioner shall have such powers as provided by the director of the state veterans' service agency and shall have the duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of this state, and their families, in relation to: (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation service and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (4) employment and re-employment services, and (5) other matters of similar, related or appropriate nature. The department also shall perform such other duties as may be assigned by the state director of the division of veterans' affairs.

b. The commissioner shall utilize, so far as possible, the services, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof and all such officers and agencies shall cooperate with and extend such services and facilities to the department as it may require.

§ 3103. Veterans' advisory board. There shall be a veterans' advisory board consisting of nine members, all of whom shall be veterans, five of whom shall be appointed by the mayor and four of whom shall be appointed by the speaker of the council of the city of New York. Of these nine appointees, there shall be one representative from each of the five boroughs of the city of New York. The mayor and the speaker shall each consider service in conflicts involving members of the United States armed forces when making such appointments. All members shall serve for a term of three years and may be removed by the appointing official for cause. Members of the advisory board shall elect by majority vote one such member to serve as chairperson and one such member to serve as vice-chairperson, each to serve in that capacity for one-year terms. In the event of a vacancy on the advisory board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term. The advisory board shall (i) advise the commissioner on all matters concerning veterans; (ii) meet at least quarterly; (iii) keep a record of its deliberations; (iv) determine its own rules of procedure; and (v) submit an annual report of its activities to the mayor and the council on or before December 31st of each year.

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

§ 4. The administrative code of the city of New York is amended to add a new title 31 to read as follows:

TITLE 31

Department of veterans' affairs

§ 31-101 Definitions.

§ 31-102 Employment resources.

§ 31-103 Veteran liaisons.

§ 31-101 Definitions. As used in this title:

a. "Commissioner" shall mean the commissioner of veterans' affairs.

b. "Department" shall mean the New York city department of veterans' affairs.

§ 31-102 Employment resources. a. Definitions. For the purposes of this section:

1. "Federal veterans job bank" shall mean the job bank developed by the federal government for veterans or any subsequent online tool that the federal government utilizes to connect veterans with employment opportunities.

2. "City job" shall mean employment with the government of the city of New York.

b. The department shall publish on its website information concerning resources intended to assist veterans in obtaining employment including, but not limited to:

1. a link to the federal veterans job bank;

2. links to websites describing veteran employment services provided by the federal government and New York state government, including but not limited to, the websites of the United States department of labor, the New York state department of labor, the United States department of veterans affairs, and the New York state department of veterans' affairs; and

3. links to any additional resources deemed relevant by the department.

c. The department shall consult with the department of citywide administrative services and other appropriate city agencies to identify city job postings for inclusion in the federal veterans job bank and shall also ensure that such city job postings are included in such job bank and are updated as necessary to maintain accuracy.

d. The department shall consult with the department of small business services to identify job postings that are received or maintained by the department for inclusion in the federal veterans job bank and shall also ensure that such job postings are included in such job bank and are updated as necessary to maintain accuracy.

§ 31-131 Veteran liaisons. The head of each city agency shall designate an employee to act as liaison with veterans within such agency and shall notify the department of the name and contact information of such liaison. Such liaison shall advise veterans within such agency of benefits and services available to veterans at such agency and employee personnel policies applicable to veterans at such agency. At the request of the department, the head of each city agency shall make such liaison available to confer with and receive periodic training from department. The department shall post on its website the names of persons designated to act as such liaison within each agency.

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

Referred to the Committee on Veterans.

Res. No. 199

Resolution calling upon the New York State Legislature to pass and the Governor to sign A9304, legislation which would allow New York City to issue specialized vending licenses to veterans with mental or physical disabilities.

By Council Member s Ulrich, Cabrera, Dickens, Levine, Richards, Vallone and Koslowitz.

Whereas, In order to sell general merchandise in New York City in a public place that is not a store, such as on sidewalks or streets, an individual must hold a general vendor license; and

Whereas, The maximum number of general vendor licenses that New York City may issue is currently limited to 853; and

Whereas, The New York City Department of Consumer Affairs (DCA) maintains a waiting list for general vendor licenses that is currently closed, as it contains thousands of registrants; and

Whereas, State law provides an exception to limitations on general vendor licenses, allowing the unlimited issuance of licenses to physically disabled veterans in New York City; and

Whereas, New York State has a long-standing commitment to honoring the service of veterans, offering preferential treatment to veteran vendors since 1894, when the State took action to assist disabled Civil War veterans who wished to work as vendors; and

Whereas, According to DCA, more than 1,800 veterans are currently licensed as general vendors; and

Whereas, In April 2014, New York State Assembly Member Michael Miller introduced A9304, legislation which would amend New York State General Business Law to allow New York City to issue specialized vending licenses to veterans that are physically or mentally disabled as a result of injuries sustained while in the military; and

Whereas, Since 2000, over 100,000 deployed service members have been diagnosed with post-traumatic stress disorder (PTSD) and more than 250,000 cases of traumatic brain injury (TBI) have been reported; and

Whereas, It is estimated that between 19 and 30 percent of veterans that served during the Vietnam War have experienced PTSD; and

Whereas, Many of these veterans with "invisible injuries" such as PTSD and TBI cannot qualify for specialized veteran vendor licenses under the current law, which only recognizes physical disabilities; and

Whereas, General vendor licenses give veterans an opportunity to take charge of their careers by allowing them operate their own business with low start-up and overhead costs; and

Whereas, New York should provide the same benefits to injured veterans, regardless of the characterization of their disability; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A9304, legislation which would allow New York City to issue specialized vending licenses to veterans with mental or physical disabilities.

Referred to the Committee on Consumer Affairs.

Res. No. 200

Resolution calling upon the New York State Legislature to pass and the Governor to sign, S.4714 and A.6974, legislation that would allow credit to members of the public retirement systems of New York State for military service.

By Council Member s Ulrich, Dickens, Gentile, Gibson and Rose.

Whereas, New York City is home to roughly 200,000 veterans, a number of whom are currently public employees that have served in the armed forces throughout various conflicts and during peacetime; and

Whereas, New York State should recognize the sacrifices made by veterans, regardless of whether they have served during conflicts or peacetime eras; and

Whereas, New York State only permits active public employees who have accrued military service during certain wartime dates to purchase and apply credit for military time served to New York State's public retirement system; and

Whereas, New York veterans who have accrued peacetime military service are presently

excluded from purchasing and applying military service credit to the State's retirement system; and

Whereas, In most cases, purchasing and applying military service credit toward the State's retirement system would substantially increase an employee's retirement benefits; and

Whereas, In 2013, New York State Senator William J. Larkin and AssemblyMember Amy Paulin introduced S.4714 and A.6974, respectively, legislation that would provide credit to members of public retirement systems for military service rendered during both peacetime and wartime; and

Whereas, S.4714 and A.6974 would allow eligible veterans to purchase and apply for up to a maximum of three years credit toward retirement for military service; and

Whereas, S.4714 and A.6974 would provide an opportunity for New York to honor its veterans by acknowledging the sacrifices they made through military service; and

Whereas, New York State should do more to recognize and acknowledge our veterans, whether peacetime or wartime, who were ready to make any sacrifices, including combat services, if their nation asked; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign, S.4714 and A.6974, legislation

that would allow credit to members of the public retirement systems of New York State for military service.

Referred to the Committee on Civil Service and Labor.

Res. No. 201

Resolution calling upon the United States Congress to pass and the President of the United States to sign The Department of Veterans' Affairs Management Accountability Act of 2014, S.2013 and H.R.4031, which would provide the Secretary of Veterans Affairs greater authority to remove senior executive service employees from the Department of Veterans Affairs based on performance.

By Council Member s Ulrich and Vallone.

Whereas, Many of the nation's largest Veterans Service Organizations (VSOs) have raised concerns about mismanagement and accountability issues at the United States Department of Veterans Affairs (VA); and

Whereas, According to the VA, New York City is home to roughly 200,000 veterans who, in addition to their dependents, rely on the VA for benefits and services; and

Whereas, Allegations exist that VA executives presided over significant acts of negligence and mismanagement, resulting in preventable deaths, patient safety incidents, and backlog increases; and

Whereas, Recent reports from the VA Inspector General have connected many patient problems to widespread and fundamental mismanagement at VA facilities; and

Whereas, A 2013 report released by the U.S. Government Accountability Office found that VA executive bonus pay had no clear link to performance; and

Whereas, In February 2014, Senator Marco Rubio and Congressman Jeffrey Miller introduced S.2013 and H.R.4031, respectively, legislation known as the Department of Veterans' Affairs Management Accountability Act of 2014 (the Act); and

Whereas, Current law allows the Secretary of Veterans Affairs to remove or suspend a senior executive service (SES) employee only for misconduct, neglect of duty, malfeasance, or failure to accept a direct reassignment; and

Whereas, Existing laws also provide SES employees with certain employment protections including advance written notice of a proposed disciplinary action, opportunities to respond and contest said action, access to legal representation, and a final written decision with specific reasons for the action; and

Whereas, According to the American Legion and Veterans of Foreign Wars (VFW), the current SES discipline process is extraordinarily slow, highly bureaucratic, and affords SES employees the opportunity to engage in an endless back-and-forth with the Department through archaic legal maneuvers; and

Whereas; Veterans organizations further contend that these SES protections make it virtually impossible for an SES employee to be sanctioned or removed for poor performance; and

Whereas, The Act would provide the Secretary of Veterans Affairs with greater disciplinary authority to immediately remove those SES employees whose performance the Secretary believes warrants transfer, demotion, or termination; and

Whereas, Supporters of the Act claim that these enhanced measures will ultimately reduce the VA's disability benefits backlog and improve administered services; and

Whereas, The Act also helps to address the concerns raised by VSOs on behalf of their members regarding the purported systemic lack of accountability at the VA; and

Whereas, The Department of Veterans Affairs Management Accountability Act of 2014 would help ensure that the VA is supported, well-managed, and capable of carrying out its mission of caring for those veterans who have borne the battle, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President of the United States to sign The Department of Veterans' Affairs Management Accountability Act of 2014, S.2013 and H.R.4031, which would provide the Secretary of Veterans Affairs greater authority to remove senior executive service employees from the Department of Veterans Affairs based on performance.

Referred to the Committee on Veterans.

Res. No. 202

Resolution calling on large retailers with pharmacies to follow the example set by CVS and to cease selling tobacco products in their retail stores throughout the United States.

By Council Member s Vacca, Chin, Gibson Johnson and King.

Whereas, Tobacco use is the leading cause of preventable, premature death in the United States and New York City; and

Whereas, In the United States, smoking is responsible for about one in five deaths annually or about 443,000 deaths per year; and

Whereas, According to the Centers for Disease Control and Prevention (CDC), tobacco use causes more deaths each year than the total number of deaths combined from the human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, suicides and murders; and

Whereas, The American Cancer Society reports that smoking causes more than \$193 billion in health-related costs each year, including both medical costs and the cost of lost productivity due to smoking; and

Whereas, Many large retailers with pharmacies have health clinics and dispense vaccinations; and

Whereas, Selling tobacco products in the same stores where health care services are received and medicine is sold arguably sends confusing and mixed messages; and

Whereas, Cigarettes are not sold in pharmacies in other developed countries; and

Whereas, The American Medical Association has passed a resolution opposing the sale of tobacco in pharmacies; and

Whereas, CVS Caremark, the country's largest drugstore chain in overall sales, announced on February 5, 2014 that it planned to stop selling cigarettes and other tobacco products by October 2014; and

Whereas, In a February 5, 2014 *New York Times* article, Larry J. Merlo, chief executive of CVS, stated "We came to the decision that cigarettes and providing health care just don't go together in the same setting"; and

Whereas, Led by New York State Attorney General Schneiderman and Ohio Attorney General DeWine, the Attorneys General of 28 states and territories wrote to the CEOs of five of the largest pharmacy retailers in the country (Wal-Mart, Walgreens, Rite-Aid, Safeway and Kroger) in March 2014 asking them to remove any and all tobacco products from their shelves; and

Whereas, Restricting the availability of these harmful products will reduce their usage and send the message that they are not consistent with health products and services; now, therefore, be it

Resolved, That the Council of the City of New York calls on large retailers with pharmacies to follow the example set by CVS and to cease selling tobacco products in their retail stores throughout the United States.

Referred to the Committee on Health.

Res. No. 203

Resolution calling upon the New York State Legislature to pass and the Governor to sign, legislation which would prevent the Water Board from making increases to water and sewer rates for the next two ensuing fiscal years.

By Council Member s Vacca, Espinal, Vallone, Constantinides, Dickens, Gentile, King, Rose, Treyger, Wills, Koslowitz and Ulrich.

Whereas, The City's drinking water supply is a critical resource to over eight million New York City residents, approximately one million residents of Westchester, Putnam, Ulster, and Orange counties, and a multitude of others who work in and visit the City throughout the year; and

Whereas, The water system encompasses both water and sewer systems (hereinafter referred to as the "System"); and

Whereas, The System includes 19 upstate reservoirs providing, on average, 1.5 billion gallons of water daily to over eight million residents of the City and neighboring Westchester County, more than 340 miles of aqueducts and tunnels, approximately 5,800 miles of distribution mains and pipes, and numerous treatment and pumping facilities; and

Whereas, The three entities that ensure the physical and fiscal integrity of the System are the New York City Municipal Water Finance Authority ("Finance Authority"), the New York City Department of Environmental Protection ("DEP"), and the New York City Water Board; and

Whereas, The Finance Authority is a State created public benefit corporation whose purpose is to issue bonds to fund the capital needs of the System; and

Whereas, DEP is a City-created agency that operates and maintains the water system for the Water Board and bills the System's customers on behalf of the Water Board; and

Whereas, Approximately 95% of DEP's revenue stream is obtained through water and sewer rates incurred by consumers of the City's drinking water supply, while the remaining 5% is tax levied; and

Whereas, The revenue collected by DEP covers the operation, maintenance and other costs associated with the day-to-day workings of the System; and

Whereas, The Water Board is a State created entity that has the power to fix, revise, charge and collect and enforce the payment of all fees, rates, rents and other service charges for services furnished by the System to produce cash sufficient to pay debt service on the Finance Authority's bonds and to place the System on a self-sustaining basis; and

Whereas, The Water Board has covenanted to establish water and sewer rates sufficient to pay debt service on all outstanding Finance Authority bonds; and

Whereas, The proceeds of the Finance Authority's bonds are used exclusively to fund the capital needs of the System; and

Whereas, As debt service costs increase, so must the water rates to cover these costs; and

Whereas, Any significant increase in capital spending over time will increase water and sewer rates to cover these costs for the life of the bonds - generally a period of 30 years; and

Whereas, Since 1996, the Water Board has consistently raised water rates, and in some years, the water and sewer rate increased by double or near double digit percentages; and

Whereas, Because the Water Board sets rates for water and sewer fees charged to all building owners, home owners, and businesses in New York City, these individuals and entities should be protected from excessive rate increases; and

Whereas, On January 9, 2014, the State Legislature introduced legislation, A. 906/S.3599, which would amend the Public Authorities Law to require that all rates, fees, rents or other charges established by the Water Board increase by no more than 5% annually or the current rate of inflation, whichever is greater; and

Whereas, While this bill would protect homeowners, building owners and businesses throughout the City of New York from significant annual increases to their water and sewer rates, more needs to be done; and

Whereas, In Fiscal Years 1989, 1991, and 1993 through 1995, the Water Board adopted rates at the same level as the previous year, i.e., in those fiscal years, customers did not experience increases in their water and sewer rates from the previous fiscal year; and

Whereas, The State Legislature should pass legislation that would require DEP to examine other cost saving measures for the operation and maintenance of the System, and require the Finance Authority to reassess their bond financing to determine whether refinancing bonds at the current low interest rates makes prudent fiscal sense, which would allow water and sewer rates to remain stable and protect homeowners and business owners from annual increases to their water rates; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign, legislation which would prevent the Water Board from making increases to water and sewer rates for the next two ensuing fiscal years.

Referred to the Committee on Finance.

Int. No. 315

By Council Member s Vallone, Chin, Cohen, Gentile, Gibson, Koo, Reynoso, Rose and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to truck route compliance studies and signage.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-178.1 to read as follows:

§19-178.1 Truck route compliance studies and signage. Commencing in 2015 and every three years thereafter, the department shall conduct a study of compliance of the rules of the city of New York by truck drivers related to truck routes. The department shall rank the ten blocks within each community district where the largest number of drivers of trucks illegally disregard required truck route designations pursuant to such study. At such locations, on January 1, 2016 and every three years thereafter, the department shall post a sign or ensure such sign remains, stating "No Trucks Except Local Deliveries." The department shall also post the locations where such signs are located on the department's website. For purposes of this section, "block" shall mean the roadway between two intersections.

§2. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Transportation.

Res. No. 204

Resolution calling upon the New York State Legislature to pass and the Governor to sign A7259-A, which would require a study regarding homeless female veterans in New York.

By Council Member s Vallone, Chin, Dickens, Gibson, Koo and Ulrich.

Whereas, According to the U.S. Department of Veterans Affairs (VA), many women veterans face challenges when returning to civilian life that are different than their male counterparts; and

Whereas, For example, according to the VA, those challenges include raising children on their own or dealing with the psychological aftereffects of military sexual trauma (MST); and

Whereas, The VA also states that facing these challenges without intervention can put women veterans at greater risk of becoming homeless; and

Whereas, According to the National Coalition For Homeless Veterans (NCFHV), women currently comprise 8% of the total veteran population and 14.6% of the active duty military, and the percentage of women on active duty military is estimated to increase to 16% by 2035; and

Whereas, According to the United States Government Accountability Office's (GAO) latest study in 2011, the number of women veterans identified as homeless by the VA has increased more than 140%, from 1,350 in fiscal year 2006 to 3,328 in fiscal year 2010; and

Whereas, The actual number of homeless women veterans may be even greater, as the GAO admits to the limitations of its report, acknowledging that their sources for such information, the Department of Housing and Urban Development (HUD) "...does not collect detailed information on homeless women veterans...[and]...Neither VA nor HUD collect data on the total number of homeless women veterans in the general population"; and

Whereas, The GAO further notes that women veterans are also four times more likely than their male counterparts to end up homeless; and

Whereas, As cited in a November 10, 2013 article in *The New York Daily News*, according to the New York City Department of Homeless Services (DHS), the total number of veterans in the City's homeless population declined by 12% since 2012 – from 622 to 546 – but the number of women homeless women veterans actually increased; and

Whereas, According to DHS data, as of February 2014, 417 single adults were temporarily housed in DHS veterans shelters, 26 of whom were single women; and

Whereas, According to Genevieve Chase of advocacy group American Women Veterans, "[a] lot of homeless shelters for veterans do not accept women, much less women with children", and "they've just been falling through the cracks;" and

Whereas, A7259-A, introduced by Assemblymember Rozic, would require a study to gather information on the number of homeless women in New York and how many of them have children; and

Whereas, The proposed study would also require that data be gathered regarding the number of children of homeless women veterans, including the placement of such children; and

Whereas, The study would further require that data be gathered regarding cases of MST experienced by homeless women veterans while on active duty or during military training; and

Whereas, In addition, the legislation would require the study to include recommendations to combat the growing problem of homelessness among women who have served our country; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A7259-A, which would require a study regarding homeless female veterans in New York.

Referred to the Committee on Veterans.

Res. No. 205

Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.6190/A.8615, legislation which would require the New York City Department of Buildings to maintain a registry of all deeds containing restrictive covenants.

By Council Member s Vallone, Koo and Koslowitz.

Whereas, A restrictive covenant is a written agreement that limits the use of property for specific purposes and regulates the structures that may be built on such property; and

Whereas, Restrictive covenants may include, for example, provisions regulating construction type and size; and

Whereas, Many residential communities throughout the City were carefully planned and built with a specific housing stock in mind; and

Whereas, As those communities were being planned and built, restrictive covenants were used to ensure that future development would conform with such plans; and

Whereas, According to several news reports, in recent years, limitations imposed by restrictive covenants have not been adhered to by building developers; and

Whereas, Currently, homeowners and homeowner/neighborhood associations whose properties are subject to restrictive covenants are able to enforce such covenants against other property owners; and

Whereas, The enforcement of restrictive covenants against building developers by homeowners and homeowner/neighborhood associations who are trying to maintain the individuality and personality of their planned communities can result in exorbitant legal fees; and

Whereas, S.6190, sponsored by State Senator Tony Avella, currently pending in the New York State Senate, and A.8615, sponsored by State Assembly Member Edward C. Braunstein, currently pending in the New York State Assembly, would allow homeowners and homeowner/neighborhood associations whose properties are subject to restrictive covenants or other types of deed restrictions, to register such deeds with the Department of Buildings ("DOB"); and

Whereas, Further, the bill would require that the DOB maintain and review deed registries prior to issuing any building permits to ensure that such permits would not violate the terms of any filed restriction; and

Whereas, In order to preserve the character of the City's planned communities, it should be the DOB, not homeowners and homeowner/neighborhood association, that should be required to maintain a registry of and enforce restrictive covenants; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign S.6190/A.8615, legislation which would require the New York City Department of Buildings to maintain a registry of all deeds containing restrictive covenants.

Referred to the Committee on Housing and Buildings.

Int. No. 316

By Council Member s Van Bramer, Chin, Koo, Rose and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation shall give certain notice of permanent street sign changes that will affect parking.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-175.2 of the administrative code of the city of New York is amended to read as follows:

§19-175.2 Notification of changes in parking restrictions. a. Following any permanent change in parking restrictions posted by the department, the department shall post notice, in the affected areas, indicating the effective date of such change. *Such notice shall be posted at least seventy-two hours before the effective date of such street sign change.* An owner of a motor vehicle parked in the affected areas who receives a notice of a parking violation that occurred within five days of posting of the notice of the parking restriction change shall have an affirmative defense that the vehicle of the owner was parked in compliance with the applicable parking restriction that was in effect prior to such change. Within one business day of making a permanent change in parking restrictions, such change will be reflected on the website containing parking restrictions as required by section 19-175.1 of the code.

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

Referred to the Committee on Transportation.

Res. No. 206

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation which would increase New York City's representation on the Metropolitan Transportation Authority board.

By Council Member s Van Bramer, Johnson, Levine, Reynoso, Wills and Ulrich.

Whereas, The Metropolitan Transportation Authority (MTA) manages New York City's subway and bus system, in addition to commuter railroads and certain bridges and tunnels; and

Whereas, The entire subway and bus system operates within New York City and all of the MTA's bridges and tunnels are located within New York City; and

Whereas, In 2013, the subway system served over 1.7 billion riders and the bus system served over 800 million riders; and

Whereas, By contrast, the commuter railroads, which primarily serve suburbs outside of New York City, carried just over 166 million riders in 2013; and

Whereas, The MTA is governed by a 17-member board; and

Whereas, All members of the board are appointed by the Governor of New York State; and

Whereas, Of the 17 board members, four are recommended by the Mayor of New York City, one is recommended by each of the county executives of Nassau, Suffolk, Westchester, Dutchess, Orange, Rockland, and Putnam counties (with the members representing the latter four counties casting one collective vote), and the remaining six are chosen by the Governor; and

Whereas, With so much of the MTA's service concentrated in New York City, as a matter of fairness, the people of the City deserve increased representation on the MTA board; and

Whereas, In order to achieve this increased representation and to make the board more responsive to the needs of the residents of the City, the membership of the board should be increased to include two additional members recommended by the Mayor of the City of New York and four members recommended by the Council of the City of New York; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation which would increase New York City's representation on the Metropolitan Transportation Authority board.

Referred to the Committee on Transportation.

Res. No. 207

Resolution supporting the Justice for Jazz Artists Campaign which seeks to improve the lives of musicians working in New York City's jazz clubs by providing retirement security.

By Council Member s Van Bramer, Johnson, Cumbo, Cornegy, Levine and Rose.

Whereas, Jazz is an esteemed American art form, inspiring passionate devotion among generations of fans and recognized by the United States Congress in 1987 as a "national treasure"; and

Whereas, New York City has long been an international jazz mecca to which music lovers from around the world travel in order to experience legendary venues such as the Blue Note, Birdland, the Jazz Standard, Iridium and Dizzy's Club Coca Cola and the Village Vanguard; and

Whereas, While musicians who play on Broadway and in symphony orchestras are protected by union contracts, the skilled jazz musicians who work in major New York City venues have no guarantee of fair payment and receive no pension, health contributions or state statutory benefits like workers' compensation, unemployment or disability insurance; and

Whereas, Many of the men and women who sustain this great American music are forced to retire with no income to fall back on in their later years; and

Whereas, Local 802 of the Associated Musicians of Greater New York launched the Justice for Jazz Artists Campaign, calling on jazz venue owners to provide jazz artists with fair pay, adequate pension contributions, protection of recording rights and a process for redressing grievances; and

Whereas, These efforts have been endorsed by the New School Jazz Department Faculty Committee and by Rutgers University-Newark Master's Program in Jazz History and Research; and

Whereas, Prominent writers and journalists including Amiri Baraka, Stanley Crouch, Gary Giddins, Nat Hentoff, Dan Morgenstern, John Chilton and Dr. Judith Schlesinger, have also added their support to the campaign; and

Whereas, As a genre, jazz and the musicians who play it have helped create the soundtrack of American history; and

Whereas, New York City would not be the cultural mecca it is without the color, texture and flavor that jazz musicians have added to it throughout the years; now, therefore, be it

Resolved, That the Council of the City of New York supports the Justice for Jazz Artists Campaign which seeks to improve the lives of musicians working in New York City's jazz clubs by providing retirement security.

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

Int. No. 317

By Council Member s Weprin, Constantinides, King, Koo, Rose, Wills and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Commissioner of the department of environmental protection and the fire commissioner to select, and the commissioner of the department of environmental protection to install and maintain fire hydrant markers.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 24 of the administrative code of the city of New York is amended by adding new section 24-308.1 to read as follows:

§24-308.1 *Fire hydrant marker selection, installation and maintenance.*

The commissioner shall, in consultation with the fire commissioner, establish specifications for fire hydrant markers and procure, install and maintain such fire hydrant markers, which shall, at a minimum, be clearly visible at least 3 feet above each fire hydrant in the city of new york. Such fire hydrant markers shall be installed by December 1, 2015 in a manner that does not impede access to the fire hydrants.

§2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 318

By Council Member s Williams, Johnson, Torres, Miller, Gibson, Chin, Palma, the Public Advocate (Ms. James), Arroyo, Cornegy, Dromm, Koo, Levine, Reynoso, Richards, Treyger, Espinal, Levin and Menchaca (by the request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction.

Be it enacted by the Council as follows:

Section 1. Subdivisions 10 and 11 of section 8-107 of chapter one of title eight of the administrative code of the city of New York, are amended to read as follows:

10. Criminal conviction. (a) It shall be unlawful discriminatory practice for any person to deny or act upon adversely any license or permit or employment to any person by reason of his or her having been convicted of one or more criminal offenses, or by reason of a finding of a lack of “good moral character” which is based on:

(i) his or her having been convicted of one or more criminal offenses, when such denial is in violation of the provisions of article twenty-three-a of the correction law regardless of when such conviction occurred, including if such conviction occurred while such person was employed at the job at issue; or

(ii) his or her having a final judgment of guilt entered for a felony more than ten years ago and a misdemeanor more than five years ago. These periods of time shall be measured from the date judgment was entered or the release from incarceration, whichever date is later. Criminal acts committed outside the state shall be classified as acts committed within the state based on the maximum sentence that could have been imposed for such conviction under the laws of such foreign jurisdiction unless specifically required by law.

(b) It shall be an unlawful discriminatory practice, unless specifically required by statute, for any person to make any inquiry or statement about an applicant's arrest or conviction record until after the person has deemed the applicant otherwise qualified and decided to extend a conditional offer of employment. After inquiring about the applicant's arrest or conviction record but before taking any adverse employment action based on such inquiry, the person must:

(i) provide a written copy of the inquiry to the applicant;

(ii) perform an analysis of the applicant under article twenty-three-a of the correction law and provide a written copy of such analysis to the applicant; and

(iii) after giving the applicant the documents pursuant to subsections (i) and (ii) of this subdivision, allow the applicant a reasonable time to respond, which shall be no less than seven business days. During this time, the person must hold the position open for the applicant but, after the time has passed, need not wait for a response.

For purposes of this subdivision, “any inquiry” includes, but is not limited to, questions in any form of application or otherwise, searches of publicly available records, and consumer reports subject to article twenty-five of the general business law that contain criminal conviction information. Also for purposes of this subdivision, “any statement” includes, but is not limited to, any mention of arrest or conviction records or a background check; provided, however, that a person required by law to conduct a search of criminal history records maintained by the Division of Criminal Justice Services may state that the prospective license, permit, or employment is subject to a background check and that the person is prohibited by law from licensing, permitting, or employing individuals with certain criminal convictions, though such prohibition may be lifted by a certificate of relief from disabilities or certificate of good conduct under article twenty-three of the correction law.

(c) Any person who fails to comply with paragraph (b) of this subdivision shall be liable to an aggrieved person for damages of at least \$1,000 and shall be presumed, unless shown by clear and convincing evidence otherwise, to have engaged in an unlawful discriminatory practice as defined in paragraph (a) of this subdivision. An applicant's response to an inquiry or statement that violates paragraph (b) of this subdivision shall not disqualify him or her from the prospective employment, or any lawful activity, occupation, profession or calling, or make him or her guilty of perjury or offering a false statement.

(d) Pursuant to section seven hundred fifty-five of the correction law, the provisions of this subdivision shall be enforceable against public agencies by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules, and the provisions of this subdivision shall be enforceable against private employers by the commission through the administrative procedure provided for in this chapter or as provided in chapter five of this title. For purposes of this paragraph only, the terms “public agency” and “private employer” shall have the meaning given such terms in section seven hundred fifty of the correction law.

(e) For purposes of this subdivision only, “person” shall include an employment agency and labor organization as those terms are defined in subdivisions two and three in section 8-102 of chapter one of title eight of the administrative code of the city of New York.

11. Arrest record. It shall be an unlawful discriminatory practice, unless specifically required or permitted by any other law, for any person to make any inquiry as defined in subdivision ten about, whether in any form of application or otherwise, or to act upon adversely to the person involved, any arrest or criminal accusation of such person not then pending against that person which was followed by a termination of that criminal action or proceeding in favor of such person, as defined in subdivision [two]three of section 160.50 of the criminal procedure law, even if not sealed; or by a youthful offender adjudication, as defined in subdivision one of section 720. 35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law in connection with the licensing, employment or providing of credit to such person; provided, however, that the prohibition of such inquiries or adverse action shall not apply to licensing activities in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law.

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

Referred to the Committee on Civil Rights.

Res. No. 208

Resolution to commemorate the life and death of legendary DJ Frankie Knuckles, the Godfather of House.

By Council Member s Williams, Johnson and Gibson.

Whereas, Francis Nicholls, more commonly known as “Frankie Knuckles”, was internationally recognized as a trailblazing record producer and legendary club DJ who played a pivotal role in creating the “House” music genre, a form of electronic music that was first popularized in Chicago; and

Whereas, He was widely referred to as “the Godfather of House”; and

Whereas, Mr. Knuckles pioneered an innovative sound by fusing disco songs with soul music and then adding loops with a drum machine; and

Whereas, Frankie Knuckles is credited for introducing the City of Chicago to the spirit of New York City's after-hours disco scene, ultimately, developing the sound and culture of House music; and

Whereas, Frankie Knuckles was a native New Yorker born in the Bronx on January 18, 1955; and

Whereas, While attending the Fashion Institute of Technology for textile design, Frankie Knuckles honed his craft as a club DJ in New York City, most notably at the Gallery and at the Continental Baths in Manhattan during the early 1970s; and

Whereas, In the late 1970s, Frankie Knuckles moved to Chicago to become the resident DJ at the Warehouse club, which gave House music its name; and

Whereas, In the 1980s, he opened a dance club called the Power Plant, and later traveled to the United Kingdom to play and mix records at multiple clubs; and

Whereas, In 1987, he co-founded Def Mix Productions with DJ David Morales, which is based in New York City, and eventually went on to work with some of the music industry's biggest stars, including Michael Jackson, Madonna, Whitney Houston, Depeche Mode, and Diana Ross; and

Whereas, In the early 1990s, Frankie Knuckles returned to New York City where he played at famous nightclubs such as the Sound Factory and the Roxy, and characterized the early 1990s as a golden era in New York City club life; and

Whereas, In 1991, he released his first album titled “Beyond the Mix”, which included the hit “The Whistle Song”; and

Whereas, In 1997, Frankie Knuckles won a Grammy for Remixer of the Year, Non-Classical; and

Whereas, He was also a governor and trustee for the New York City chapter of the National Academy of Recording Arts and Sciences (the Academy); and

Whereas, According to the Academy, “[h]is electrifying remixes and high-energy performances on the turntables packed clubs for decades, and he inspired a generation of DJs, bringing [H]ouse music to the mainstream”; and

Whereas, Frankie Knuckles continued to DJ at various clubs around the world until his death at the age of 59 on March 31, 2014; and

Whereas, Frankie Knuckles is considered by many to be a key figure in the evolution of House music, dating back three decades to venues in Chicago and New York; now, therefore, be it

Resolved, That the Council of the City of New York commemorates the life and death of legendary DJ Frankie Knuckles, the Godfather of House.

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

Res. No. 209

Resolution calling upon the New York City Landmarks Preservation Commission to designate 5224 Tilden Avenue (Tax Block 4737, Tax Lot 10), Borough of Brooklyn, the home of Jackie Robinson, as an historic landmark pursuant to Section 3020 of the New York City Charter.

By Council Member s Williams, Gibson, Rose, Richards, King, Chin, Koslowitz, Espinal, Deutsch and Garodnick.

Whereas, Jackie Robinson was a pioneer who, on April 15, 1947, broke Major League Baseball's color barrier and became the first African American to play for a MLB team, the Brooklyn Dodgers; and

Whereas, Jackie Robinson, who began his career in the Negro Leagues, was named Rookie of the Year in 1947 and led the Brooklyn Dodgers to six National League pennants in ten years and a World Series Championship; and

Whereas, Jackie Robinson's inspiring career earned him recognition as the first African American to win a batting title, lead the league in stolen bases, play in an All-Star game, play in the World Series and win a Most Valuable Player award; and

Whereas, Jackie Robinson was elected to the Baseball Hall of Fame in 1962 and was the first African American to receive this honor; and

Whereas, In March 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom; and

Whereas, On October 29, 2003, the United States Congress posthumously

awarded Jackie Robinson the Congressional Gold Medal, the highest award that it can bestow; and

Whereas, Major League Baseball renamed the Rookie of the Year Award the Jackie Robinson Award in his honor; and

Whereas, Mr. Robinson's legacy helps to make the American dream more accessible to all; and

Whereas, To honor Jackie Robinson's historic achievements, in 1997 Major League Baseball retired his number, 42, throughout baseball; and

Whereas, Between 1947 to 1949, Jackie Robinson and his family occupied the home located at 5224 Tilden Avenue, in East Flatbush, Brooklyn, and during that time was named the MLB's Rookie of the Year and the Most Valuable Player; and

Whereas, The home, which was designated a National Historic Landmark in 1976, was not only inhabited by Jackie Robinson, who broke the color barrier, but was the home of the first African-American family in East Flatbush, the Palins; and

Whereas, If it were not for the fact that one of their neighbors, the Satlows, stood up to the overwhelming racism displayed by the residents of East Flatbush at the time by refusing to sign a petition barring the Palins from purchasing the home, the Palins would not have been able to purchase this property; and

Whereas, Brooklyn Dodgers owner Branch Rickey proposed that Jackie Robinson move into this home as a symbolic gesture to combat the effects of segregation which still permeated throughout East Flatbush in the 1940's; and

Whereas, It was relatives of the Palins who rented the Tilden Avenue home to Jackie Robinson and his family; and

Whereas, The overwhelming majority of constituents from East Flatbush, along with federal, state, and local elected officials, the local Community Board and neighborhood business owners all wholeheartedly support landmarking this property; and

Whereas, A nationwide petition calling for the landmark designation of this home by the New York City Landmarks Preservation Commission as of this date have in excess of 8,500 signatures; and

Whereas, Jackie Robinson made great contributions to the cause of racial and economic justice, and conferring landmark status to his East Flatbush home is critical to the recognition and preservation of his historical achievements; and

Whereas, For African-Americans in East Flatbush, this home represents the triumph over the bigotry and discrimination; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Landmarks Preservation Commission to designate 5224 Tilden Avenue (Tax Block 4737, Tax Lot 10), Borough of Brooklyn, the home of Jackie Robinson as an historic landmark pursuant to Section 3020 of the New York City Charter.

Referred to the Committee on Land Use.

Int. No. 319

By Council Member s Wills, Arroyo, Gibson, Koo and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the shelter capacity of council districts.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. *Limit on shelter capacity of council districts. a. Definitions. For the purposes of this section the following terms shall have the following meanings:*

1. "Capacity" shall mean the number of shelter beds provided for individual homeless single adults and the number of shelter units provided for homeless adult families and families with children.

2. "Shelter" shall mean temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. The department shall limit the shelter capacity of each council district within the city of New York to no more than fifteen percent of the total shelter capacity of the borough where such council district is located. The department shall not renew any shelter contract or similar agreement if the council district where such shelter is located has more than fifteen percent of the total shelter capacity of the borough where such council district is located.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 320

By Council Member s Wills, Arroyo, Chin, Gibson, King, Koo, Mealy and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to provide community notification.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§ 21-316 *Community notification. a. Definitions. For the purposes of this section the following terms shall have the following meanings:*

1. "Community board" shall mean the group of persons that represent the interests of a community district as defined by section 2800 of the charter of the city of New York.

2. "Transitional housing" shall mean temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. When the department intends to use a new location as transitional housing for eligible homeless families and individuals, expand an existing location where transitional housing is provided, or convert transitional housing for families to transitional housing for single adults at an existing location where transitional housing is provided, the commissioner shall provide notification in writing as follows:

1. The notification shall be provided to the council member in whose district the transitional housing will be located or where the transitional housing for families that will be converted to transitional housing for single adults is located and to the community board for the community district in which the transitional housing will be located or where the transitional housing for families that will be converted to transitional housing for single adults is located; and

2. The notification shall include the address of the transitional housing, the number of people who will be housed, the name of the person or entity operating the transitional housing, the name of any organization, whether for-profit or not-for-profit, that will be providing services to the occupants of the transitional housing, the type of transitional housing, a description of the services that will be provided; and

3. The notification shall be provided thirty days before the department enters into a contractual arrangement or similar agreement with a transitional housing provider or otherwise finalizes its decision to use or expand a location as transitional housing or converts transitional housing for families to transitional housing for single adults at an existing location where transitional housing is provided.

c. Prior to the department finalizing the contractual arrangement or similar agreement with a transitional housing provider or otherwise finalizing its decision to use or expand a location as transitional housing or converting transitional housing for families to transitional housing for single adults at an existing location where transitional housing is provided the department, at the discretion of the community board for the community district in which the transitional housing will be located, shall hold a public hearing with such community board. For transitional housing sited pursuant to an emergency contract the department is not required to hold such a hearing.

d. This section shall apply to any transitional housing facility operated or contracted for, by or on behalf of the department, regardless of its size and capacity.

§3. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Res. No. 210

Resolution calling upon the New York State Legislature and the Governor to explore the possibility of charging other states and municipalities to recover the costs of housing homeless people who relocate to New York City.

By Council Member s Wills, Arroyo and Dickens.

Whereas, The New York City Department of Homeless Services (DHS) shelter system currently houses 12,641 families and 52,146 total individuals; and

Whereas, The average length of stay in shelter is 293 days for individuals, 469 days for adult families, and 375 days for families with children; and

Whereas, According to the New York City Coalition for the Homeless, it costs roughly \$36,000 per year to provide a homeless family with temporary shelter; and

Whereas, DHS's proposed 2014 budget was \$918.5 million, with much of this funding allocated for shelter intake and operations; and

Whereas, According to DHS, in August 2013 roughly 10 percent of families and 17 percent of single adults who entered the shelter system were from an area outside of New York City; and

Whereas, By entering the DHS shelter system, these individuals and families place a financial burden upon the City of New York, as opposed to their own home city or state; and

Whereas, DHS offers some programs aimed at individuals and families with strong ties to areas outside of New York, such as Project Reconnect, which purchases one-way plane tickets for homeless individuals and families to other states and municipalities; and

Whereas, However, there is no publicly available data on the scope and efficacy of Project Reconnect; and

Whereas, Project Reconnect further displaces families and individuals already in turmoil, and still has a significant impact on City finances; and

Whereas, New York City faces record levels of homelessness, and by many estimations is in the midst of a homeless crisis; and

Whereas, Homeless individuals and families from outside of New York City place a considerable financial strain on the City's finances, and comprise a significant portion of the City's total homeless population; and

Whereas, Therefore, New York City should be able to share the financial burden for providing those individuals with shelter with the states and municipalities of their origin; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the Governor to explore the possibility of charging other states and municipalities to recover the costs of housing homeless people who relocate to New York City.

Referred to the Committee on General Welfare.

Res. No. 211

Resolution calling on the New York State Legislature and the Governor to amend the New York State Correction Law to prohibit registered sex offenders from living within fifteen hundred feet of a school.

By Council Member s Wills, Barron, Gibson and King.

Whereas, According to the New York State Division of Criminal Justice Services' ("DCJS") Sex Offenders Registry, there are more than 6,500 sex offenders living in New York City; and

Whereas, Sex offenders can pose a serious threat to the welfare of children; and

Whereas, Seven-year-old Megan Kanka was a New Jersey resident who was raped and brutally murdered by a known sex offender who moved across the street from the Kanka family's residence; and

Whereas, In 1996 the United States Congress passed a federal law in memoriam to Megan Kanka titled "Megan's Law", which authorizes local law enforcement agencies to notify the public about convicted sex offenders living in their communities; and

Whereas, Megan's Law requires every state to develop a procedure for notifying the public when a sex offender is released into their community; and

Whereas, The New York State Sex Offender Registration Act ("SORA") requires anyone on parole, probation or imprisoned for a sex offense to register with DCJS; and

Whereas, In addition, sex offenders sentenced to probation, local jail, or state prison must register upon their return to the community; and

Whereas, Convicted sex offenders who are assessed as posing a possible risk to reoffend are assigned a classification level; and

Whereas, Sex offenders who have been classified as a Level 2 (moderate) or Level 3 (high) are identified on the New York State Sex Offender Registry; and

Whereas, According to DCJS's Sex Offenders Registry there are more than 4,000 Level 2 and Level 3 sex offenders living in New York City; and

Whereas, SORA does not restrict where a registered sex offender may live or travel; and

Whereas, However, a judge may order certain registered sex offenders not enter an area accessible to the public within 1000 feet of school grounds; and

Whereas, If the registered sex offender is conditionally released or under parole supervision and has been convicted of a qualifying offense against a victim under 18 years of age, there is a mandatory condition in New York State law which provides that the registered sex offender cannot enter an area accessible to the public within 1000 feet of school grounds; and

Whereas, There have been numerous instances of children who were sexually assaulted and murdered by convicted sex offenders who had access to children after they were released from prison; and

Whereas, New York State should limit areas where the most dangerous Level 2 and Level 3 sex offenders can live in order to protect children in areas where they are most vulnerable; and

Whereas, Passing legislation to prohibit Level 2 and Level 3 registered sex offenders from living within fifteen hundred feet of public or private grammar or high school will provide greater protection to our children than the current law; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature and the Governor to amend the New York State Correction Law to prohibit registered sex offenders from living within fifteen hundred feet of a school.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 52

By Council Member Ferreras:

Daniel Gilmartin Apartments, Block 1936, Lot 20, Queens, Community District No. 4, Council District No. 21.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 53

By Council Member Ferreras:

Crotona Estates, Block 2940, Lots 11 and 32, Bronx, Community District No. 3, Council District No. 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 54

By Council Member Ferreras:

Crotona IV, Block 3010, Lots 12 and 17, Bronx, Community District No. 3, Council District No. 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 55

By Council Member Ferreras:

Evergreen Estates, Block 3737, Lots 49, 54, 58, 62, 66 and 70, Bronx, Community District No. 9, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 56

By Council Member Greenfield:

Application No. 20145351 SCX, pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed school site selection, for the continued use as an approximately 177-seat primary school facility annex to P.S. 33, to be located at 2392-2398 Jerome Avenue (Block 3188, Lot 8), Borough of the Bronx, Community School District No. 10, Council District 14.

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

L.U. No. 57

By Council Member Greenfield:

Application No. 20145480 HAK, by the Department of Housing Preservation and Development for approval of an Urban Development Action Area and Project for property located at 611 Pennsylvania Avenue, Borough of Brooklyn, Community District 5, Council District 42. This request is made pursuant to 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. 58

By Council Member Greenfield:

Application No. 20145481 HAK, by the Department of Housing Preservation and Development for approval of an Urban Development Action Area and Project and related tax exemption for property located at 1619 Lincoln Place, Borough of Brooklyn, Community District 8, Council District 41. This request is made pursuant to 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. 59

By Council Member Greenfield:

Application no. 20145032 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Brasserie Cognac East Corp, d/b/a Brasserie Cognac Cafe, for a revocable consent to modify and continue to maintain and operate an unenclosed sidewalk café located at 963 Lexington, Borough of Manhattan, Community District 8, Council

District 4. 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(e) of the New York City Administrative Code.

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

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

ANNOUNCEMENTS:

Wednesday, April 30, 2014

Committee on **IMMIGRATION**10:00 A.M.

Int 253 - By Council Member s Dromm, Menchaca, Cabrera, Chin, Eugene, Ferreras, Koo, Lancman, Levine, Mendez, Reynoso, Richards and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a New York city identity card program.

★ Council Chambers – City Hall..... Carlos Menchaca, Chairperson

★ *Deferred*

~~COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES~~10:00 A.M.

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 16th Floor Andrew Cohen, Chairperson~~

★ *Deferred*

~~Committee on WATERFRONTS~~ jointly with the

~~Committee on PARKS AND RECREATION~~10:00 A.M.

~~Oversight – An Update on the Hudson River Park and the Hudson River Park Trust~~

~~Committee Room – City Hall..... Deborah Rose, Chairperson~~

~~..... Mark Levine, Chairperson~~

Committee on **HOUSING AND BUILDINGS** jointly with the

Committee on **AGING**10:00 A.M.

Int 129 - By Council Member s Chin, Williams, Barron, Johnson, Palma, Reynoso, Rose, Rosenthal and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to remedies for breach of the duty of an owner to refrain from harassment of tenants.

Committee Room – 250 Broadway, 16th Floor

..... Jumaane D. Williams, Chairperson

..... Margaret Chin, Chairperson

Committee on **TRANSPORTATION**..... 1:00 P.M.

Proposed Int 43-A - By Council Member s Wills, Koo and Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to a study on left turns.

Proposed Int 46-A - By Council Member s Cabrera, Koo, Palma, Rose and Koslowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to traffic control signals.

Proposed Int 80-A - By Council Member s Lancman, Koo, Rose and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to work zone safety on bridges.

Int 140 - By Council Member s Greenfield, Chin, Constantinides, Espinal, Gentile, Gibson, Johnson, Koo, Levine, Reynoso, Richards, Torres, Van Bramer, Mendez and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing speed limits and establishing slow zones.

Int 153 - By Council Member s Lander, Chin, Gentile, Koo, Levine, Reynoso, Rose, Torres and Rosenthal - **A Local Law** to amend the New York city charter, in relation to requiring the department of information technology and telecommunications to create and maintain an interactive website detailing traffic crash data.

Proposed Int 167-A - By Council Member s Rodriguez, Chin, Koo and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting certain stunt behavior with vehicles.

Proposed Int 168-A - By Council Member s Rodriguez, Koo, Levine and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to safer arterial streets.

Proposed Int 171-A - By Council Member Rosenthal, Chin, Crowley, Koo, Levine, Reynoso and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to traffic violations and serious crashes.

Proposed Int 174-A - By Council Member Vacca and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to taxi and limousine commission review of crashes.

Int 198 - By Council Member s Johnson, Rodriguez, Ferreras, Lander and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to side guards.

Proposed Int 238-A - By Council Member s Weprin, Rodriguez and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to the right of way of pedestrians and bicyclists.

Committee on **TRANSPORTATION**.....1:00 P.M.

Int 272 - By Council Member s Rodriguez, Gibson and Levine (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to the New York city taxi and limousine commission's critical drivers and persistent violators programs.

Int 276 - By Council Member s Vacca, Koo, Mendez and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to a pilot program involving black box or telematics technology in taxis and street hail liveries.

Int 277 - By Council Member s Vacca, Rodriguez, Gibson, Koo and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to the reporting of crash data involving taxi and limousine commission licensed vehicles.

Res 6 - By Council Member s Crowley, Constantinides, King, Koo, Koslowitz, Palma, Williams, Vallone, Mendez and Ulrich - **Resolution** calling upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

Res 51 - By Council Member s Crowley, Constantinides, Koo, Palma, Vacca, Reynoso and Gibson - **Resolution** calling on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

Res 61 - By Council Member s Levin, Rodriguez, Chin, Constantinides, Johnson, Levine, Mendez, Rosenthal and Reynoso - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would lower New York City's speed limit.

Proposed Res 68-A - By Council Member s Weprin, Constantinides, Levine, Mendez, Rosenthal and Reynoso - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the penalty for driving on the sidewalk.

Res 111 - By Council Member Greenfield, Chin, Constantinides, Espinal, Gentile, Koo, Levine, Reynoso, Torres, Van Bramer, Mendez and Rosenthal - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would lower New York City's speed limit to 25 miles per hour.

Res 117 - By Council Member s Vacca, Levine, Van Bramer, Chin, Cohen, Ferreras, Lander, Reynoso, Torres, Rosenthal, Mendez and Koslowitz - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own speed camera program.

Res 118 - By Council Member Van Bramer, Chin, Cohen, Lander, Reynoso, Torres, Vallone, Rosenthal, Mendez and Koslowitz - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own red light camera program.

Res 144 - By Council Member s Vacca and Mendez - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would make a violation of Hayley and Diego's Law a misdemeanor.

Council Chambers – City Hall

Rodriguez, Chairperson

Ydanis

Committee on **HEALTH**..... 1:00 P.M.

Int 55 - By Council Member s Crowley, Johnson, Arroyo, Constantinides, Levine, Palma, Vacca, Koslowitz and Espinal - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.

Int 73 - By Council Member s Johnson, Arroyo, Constantinides, Levine, Rose and Vallone - **A Local Law** to amend the administrative code of the city of New York, in relation to updating the definition of "pet shop" within the Animal Abuse Registration Act.

Int 136 - By Council Member s Crowley, Arroyo, Dickens, Johnson, Koo, Levine, Palma, Rose, Vallone, Mendez, Koslowitz and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.

Int 146 - By Council Member s Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to microchipping animals sold in pet shops.

Committee Room – City Hall Corey Johnson, Chairperson

Committee on **CIVIL SERVICE AND LABOR**1:00 P.M.

Res 189 - By Council Member s Dromm and Miller - **Resolution** calling upon New York State Legislature to pass and the Governor to sign A.9036/S.6516, authorizing local governments to establish and enforce higher levels of minimum wage.

Committee Room – 250 Broadway, 16th Floor I. Daneek Miller, Chairperson

Thursday, May 1, 2014

Committee on **AGING** jointly with the

Committee on **FINANCE**..... **1:00 P.M.**
Int 243 - By Council Member s Chin, Ferreras, Williams, Arroyo, Cabrera, Constantinides, Deutsch, Dickens, Eugene, Gibson, Koslowitz, Levine, Mendez, Rose, Torres and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing the maximum income level qualifying for exemption from rent increases granted to certain senior citizens.
Res 185 - By Council Member s Chin, Koslowitz and Ferreras - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign S.1218 and A.1790, legislation that would link income threshold increases for the senior citizen rent increase exemption (SCRIE) program to changes in the consumer price index.
Oversight - The Senior Citizen Rent Increase Exemption Program: Examining Strategies for Improving the Administration of SCRIE.
 Council Chambers – City Hall Margaret Chin, Chairperson
 Julissa Ferreras, Chairperson

Monday, May 5, 2014

Committee on **OVERSIGHT AND INVESTIGATIONS**.....**10:00 A.M.**
Proposed Int 119-A - By Council Member s Williams, Arroyo, Mendez, Richards, Rosenthal and Reynoso - **A Local Law** to amend the New York city charter, in relation to requiring the inspector general of the New York city police department to submit quarterly reports to the city council, comptroller and civilian complaint review board detailing the number and disposition of civil actions filed against the New York city police department.
 Committee Room – City Hall..... Vincent J. Gentile, Chairperson

Tuesday, May 6, 2014

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
See Land Use Calendar
 Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Committee on **EDUCATION****10:00 A.M.**
Oversight – Charter School Management and Accountability
Int 12 - By Council Member s King, Arroyo, Cabrera, Chin, Constantinides, Dickens, Koo, Koslowitz, Lancman, Levine, Maisel, Palma, Williams, Richards, Rose, Reynoso, Van Bramer, Mendez, Menchaca, Deutsch, Dromm, Wills, Rosenthal and the Public Advocate (Ms. James) -
A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report academic and demographic information on co-located schools.
 Council Chambers – City Hall Daniel Dromm, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES****11:00 A.M.**
See Land Use Calendar
 Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
See Land Use Calendar
 Committee Room – 250 Broadway, 16th Floor Inez Dickens, Chairperson

Wednesday, May 7, 2014

Committee on **RECOVERY AND RESILIENCY** **1:00 P.M.**
Oversight - New York City’s Community Development Block Grant – Disaster Relief Business Programs
 Committee Room – City Hall..... Mark Treyger, Chairperson

Committee on **RULES, PRIVILEGES & ELECTIONS** **1:00 P.M.**
Res 184 - By The Speaker (Council Member Mark-Viverito) - **Resolution** to Amend the Rules of the Council in relation to improving the responsiveness, transparency, fairness, and inclusiveness of the City Council.
 Council Chambers – City Hall Brad Lander, Chairperson

Thursday, May 8, 2014

★ **Note Location Change**
 Committee on **GENERAL WELFARE****10:00 A.M.**
Oversight – Child Welfare Policy Reforms at the Administration for Children’s Services
 ★ Council Chambers – City Hall..... Stephen Levin, Chairperson
 Committee on **LAND USE**.....**11:00 A.M.**

All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – City Hall..... David G. Greenfield, Chairperson

Tuesday, May 13, 2014

Committee on **HOUSING AND BUILDINGS****10:00 A.M.**
Agenda to be announced
 Council Chambers – City Hall Jumaane D. Williams, Chairperson
 Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**
 Agenda to be announced
 Committee Room – City Hall Donovan Richards, Jr., Chairperson

Wednesday, May 14, 2014

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
 *Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, May 14, 2014.

MICHAEL M. McSWEENEY, City Clerk
 Clerk of the Council

Editor’s Local Law Note: Int No. 173-A, adopted by the Council at the March 26, 2014 Stated Meeting, was signed into law by the Mayor on April 15, 2014 as Local Law No. 9 of 2014. Int Nos. 11-A and 256, both adopted by the Council at the April 10, 2014 Stated Meeting, were signed into law by the Mayor on April 25, 2014 as, respectively, Local Law Nos. 10 and 11 of 2014.

