SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF

WEDNESDAY, MAY 14, 2014

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, May 14, 2014, 2014, 1:53 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	Rosie Mendez
Inez D. Barron	Vanessa L. Gibson	I. Daneek Miller
Fernando Cabrera	David G. Greenfield	Antonio Reynoso
Margaret S. Chin	Vincent M. Ignizio	Donovan J. Richards
Andrew Cohen	Corey D. Johnson	Ydanis A. Rodriguez
Costa G. Constantinides	Ben Kallos	Deborah L. Rose
Robert E. Cornegy, Jr.	Andy L. King	Helen K. Rosenthal
Elizabeth S. Crowley	Peter A. Koo	Ritchie J. Torres
Laurie A. Cumbo	Karen Koslowitz	Mark Treyger
Chaim M. Deutsch	Rory I. Lancman	Eric A. Ulrich
Inez E. Dickens	Bradford S. Lander	James Vacca
Daniel Dromm	Stephen T. Levin	Paul A. Vallone
Rafael L. Espinal, Jr.	Mark Levine	James G. Van Bramer
Mathieu Eugene	Alan N. Maisel	Mark S. Weprin
Julissa Ferreras	Steven Matteo	Jumaane D. Williams
Daniel R. Garodnick	Carlos Menchaca	

Excused: Council Members Mealy, Palma and Wills.

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 48 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 Archbishop Joseph A. Alexander, New Covenant Ministries Worldwide, 1175 Boston Road, Bronx N.Y. 10456.

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Thank you, very much, Public Advocate.
We acknowledge this house, this Chamber, today.
Particularly, for the extraordinary strength and fortitude,
And moral stability in giving support to 276 young girls
that have been kidnapped in Nigeria,
a country of my birth.
I cannot … stop thanking the Council,
from the Public Advocate to the Speaker,
and to every member, or many members of this Council,
[who] joined us two days ago, in sending a word to the nations
that an act so despicable and so inhumane,
cannot be let go without someone speaking out.
Thank you so much, and God bless this Council.
It's my privilege today to join you
in a very critical time in human history,
and, of course, for New York City in particular,
to depend upon God and the wisdom of God,
and to lead a great City.
And, so, today, I bound my heart with you,
and ask the almighty God, the creator of the whole Earth,
the sustenance of life,
I ask you Father to grant
wisdom, skill, knowledge, ability needed
to make just laws, and to guide a great City.
I ask you, Lord, to look upon this City with your favor,
and cause, Lord that these great leaders,
that you have raised up, in this particular time,
will walk in your strength, for the benefit and the profit
of the citizens of this great City.
And, that as a light to the world,
the City of New York will continue to send forth
the signal of justice, peace, and inclusion
of people of all races.
We ask for your special grace
upon each Council member, each committee,
and each subcommittee, and the staff,
Lord that they will do great exploits.
The generation to come will remember them.
We ask, You, today, to show favor and blessing
upon our City Council, and its leadership.
For I ask this in the name
of the almighty God, who created us all. Amen.

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

At a later point in the Meeting, the Speaker (Council Member Mark-Viverito) recognized sixteen middle school students visiting from Akron, Ohio who were members of the Youth Civic Leadership group under the leadership of Executive Director Mark Favors. The Public Advocate (Ms. James) also welcomed them to New York City.

ADOPTION OF MINUTES

Council Member Greenfield moved that the Minutes of the Stated Meetings of March 26 and April 10, 2014 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-50

Communication from the Mayor - "AN Act to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the Administrative Code of the City of New York in relation to the animal population control fund; and to repeal certain

provisions of Chapter 115 of the laws of 1894 , relating to the better protection of lost or stray animals and for securing the rights of owners thereof, relating to the licensing of dogs in a certain city" A.2046 / S.5048.

(The following is the text from the Bluebacks submitted and signed by the Mayor for the Assembly bill:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. A.2046), entitled:

"AN ACT to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the Administrative Code of the City of New York in relation to the animal population control fund; and to repeal certain provisions of Chapter 115 of the laws of 1894 , relating to the better protection of lost or stray animals and for securing the rights of owners thereof, relating to the licensing of dogs in a certain city."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

☒ The local government does not have the power to enact such legislation by local law.

☐ Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

☒ The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

☐ The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____
(Chief Executive Officer)

BILL de BLASIO
(Print or Type Name Below Signature)

Mayor
(Title of Chief Executive Officer)

Date: May 7, 2014

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the _____ day of _____ 2014, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____
Clerk

[SEAL OF LOCAL GOVERNMENT]

MICHAEL McSWEENEY
(Print or Type Name Below Signature)

Date: _____, 20 _____

(The following is the text of the State Assembly bill:)

2046

2013-2014 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2013

Introduced by M. of A. KAVANAGH, GLICK, MAGEE, ENGLEBRIGHT, BRENNAN, COOK, DINOWITZ, GALEF, MILLMAN, ORTIZ, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, are REPEALED and four new sections 1, 2, 3 and 4 are added to read as follows:

Section 1. The provisions of this act shall apply in the city of New York.

§ 2. (1) Every person who owns or harbors one or more dogs within the corporate limits of such city, shall procure a license for each dog as provided in this act. In applying for such license to be issued or renewed, the applicant shall provide in writing the name, sex, breed, age, color and markings of the dog for which the license is to be procured or renewed and such information that the commissioner of health and mental hygiene of such city deems necessary to notify the applicant when the license is due to be renewed or to contact the applicant in the event the dog is found after becoming lost or strayed. Such commissioner may issue rules requiring proof of rabies vaccination, or an affirmation that such vaccine has been administered, as part of the application for such license to be issued or renewed.

(2) Licenses issued or renewed under this act shall be valid for a term of one year or, pursuant to rules issued by such commissioner, for a period greater than one year.

(3) The fees for a license issued or renewed under this act shall be set by local law, subject to the provisions of this subdivision. There shall be a base fee for a license to be issued or renewed for any dog. There shall be an additional fee for a license to be issued or renewed for a non-sterilized dog. The amount of such additional fee shall be at least eighty-five percent of the amount of the base fee. Applicants shall pay the additional fee unless their application is accompanied by: (i) a statement signed by a licensed veterinarian providing that the dog has been sterilized or that such veterinarian has examined the dog and found that because of old age or other permanent medical condition, the life of the dog would be endangered by sterilization, or (ii) a statement, approved as to form by such commissioner and affirmed by the applicant, that the dog has been sterilized.

(4) The amount collected for the additional fee charged for a license to be issued or renewed for an unsterilized dog as provided in subdivision three of this section shall be forwarded to the city comptroller for deposit in the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York.

(5) When a license is issued or renewed for a term other than one year, the fees shall be a prorated amount of the fees per year set as provided in subdivision three of this section.

(6) Any person who fails to renew a license prior to its date of expiration may be required to pay a late fee upon renewal of a license, with the amount of such late fee set by local law. Such amount shall be no more than twenty percent of the amount of the base fee for a license to be issued or renewed as provided in subdivision three of this section.

(7) The application for a license to be issued or renewed shall be accompanied by a statement as prescribed by such commissioner, notifying the applicant that he or she may submit, along with the fees required by this section, an additional amount to be utilized for the purpose of funding low-cost sterilization services from the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York. Any additional amount submitted pursuant to this subdivision shall be deposited in such fund.

(8) From the fees collected pursuant to this act for each dog license issued or renewed, the sum of ten cents annually for the term of such license shall be remitted by such city to the commissioner of agriculture and markets on or before the fifteenth day of each month, with such sum to be used to fund research into diseases of dogs and the search for and the study of viruses that affect people and animals.

(9) The amount of any fee charged pursuant to this act shall not be based in whole or part on the breed of the dog.

§ 3. (1) Any person who is required to obtain or renew a dog license pursuant to this act but fails to do so may be issued a notice of violation, returnable to the environmental control board or health tribunal of the office of administrative trials and hearings of the city of New York, and may be subject to a civil penalty of not more than seventy-five dollars for the first violation and no more than one hundred dollars when such person was found to have violated this section within the preceding five years. Such notice of violation may be issued by any officer or agent of the department of health and mental hygiene of such city, or any other agency or entity designated by the commissioner of health and mental hygiene or such city, when such officer or agent observes the dog for which such license has not been obtained or renewed.

(2) Notwithstanding subdivision one of this section, such notice of violation may not be issued to a person when such person is in the course of obtaining or renewing a license for the dog for which the notice of violation would be issued. It shall be an affirmative defense to any such violation that: (i) the person required to obtain or renew a dog license duly applied for such license or renewal prior to the date of the violation but the department of health and mental hygiene of such city had not issued or renewed such license; or (ii) such person had previously procured a license that was valid for a term that ended not more than thirty days before such notice of violation was issued and such person duly applied for renewal of such license subsequent to such notice of violation being issued.

(3) Three quarters of any amount paid as a penalty for a violation pursuant to this section shall be forwarded to the city comptroller for deposit in the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York, and the remainder shall be used solely for carrying out the provisions of this act, establishing, maintaining, or funding shelters for lost, strayed, or homeless animals, providing or funding public education regarding responsible animal care and dog licensing requirements, and conducting other animal care and control activities.

§ 4. (1) With each license issued or renewed under this act, the department of health and mental hygiene of such city shall supply the applicant with a certificate of license or renewal stating the name and address of the owner of the dog and the number of such license or renewal.

(2) Every dog licensed under this act shall, at all times, have a collar about its neck with a tag made of metal or other durable material attached thereto, bearing the number of the license. Such tag shall be supplied to the owner by such department. Such department shall provide notice with each such tag that anyone who shall use a license tag on a dog for which it was not issued shall be deemed guilty of a misdemeanor as provided in section nine of this act. Nothing in this act shall prevent such department from issuing specialty tags which, for an additional cost set by local law, owners may purchase in lieu of the standard tags issued pursuant to this section. The commissioner of health and mental hygiene of such city may issue rules requiring that dogs licensed under this act shall have attached to such collar a tag indicating that a rabies vaccination has been administered.

(3) Such department may issue replacements for tags that are lost and may require reasonable proof of loss of the original and payment of a sum, set by local law, equal to the cost of replacement.

(4) On or about the thirtieth day before the end of the term for which a license issued or renewed under this act shall be valid, such department shall notify the licensee by mail or other means, using the contact information provided pursuant to subdivision one of section two of this act, of the date by which renewal is required, the manner in which the licensee may apply for renewal, the fees associated with on-time and late renewal respectively, and the penalties to which the licensee may be subject under section three of this act in the event he or she fails to renew such license.

§ 2. Section 8 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, is amended to read as follows:

§ 8. The [~~American society for the prevention of cruelty to animals~~] **department of health and mental hygiene of such city** is hereby empowered and authorized to carry out the provisions of this act, and [~~the said society~~] **such department** is further authorized to issue **and renew** licenses [~~and renewals~~], and to collect the fees [~~for such,~~] **set forth in this act or otherwise established** as [~~is herein~~] prescribed[~~, which fees are to~~] **in this act. Such fees, excluding the additional fees charged for licenses to be issued or renewed for unsterilized dogs pursuant to subdivision three of section two of this act and the amounts specified in subdivision eight of section two of this act, shall** be used [~~by said society towards defraying the~~] **to defray such city's** cost of carrying out the provisions of this act [~~and mainatining a shelter~~]**, establishing, maintaining, or funding shelters** for lost, strayed or homeless animals**, and providing or funding public education regarding responsible animal care and dog licensing requirements**.

§ 3. Sections 8-a and 8-c of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, are REPEALED and section 8-b, as added by chapter 152 of the laws of 1971, is renumbered 8-a and amended to read as follows:

§ 8-a. **(1)** No person holding a permit issued pursuant to section 161.09 of the New York city health code **or a license issued pursuant to article 26-A of the agriculture and markets law** shall sell **or transfer ownership of** a dog **in such city** without first requiring the purchaser **or other new owner** to submit an application for a dog license and to pay all required fees, unless such purchaser **or other new owner** shall execute and submit to such seller **or transferor** a written statement that the dog to be purchased **or transferred** is to be harbored outside [~~the~~] **such** city. Such applications and written statements shall be on forms furnished by the [~~society~~] **department of health and mental hygiene of such city** and shall, within ten days after execution by a purchaser **or other new owner**, be forwarded by the seller **or transferor** to [~~the society~~] **such department**.

(2) Any seller **or transferor** processing an application pursuant to **subdivision one or three of** this section shall, on or before the tenth day of the month next succeeding the month in which collected, remit to [~~the society~~] **such department** the amount of fees collected less [~~one dollar~~] **ten percent of the base fees set pursuant to subdivision three of section two of this act** for each application processed.

(3) The commissioner of health and mental hygiene of such city may designate any other person or entity, including but not limited to a person or entity who provides care, treatment, services, or merchandise for animals, to process applications for dog licenses, collect fees, and remit the amount of fees collected less ten percent of such base fee in accordance with this section and otherwise consistent with the provisions of this act.

§ 4. Section 9 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, as amended by section 32 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

§ 9. Any person or persons, who shall hinder or molest or interfere with any officer or agent of [~~said society~~] **the department of health and mental hygiene of such city** in the performance of any duty enjoined by this act, or who shall use a license tag on a dog for which it was not issued, shall be deemed guilty of a misdemeanor. [~~Any person who owns or harbors a dog without complying with the provisions of this act shall be deemed guilty of disorderly conduct, and upon conviction thereof before any magistrate shall be fined for such offense any sum not exceeding ten dollars, and in default of payment of such fine may be committed to prison by such magistrate until the same be paid, but such imprisonment shall not exceed ten days.~~] Any person who for the purpose of participating in the "animal population control program" shall falsify proof of adoption from a pound, shelter, duly incorporated society for the prevention of cruelty to animals, humane society or dog or cat protective association or who shall furnish any licensed veterinarian of this state with inaccurate information concerning his or her residency or the ownership of an animal or such person's authority to submit an animal for a [~~spaying or neutering~~] **sterilization** procedure established pursuant to section 17-812 of the administrative code of the city of New York and any veterinarian who shall furnish false information concerning an animal sterilization fee schedule or an animal sterilization certificate shall be guilty of a violation punishable by a fine of not more than two hundred fifty dollars where prosecuted pursuant to the penal law, or where prosecuted as an action to recover a civil penalty of not more than two hundred fifty dollars. **Notices of violation may be issued pursuant to this act by any officer or agent of the department of health and mental hygiene of such city, or any other agency or entity designated by the commissioner of health and mental hygiene of such city, and such notices of violation shall be returnable to the environmental control board or to the health tribunal of the office of administrative trials and hearings of the city of New York.**

§ 5. Section 13 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, as renumbered by chapter 179 of the laws of 1987, is amended to read as follows:

§ 13. [~~None of the provisions of this act shall apply to dogs owned by~~] **(1) An exemption from the dog licensing requirements of this act shall be provided for the following persons, organizations, and businesses:**

(a) individuals who are non-residents [~~passing through the~~] **of such** city, [~~nor to dogs brought to the city and entered for exhibition at any dog show~~] **or who are temporarily residing in such city for a period not to exceed thirty days;**

(b) individuals for the first thirty days after becoming a resident of such city; and

(c) for dogs in their temporary custody for the purposes of redemption by an owner, placement for adoption, boarding, grooming, training, veterinary treatment or provision of other services: animal shelters, duly incorporated humane societies, duly incorporated societies for the prevention of cruelty to animals, duly incorporated animal protective associations, boarding kennels, grooming parlors, salons, pet shops, training establishments or similar businesses or establishments.

(2) An exemption from the dog license fees of section two of this act shall be provided for guide dogs, hearing dogs, service dogs or police work dogs, as such terms are defined in section 108 of the agriculture and markets law.

§ 6. Subdivision 2 of section 17-812 of the administrative code of the city of New York, as added by section 28 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

2. Such fund shall consist of all moneys collected from the animal population control program established pursuant to section 17-811 of this chapter [~~and~~]**, all moneys collected for the additional fee charged for a license to be issued or renewed for an unsterilized dog pursuant to subdivision three of** section [~~three-a~~] **two** of chapter one hundred fifteen of the laws of eighteen hundred ninety-four, **that portion of any penalties assessed under section three of such chapter due to be paid to such fund**, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

§ 7. This act shall take effect on the sixtieth day after it shall have become a law, provided that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, pursuant to section one of this act, any existing licenses or renewals thereof issued under the provisions of such sections shall continue to be valid for such terms as they were issued under such provisions; and provided further that such licenses shall be renewable pursuant to the new provisions added by section one of this act; and provided further that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, any license or renewal fees previously authorized and in effect pursuant to such sections as of the date this act takes effect shall remain in effect until new fees shall be adopted and take effect pursuant to local law enacted in accordance with this act; and provided further that notices of violation may not be issued pursuant to section three of chapter 115 of the laws of 1894, relating to better protection of lost and strayed animals and for securing the rights of owners thereof, until the one hundred twentieth day after this act shall have become a law.

(The following is the text of the State Assembly Sponsor's Memorandum in Support:)

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A2046

SPONSOR: Kavanagh (MS)

TITLE OF BILL: An act to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city

PURPOSE: To improve and clarify the law related to licensing of dogs in New York City and to give the City greater local control over licensure and the associated fees.

SUMMARY OF PROVISIONS:

Section 1 of the bill repeals sections 1, 2, 2-a, 3, 3-a, and 4 of chapter 115 of the laws of 1894 and replaces them with four new sections 1, 2, 3, and 4.

The repealed section 1 of chapter 115 requires dogs to be licensed in cities with a population of two million or more, sets the base fee at $8.40, with an additional fee for unsterilized dogs, with an exemption from the additional fee if the life of the dog would be endangered by sterilization.

The repealed section 2 of chapter 115 sets the term of licenses at one year and requires renewal each year.

The repealed section 2-a of chapter 115 sets a fee of $2.00 for late renewal of licenses.

The repealed section 3 of chapter 115 requires certificates of license or renewal to state the name and address of person who obtained the license and the number of the license.

The repealed section 3-a of chapter 115 sets the additional fee for unsterilized dogs at the greater of $3.00 or an amount set by the New York City Council or the New York City Board of Health, and requires that the additional fees be deposited in the City's animal population control fund.

The repealed section 4 of chapter 115 requires every licensed dog to wear a collar with a license tag.

The new section 1 of chapter 115 specifies that the chapter applies in New York City.

The new section 2 of chapter 115 requires that dogs be licensed and makes various provisions related to license applications and fees.

Subdivision 1 of the new section 2 of chapter 115 requires dogs to be licensed, requires the applicant for a license to provide information and authorizes the City health commissioner to require proof of rabies vaccination with the application.

Subdivision 2 of the new section 2 of chapter 115 sets the term at one year or a longer amount of time that may be set by the City health commissioner.

Subdivision 3 of the new section 2 of chapter 115 permits New York. City to set fees for licenses by local law, with an additional fee for licensing unsterilized dogs to be at least 85 percent of the base fee applicable to licensing all dogs.

Subdivision 4 of the new section 2 of chapter 115 requires that the additional fees for licensing unsterilized dogs be deposited in the City's animal population control fund.

Subdivision 5 of the new section 2 of chapter 115 requires that fees for a period greater than one year be prorated.

Subdivision 6 of the new section 2 of chapter 115 authorizes the City to set a fee by local law for late renewal of licenses at no more than 20 percent of the base fee for a license.

Subdivision 7 of the new section 2 of chapter 115 requires applicants for licenses to be notified that they may submit, along with the license fees, a contribution to help fund low-cost sterilization services.

Subdivision 8 of the new section 2 of chapter 115 requires the City to forward 10 cents front the fee for each license to the State commissioner of agriculture, to be used to fund research into diseases of dogs and viruses that Affect people and animals. This subdivision replaces section 8-a of chapter 115, which is repealed by section 3 of the bill, as indicated below.

Subdivision 9 of the new section 2 of chapter 115 specifies that license fees shall not be based in whole or part on the breed of the dog.

The new section 3 of chapter 115 makes provisions related to violations of the licensing requirement.

Subdivision 1 of the new section 3 of chapter 115 provides for a fine of $75 for an unlicensed dog and $100 for a second offense within 5 years.

Subdivision 2 of the new section 3 of chapter 115 provides that a violation for an unlicensed dog may not be issued to a person in the course of obtaining or renewing a license, and provides for a defense if a person issued a violation has applied for a license but not yet received it or if a previously valid license has been expired for 30 days or less.

Subdivision 3 of the new section 3 of chapter 115 provides that three-quarters of the amount paid in fines for violations of the license requirement shall be deposited in the City's animal population control fund and that the remainder shall be used solely for activities related to animal care and control.

The new section 4 of chapter 115 makes provisions related to issuance of licenses, license tags, and renewals.

Subdivision 1 of the new section 4 of chapter 115 requires the City to supply certificates of license or renewal.
Subdivision 2 of the new section 4 of chapter 115 requires every licensed dog to wear a collar with a license tag supplied by the City, requires the City to notify the recipient of each tag of the penalty for using it for a dog other than the one for which it was issued, permits the City to issue optional specialty tags for an additional price, and permits the City require a tag indicating that a rabies vaccination has been administered.

Subdivision 3 of the new section 4 of chapter 115 permits the City to issue replacements for lost tags, for a fee equal to the cost of replacement.

Subdivision 4 of the new section 4 of chapter 115 provides for the City to notify licensees 30 days before a license will expire.

Section 2 of the bill amends section 8 of chapter 115 of the laws of 1894 to give primary responsibility for carrying out its provisions to the City health department rather than the American Society for the Prevention of Cruelty to Animals (ASPCA), and to make technical changes.

Section 3 of the bill repeals sections 8-a and 8-c of chapter 115 of the laws of 1894, amends section 8-b, and renumbers section 8-b as section 8-a.

The repealed section 8-a of chapter 115 requires the City to forward 10 cents from the fee for each license-to the State commissioner of agriculture, to be used to fund research into diseases of dogs and viruses that affect people and animals. This repealed section is replaced by subdivision 8 of the new section 2 of chapter 115, as indicated above. The repealed section 8-c of chapter 115 sets forth various now-moot provisions related to the relationship between the ASPCA and the City.

The newly renumbered section 8-a of chapter 115 is amended to clarify that certain entities that give a dog to a New York City resident in the city are required to ensure the recipient of the dog submit a license application. The amendments also expand the range of people or entities the City may designate to process dog license applications on its behalf, to include, for example, those who provide care, treatment, services, or merchandise for animals, and increases the compensation such outside entities may receive from the current $1.00 per application to a new amount set at 10 percent of the application fees.

Section 4 of the bill amends section 9 of chapter 115 of the laws of 1894 to remove a provision that subjects any person who has a dog without complying with the licensing requirements to a charge of disorderly conduct and a fine of up to $10.00 or 10 days in prison. (The new section 3 of chapter 115, added by this bill as indicated above, creates new provisions related to violations of the licensing requirement.) Section 9 is also amended to make certain other violations of the law returnable to the City's Environmental Control Board or Health Tribunal and to make technical changes.

Section 5 of the bill amends section 13 of chapter 115 of the laws of 1894 to provide for an exemption from New York City's dog licensing requirements for non-residents of New York City, those who reside in the city temporarily or who recently arrived, organizations that shelter and care for animals, boarding kennels, grooming parlors, salons, pet shops, training. establishments, and similar businesses. The amended section 13 also provides an exemption from the license fees for guide dogs, hearing dogs, service dogs, and police work dogs.

Section 6 of the bill amends section 17-812 of the administrative code of the city of New York to make it conform with the new and renumbered provisions of chapter 115 of the laws of 1894 as amended by this bill.

Section 7 of the bill sets forth the effective date.

JUSTIFICATION:

The State law that requires dogs in New York City to be licensed and provides for license fees, issuance, and enforcement has become outdated and doesn't provide for an appropriate level of discretion and home rule, making licensure burdensome for both the City and those with dogs that need to be licensed.

While the law specifies that license fees are intended to defray the costs of the City's animal control program, most of the current fees were set many decades ago and no longer cover even the cost of issuing the licenses. (The existing law specifies a set amount for most fees related to licenses, granting the City the option of increasing the. amount of just one fee, the surcharge applicants must pay to license an unsterilized dog.) The City is currently undertaking an effort to protect public health and improve animal care by increasing public awareness of the licensing requirements, and increasing shelter services, hours of operation, field services, and adoption services, with the expanded services being phased in between 2011 and 2014. The ability to set reasonable fees by local law, as this bill would provide, would help the City implement these changes effectively. The bill also imposes certain parameters for setting the fees, to ensure fairness and to achieve certain policy objectives.

Current law permits private entities, such as pet shops, to issue licenses on behalf of the City, but authorizes them to receive only $1.00 per license for providing the service. As a result, virtually the only licenses issued privately are those mandated to be issued by shelters and other animal organizations to adopted animals. This bill would rectify this problem by authorizing a private dog license provider to receive 10 percent of the total fees. The bill also expands the range of entities that may be authorized by the City to process applications.

Under the existing law, an applicant for a dog license must pay must submit notarized proof that the dog has been sterilized in order to avoid paying the surcharge applicable to an unsterilized dog. Given this administrative burden, many people simply avoid licensing their dogs. This bill would allow self-certification by applicants that their dog has been sterilized, simplifying the application and enabling online licensing. The bill also authorizes the City to require proof of rabies vaccination with license applications and to mandate that dogs wear a tag indicating they've been vaccinated.

The current law provides for seizure of a dog without a license but provides no authority to issue a notice of violation or a fine. This bill would establish notices of violation and fines to promote compliance with the license requirements. It would also clarify and expand the range of exemptions from the license requirements so that people are not charged and fined unreasonably.

LEGISLATIVE HISTORY:

2012: A05950B (Kavanagh) - Agriculture
2011: A05950 (Kavanagh) -Agriculture
2010: A00406 (Kavanagh) - Agriculture
2009: A00406 (Kavanagh) - Agriculture

2008: A08032A (Kavanagh) - Agriculture
2007: A08032 (Kavanagh) - Agriculture
2006: A07582 (Grannis) - Agriculture
2005: A07582 (Grannis) - Agriculture

FISCAL IMPACT ON THE STATE: None.

EFFECTIVE DATE: This act shall take effect on the sixtieth day after it shall have become a law, provided that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, pursuant to section one of this act, any existing licenses or renewals thereof issued under the provisions of such sections shall continue to be valid for such terms as they were issued under such provisions; and provided further that such licenses

shall be renewable pursuant to the new provisions added by section one of this act; and provided further that upon the repeal of sections 1, 2, a-a, 3, 3-a and 4 of chapter 115 of the__ laws-of-1-894-,-relating-to the better protection-of-lost-and strayed animals and for-securing the -- rights of owners thereof, any license or renewal fees previously authorized and in effect pursuant to such sections as of the date this act takes effect shall remain in effect until new fees shall be adopted and take effect pursuant to local law enacted in accordance with this act; and provided further that notices of violation may not be issued pursuant to section three of chapter 115 of the laws of 1894, relating to better protection of lost and strayed animals and for securing the rights of owners thereof, until the one hundred twentieth day after this act shall have become a law.

Referred to the Committee on State and Federal Legislation.

M-51

Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2015, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-52

Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2015, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-53

Communication from the Mayor - Submitting the Proposed City Fiscal Year 2015 Community Development Program, the Proposed CFY'15 Budget, the Proposed Reallocations-the CD XL Funds, Proposed CD XLI Statement of Objectives and Budget, dated May 8, 2014.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-54

Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2015 pursuant to Section 250 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-55

Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2015, Volumes I, II and III, pursuant to Section 219(d) of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-56

Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2015.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-57

Communication from the Mayor - Submitting the Executive Capital Budget Fiscal Year 2015, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated May 8, 2014 pursuant to the provisions of Sections 213 (4) & 219 (D) of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-58

Communication from the Mayor - Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2015, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-59

Communication from the Chancellor – Submitting proposed five-year Capital Plan FY 2015 – 2019.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-60

Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2015 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.

May 8, 2014

Honorable Members of the Council
Honorable Scott M. Stringer, Comptroller
Honorable Ruben Diaz, Jr., Bronx Borough President
Honorable Eric L. Adams, Brooklyn Borough President
Honorable Gale A. Brewer, Manhattan Borough President
Honorable Melinda R. Katz, Queens Borough President
Honorable James S. Oddo, Staten Island Borough President
Honorable Members of the City Planning Commission Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2015 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2015 $6,702 Million

2016 6,736 Million
2017 6,641 Million
2018 6,467 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows *in* fiscal years 2015 — 2018:

2015 $5,256 Million
2016 5,222 Million
2017 5,229 Million
2018 5,009 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2015 — 2018:

2015 $1,446 Million
2016 1,514 Million
2017 1,411 Million
2018 1,458 Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2015, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2015 $3,816 Million
2016 4,253 Million
2017 5,019 Million
2018 4,967 Million

Sincerely,

Bill de Blasio
Mayor

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-61

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

Pursuant to Rule 11.20c of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application nos. C 130313 MMQ and C 130314 MMQ shall be subject to Council review. This item is related to Application no. C 140203 ZMQ which is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-62

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

Pursuant to Rule 11.20c of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application no. C 140183 ZSM shall be subject to Council review. This item is related to Application nos. C 140181 ZMM, N 140182 ZRM and C 140185 HAM which are subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-63

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

Pursuant to Rule 11.20c of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application no. C 140238 PQM shall be subject to Council review. This item is related to Application no. C 140233 HAM which is subject to Council review pursuant to Section 197-d of the New York City Charter and Article 16 of the General Municipal Law.

Coupled on Call – Up Vote

M-64

By Council Member Johnson:

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 369 West 51st Street, Borough of Manhattan, Community Board No. 4, Application no. 20085578 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative – Arroyo, Barron, 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, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48.**

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 243-A

Report of the Committee on Aging 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 increasing the maximum income level qualifying for exemption from rent increases granted to certain senior citizens.

The Committee on Aging, to which the annexed amended proposed local law was referred on April 10, 2014 (Minutes, page 1086), respectfully

REPORTS:

INTRODUCTION

On May 1, 2014, the Committee on Finance, chaired by Council Member Julissa Ferreras, and the Committee on Aging, chaired by Council Member Margaret Chin, held a hearing on Int. No. 243, 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. No. 185, a 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, and Oversight*:* The Senior Citizen Rent Increase Exemption Program: Examining Strategies for Improving the Administration of SCRIE. The New York City Department of Finance (DOF), the New York City Department for the Aging (DFTA), tenants advocates, legal services providers, advocates for seniors, and members of the public testified. Amendments were made to Int. No. 243 following that hearing. On May 13, 2014, the Committee on Aging considered Proposed Int. No. 243-A and Res. No. 185. Both items passed by a vote of 6-0.

BACKGROUND

The SCRIE program protects eligible renters from certain increases imposed by their landlord.[1] In return, the landlord receives property tax abatement equal to the amount of the rent forgiven. Tenants currently are eligible for the SCRIE program if: 1) they are at least 62 years old; 2) they have a total household income that does not

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[1] *See* Chapter 689 of the Laws of 1972.

exceed $29,000; 3) they reside in a rent controlled or rent stabilized apartment,[2] a Mitchell Lama complex or a rent regulated residential hotel; and 4) the maximum rent or legal regulated rent is increased to a level that exceeds one-third of the household's income.[3] There are approximately 53,000 seniors throughout 15,000 buildings enrolled in SCRIE.[4] The average SCRIE benefit received by landlords renting to such seniors equates to approximately 7 percent of each building's property tax bill.[5]

On March 31, 2014, Governor Andrew Cuomo signed into law Chapter 55 of 2014 ("State Law"), which increased the maximum income level qualifying for exemption from rent increases granted to certain senior citizens.[6] The State Law authorized localities throughout the State of New York to adopt a local law to increase the maximum income level qualifying for SCRIE from $29,000 to $50,000. The authorization marks only the second time in the past ten years that the State has provided for increases in income threshold, following a 2005 law which provided for an increase from $24,000 to $29,000 over a four-year period.[7] In contrast, during that same period, the federal government issued eight automatic cost-of-living adjustments to Social Security.[8]

Int. No. 243-A would provide for implementation of the rent threshold increase for SCRIE applicants residing in New York City. The increase would be in effect for those applying to the SCRIE program for two years, beginning July 1, 2014. Without further action by the State, the maximum income level qualifying for SCRIE would revert back to $29,000 in 2016. The State Law also provides that the State would reimburse the City for the cost of real property tax abatements for the newly eligible higher income households between July 1, 2014 and June 30, 2016. As with the income threshold increase, the State Law reimbursement for the SCRIE program would also sunset in 2016.

Effect of the SCRIE Increase

As of Fiscal Year 2014, there are 53,185 seniors enrolled in the SCRIE program. The cost of the SCRIE program to the City is $135.7 million. The number of enrollees and costs disaggregated by borough are as follows:

	Population Served	Cost to City
Bronx	9,225	$18.7M
Brooklyn	14,953	$37.3M
Manhattan	17,509	$48.7M
Queens	11,156	$30.3M
Staten Island	342	$0.6M

During the aforementioned May 1, 2014 hearing, DOF testified that according to estimates produced by the Mayor's Office of Management and Budget, 6,000 households will be newly eligible for the SCRIE program if the income threshold is raised to $50,000.[9]

ANALYSIS

Int. No. 243-A

Section one of Int. No. 243-A would amend subparagraph (ii) of paragraph 2 of subdivision m of section 26-405 of the Administrative Code (the Code) to provide that in order to be eligible for the senior citizen rent increase exemption (SCRIE) program, the maximum aggregate disposable income for all members of the household residing in a rent controlled unit must not exceed $50,000, beginning July 1, 2014.

Section two would amend paragraph 5 of subdivision m of section 26-405 of the Code to provide that a rent exemption order be issued to all eligible SCRIE applicants residing in rent controlled units whose household aggregate disposable income does not exceed $50,000, beginning July 1, 2014.

Section three would amend subparagraph (ii) of paragraph b of section 26-509 of the Code to provide that in order to be eligible for the SCRIE program and to be provided a rent exemption order, the maximum aggregate disposable income for all members of the household residing in a rent regulated unit must not exceed $50,000, beginning July 1, 2014.

Section four would amend subdivision d of section 26-601 of the Code to provide that in order to be eligible for the SCRIE program and to be provided a rent exemption order, the maximum aggregate disposable income for all members of the household residing in Mitchell-Lama and Redevelopment Company developments, Article XI co-ops established under the Private Financing Housing Law, and Federally-assisted cooperatives must not exceed $50,000, beginning July 1, 2014.

Section five of the bill provides that the local law would take effect on July 1, 2014 and expire two years thereafter. Section five also provides that amendments to section 26-509 of the Code made by section three would not impact the expiration of that section.

Res. No. 185

Res. No. 185 describes the history of the SCRIE program, which was established in 1970 to help low-income senior citizens remain in their homes by freezing their rents and states that approximately 53,000 seniors are currently enrolled. The resolution explains that tenants are eligible for SCRIE if they are at least 62 years old, have a household income that does not exceed $50,000, as of July 1, 2014, reside in a rent regulated unit or Mitchell-Llama development, and spend more than one-third of their income on rent.

The resolution goes on to discuss how the State must authorize increases to the income threshold for eligibility and how it has only done so twice in the past ten years – in 2005 when the threshold was increased from $24,000 to $29,00 over a four-year period and in the State budget approved in the spring of 2014. The resolution states that as the SCRIE income threshold remains relatively static, recipients are left vulnerable to losing eligibility when their Social Security income rises following cost-of-living adjustments.

The resolution states that 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 SCRIE income threshold to reflect any increase in the Consumer Price Index (CPI). The resolution argues that by linking SCRIE to the regional CPI, thousands New York City seniors would be able to remain in the program without relying on State action and could live without worrying that COLA increases to Social Security could cause them to lose SCRIE eligibility.

(The following is the text of the Fiscal Impact Statement for Int. No. 243-A:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, ACTING DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 243-A
COMMITTEE: Aging

TITLE: Senior Citizen Rent Increase Exemption (SCRIE) Maximum Income Eligibility Increase	**SPONSOR(S):** Council Members Chin, Ferreras, Williams, Arroyo, Cabrera, Constantinides, Deutsch, Dickens, Eugene, Gibson, Koslowitz, Levine, Mendez, Rose, Torres, Cohen, Rosenthal, Johnson, Van Bramer, Cornegy, Lander, and Dromm

SUMMARY OF LEGISLATION: On March 31, 2014, Governor Cuomo signed a State Law which authorized localities throughout the State of New York to adopt a local law to increase the maximum income level qualifying for the Senior Citizen Rent Increase Exemption (SCRIE) from $29,000 to $50,000. This legislation would amend the administrative code of the City of New York to adhere to this increase and allow the higher income threshold of $50,000 set by the State for senior citizens to qualify for SCRIE in New York City.

This income increase will be effect for those applying to the SCRIE program from the date of enactment of the local law until March 31, 2016 pursuant to State Law. The State law takes effect July 1, 2014 and will expire two years thereafter, and the maximum income level to qualify for SCRIE will revert back to $29,000.

EFFECTIVE DATE: July 1, 2014

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

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[2] Rent control generally applies to residential buildings constructed before February, 1947 in municipalities for which an end to the postwar rental housing emergency has not been declared. For an apartment to be under rent control, the tenant must generally have been living there continuously since before July 1, 1971 or for less time as a successor to a rent controlled tenant. When a rent controlled apartment becomes vacant, it either becomes rent stabilized or is removed from regulation, generally becoming stabilized if the building has six or more units and if the community has adopted the Emergency Tenant Protection Act. In New York City, rent stabilized apartments are generally those apartments in buildings of six or more units built between February 1, 1947 and January 1, 1974. Similar to rent control, stabilization provides other protections to tenants besides regulation of rental amounts. Tenants are entitled to receive required services, to have their leases renewed, and not to be evicted except on grounds allowed by law. Leases may be entered into and renewed for one or two year terms, at the tenant's choice. *See* Chapters 3 and 4 of Title 26 of the New York City Administrative Code.

[3] *See* § 467-c of the New York Real Property Tax Law; and §§ 26-405m, 26-406, and 26-509 of the New York City Administrative Code.

[4] *See* Annual Report of New York City Tax Expenditures, Fiscal year 2014 at 10, available at http://www.nyc.gov/html/dof/downloads/pdf/reports/reports%20-%20tax_expenditure/ter_2014_final.pdf (last visited April 30, 2014); *see also* Transcript of September 27, 2011 Finance Committee hearing, at 96.

[5] *See* Transcript of September 27, 2011 Finance Committee hearing, at 30.

[6] N.Y. Chapter Law 55 of 2014.

[7] *Id.*; N.Y. Chapter Law 205 of 2005.

[8] U.S. Social Security Administration, History of Automatic Cost-of-Living Adjustments, http://www.ssa.gov/cola/automatic-cola.htm (last accessed April 27, 2014).

[9] *See* Transcript of May 1, 2014 Finance and Aging Committee hearing.

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	**$0**	**$0**	**$0**
Expenditures	**$115,399-$173,303**	**$115,399-$173,303**	**$115,399-$173,303**
Net	**$0**	**$0**	**$0**

IMPACT ON REVENUES: No impact of revenues

IMPACT ON EXPENDITURES: The Department of Finance estimates it will need three additional full-time positions with benefits to process the additional SCRIE applications which will result from an additional pool of seniors qualifying for the SCRIE program. The total estimated cost of additional staff needed to implement the provisions of this bill will range from $115,399 to $173,303 in Fiscal 2015. This estimate assumes that DOF will hire a combination of clerical and administrative support, with varying experience and starting salaries.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Department of Finance

SOURCE OF INFORMATION: Department of Finance and New York City Council – Finance Division

ESTIMATE PREPARED BY: Dohini Sompura, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Latonia McKinney, Acting Director Finance Division

Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro 243 on April 10, 2014 and referred to the Committee on Aging. A hearing was held on May 1, 2014 by the Aging Committee and Finance Committee and the bill was laid over by the Aging Committee. The legislation has been amended, and on May 13, 2014, the amended legislation, Proposed Int. 243-A will be voted on by the Committee on Aging, and upon success vote, will be submitted to the Full Council for a vote on May 14, 2014.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 243-A:)

Int. No. 243-A

By Council Members Chin, Ferreras, Williams, Arroyo, Cabrera, Constantinides, Deutsch, Dickens, Eugene, Gibson, Koslowitz, Levine, Mendez, Rose, Torres, Cohen, Rosenthal, Johnson, Van Bramer, Cornegy, Lander, Dromm, King, Vallone, Gentile, Vacca, Kallos, Palma, Levin, Barron and Greenfield.

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.

Be it enacted by the Council as follows:

Section 1. Subparagraph (ii) of paragraph 2 of subdivision m of section 26-405 of the administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

(ii) the aggregate disposable income (as defined by regulation of the department of finance) of all members of the household residing in the housing accommodation whose head of household is sixty-two years of age or older does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, [and] twenty-nine thousand dollars beginning July first, two thousand nine, *and fifty thousand dollars beginning July first, two thousand fourteen,* per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the date of eligibility of a head of the household receiving benefits under this subdivision whether received by the head of the household or any other member of the household.

§ 2. Paragraph 5 of subdivision m of section 26-405 of the administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

(5) A rent exemption order shall be issued to each tenant who applies to the department of finance or such agency as the mayor shall designate (which agency may also be the department of finance) in accordance with such department's or agency's regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application, except that where the aggregate disposable income of all members of the household residing in the housing accommodation whose head of the household is sixty-two years of age or older is greater than five thousand dollars per year but does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, [and] twenty-nine thousand dollars beginning July first, two thousand nine, *and fifty thousand dollars beginning July first, two thousand fourteen,* per year pursuant to subparagraph (ii) of paragraph two of subdivision m of this section on orders issued on applications received before July first, nineteen hundred seventy-five, the effective date of such order shall be the later of (1) June thirtieth, nineteen hundred seventy-four or (2) the last day of the month in which a person becomes an eligible head of household in the housing accommodation in which such person resides at the time of filing the most recent application for a rent exemption order; and further, except that where any other application has been received within ninety days of the issuance of the order increasing the tenant's maximum rent pursuant to paragraph three, four or six of subdivision (a) of this section, or subparagraph (a), (b), (c), or (l) of paragraph (1) of subdivision (g) of this section or pursuant to court order, whichever is later, the rent exemption order shall without further order take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such orders.

§ 3. Subparagraph (ii) of paragraph 2 of subdivision b of section 26-509 of the administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

(ii) the aggregate disposable income (as defined by regulation of the department of finance) of all members of the household residing in the housing accommodation whose head of the household is sixty-two years of age or older does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, [and] twenty-nine thousand dollars beginning July first, two thousand nine, *and fifty thousand dollars beginning July first, two thousand fourteen,* per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of the head of the household receiving benefits under this section whether received by the head of the household or any other member of the household;

§ 4. Subdivision d of section 26-601 of the administrative code of the city of New York, as amended by local law numbers 75 and 76 for the year 2005, is amended to read as follows:

d. "Eligible head of the household" means a person or his or her spouse who is sixty-two years of age or older or who qualifies as a person with a disability pursuant to section 26-617 of this chapter and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, that with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the national housing act, as amended, "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household whose head of household is sixty-two years of age or older does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, [and] twenty-nine thousand dollars beginning July first, two thousand nine, *and fifty thousand dollars beginning July first, two thousand fourteen,* for the taxable period, or whose income for the current income tax year when combined with the income of all members of the household residing in the housing accommodation whose head of the household is a person with a disability does not exceed the maximum income above which such head of the household would not be eligible to receive cash supplemental security income benefits under federal law during such tax year.

§ 5. This local law shall take effect July 1, 2014 and shall expire and be deemed repealed two years after the effective date thereof; provided that the amendment to section 26-509 of the administrative code of the city of New York made by section three of this local law shall not affect the expiration of such section and shall be deemed to expire therewith.

MARGARET S. CHIN, Chairperson; KAREN KOSLOWITZ, DEBORAH L. ROSE, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 13, 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 of the Committee on Finance

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. 60

Report of the Committee on Finance in favor of approving Mixed Income Program, 810 River Avenue, Bronx, Community District No. 4, Council District 8.

The Committee on Finance, to which the annexed resolution was referred on May 14, 2014, respectfully

REPORTS:

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

May 14, 2014

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

FROM: Sarah Gastelum, Finance Division

RE: Finance Committee Agenda of May 14, 2014 - Resolution approving a tax exemption for one Land Use Item (Council District 8).

The Mixed Income Program located at 810 River Avenue in Speaker Mark-Viverito's District will consist of one multi-family residential building with 133 units of rental housing for families with a mix of incomes and approximately 27,858 square feet of commercial space. 810 River Avenue Housing Development Fund Corporation and 810 River Partners LLC will construct the project with construction loans and permanent financing from private institutional lenders and from public sources, including HPD, the New York City Housing Development Corporation, the State of New York, and the federal government. Additional funding may also be provided from the syndication of low-income housing tax credits. The overall estimated income targets for the 133 units that will be developed will be affordable to households making 40% to 90% of the Area Median Income, or $34,360 to $77,310 for a family of four (see below). In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full 40 year exemption from real property taxation.

133 Developed Units by Area Median Income (AMI)

- 20% developed units at 90% AMI = 27 units
- 20% developed units at 80% AMI = 26 units
- 43% developed units at 60% AMI = 58 units
- 17% developed units at 40% AMI = 22 units

This item has the approval of Speaker Mark-Viverito.

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Ferreras offered the following resolution:

Res. No. 237

Resolution approving a full exemption from real property taxes for property located at (Block 2483, Lot 5) the Bronx, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 60).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 21, 2014 that the Council take the following action regarding a housing project located at (Block 2483, Lot 5) the Bronx ("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, HDC and the Owner enter into the Regulatory Agreement in their respective sole discretion.

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

(c) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 2483, Lot 5.

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

(e) "HDC" shall mean the New York City Housing Development Corporation.

(f) "HDFC" shall mean 810 River Ave. Housing Development Fund Corporation.

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

(h) "LLC" shall mean 810 River Partners LLC.

(i) "Owner" shall mean the HDFC and the LLC or any future owner of the Exemption Area.

(j) "Project" shall mean the construction of a multiple dwelling on the Exemption Area containing approximately 133 rental dwelling units plus one unit for a superintendent, and approximately 27,858 square feet of commercial space.

(k) "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

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

3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("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 Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance

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

(b) Nothing herein shall entitle the Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

4. In consideration of the Exemption, the Owner of the Exemption Area (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the 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, May 14, 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. 37

Report of the Committee on Land Use in favor of approving Application No. 20145358 HAK submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an amendment to a previously approved tax exemption, pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the property located at 365 Jay Street (Block 147, Lot 2), in the Borough of Brooklyn, Council District 33. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 12, 2014 (Minutes, page 711), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2 **20145358 HAK**

Application submitted by the New York City Department of Housing Preservation and Development for Council approval of an amendment to a previously approved tax exemption, pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the property located at 365 Jay Street (Block 147, Lot 2), in the Borough of Brooklyn, Council District 33. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

INTENT

To amend a previously approved application that was adopted by the Council on May 11, 2011 (Resolution No. 825 of 2011; L.U. No. 348).

PUBLIC HEARING

DATE: April 1, 2014

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

SUBCOMMITTEE RECOMMENDATION

DATE: May 6, 2014

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

In Favor: Dickens, Mealy, Cohen, Treyger
Against: *None* **Abstain:** *None*

COMMITTEE ACTION

DATE: May 8, 2014

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 238

Resolution approving an amendment to a real property tax exemption granted pursuant to Section 577 of the Private Housing Finance Law to a previously approved Urban Development Action Area Project located at 365 Jay Street (Block 147/Lot 2), Borough of Brooklyn (L.U. No. 37; 20145358 HAK).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 24, 2014 its request dated February 18, 2014 that the Council approve an amendment to the Private Housing Finance Law (PHFL) Section 577 real property tax exemption granted to a previously approved Urban Development Action Area Project (the " Amendment") located at 365 Jay Street (Block 147/Lot 2), Community District 2, Borough of Brooklyn (the "Project Area");

WHEREAS, on May 11, 2011 the Council adopted a resolution known as Resolution No. 825 of 2011, L.U. No. 348 (the "2011 Resolution") which, among other things, approved an Urban Action Area Development Project for the Project Area, and granted a real property tax exemption pursuant to PHFL Section 577 for the Project Area (the "Tax Exemption");

WHEREAS, upon due notice, the Council held a public hearing on the Amendment to the Tax Exemption on April 1, 2014;

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

RESOLVED:

The Council approves the Amendment to the Tax Exemptions as follows:

1. Paragraph number 4 on page 4 of the 2011 Resolution is hereby deleted and replaced with the following:

4. The Exemption shall only apply to the building on the Exemption Area that exists on the date of the approval of the Exemption by the Council.

All other provisions of the 2011 Resolution remain in full force and effect.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, 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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 8, 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. 49

Report of the Committee on Land Use in favor of approving Application No. C 140157 ZSM submitted by Rockefeller University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution to allow development of a building within a Large-Scale Community Facility development, within the demapped air space above the FDR Drive, between East 64th and East 68th Street, Borough of Manhattan, Community District 8, Council District 5. 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 April 10, 2014 (Minutes, page 1164), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8 **C 140157 ZSM**

City Planning Commission decision approving an application submitted by Rockefeller University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution to allow the development of a building within the demapped air space above the Franklin D. Roosevelt Drive, and in conjunction therewith, modify the rear yard requirements of Section 24-36 (Minimum required Rear Yards), in connection with the proposed expansion of an existing university, within a Large-Scale Community Facility development bounded by York Avenue, the easterly centerline prolongation of East 68th Street, the U.S. Pierhead and Bulkhead line and East 62nd Street and its easterly prolongation (Block 1480, Lot 10 and 9010; and Block 1475, Lots 5 and 9005), within R9 and R10 districts.

INTENT

This special permit action, in conjunction with the related city map amendment, would facilitate the development of a two-story research building, one-story interactive conference center in the demapped air space over the Franklin D. Roosevelt Drive (FDR) Drive and a one-story building for a recreational facility within the existing Rockefeller University campus situated on the east side of York Avenue between East 64th and East 68th streets in Manhattan Community District 8.

PUBLIC HEARING

DATE: April 23, 2014

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

SUBCOMMITTEE RECOMMENDATION

DATE: May 6, 2014

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

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

COMMITTEE ACTION

DATE: May 8, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, 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. 239

Resolution approving the decision of the City Planning Commission on ULURP No. C 140157 ZSM (L.U. No. 49), for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution of the City of New York to allow the development of a building within the demapped air space above the Franklin D. Roosevelt Drive, and in conjunction therewith, modify the rear yard requirements of Section 24-36 (Minimum required Rear Yards), in connection with the proposed expansion of an existing university, within a Large-Scale Community Facility development bounded by York Avenue, the easterly centerline prolongation of East 68th Street, the U.S. Pierhead and Bulkhead line and East 62nd Street and its easterly prolongation (Block 1480, Lots 10 and 9010; and Block 1475, Lots 5 and 9005), within R9 and R10 districts, 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 the Rockefeller University, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution of the City of New York to allow the development of a building within the demapped air space above the Franklin D. Roosevelt Drive, and in conjunction therewith, modify the rear yard requirements of Section 24-36 (Minimum required Rear Yards), in connection with the proposed expansion of an existing university, within a Large-Scale Community Facility development bounded by York Avenue, the easterly centerline prolongation of East 68th Street, the U.S. Pierhead and Bulkhead line and East 62nd Street and its easterly prolongation (Block 1480, Lots 10 and 9010; and Block 1475, Lots 5 and 9005), within R9 and R10 districts (ULURP No. C 140157 ZSM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application C 140086 (A) MMM (L.U. No. 50), an amendment to the City Map involving the elimination, discontinuance and closing of volumes of the FDR Drive between East 64th and East 68th Streets;

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 74-682 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 implications and other policy issues relating to the Decision and Application; and

(3) **WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 14DCP019M), for which a Notice of Completion was issued on March 21, 2014, as adjusted by the subsequent Technical Memorandum, dated April 2, 2014, and in accordance with the restrictive declaration attached to CPC Report C 140157 ZSM as Exhibit A;

RESOLVED:

Having considered the FEIS and the Technical Memorandum dated April 2, 2014, with respect to the Application, the Council finds that:

(1) The FEIS and the Technical Memorandum dated April 2, 2014, meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached to this report as Exhibit A, those project components related to the environment and mitigation measures that were identified as practicable; and

(4) The Decision along with the FEIS and the Technical Memorandum dated April 2, 2014 constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 140157 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 140157 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 Rafael Vinoly Architects filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
A– 007	Zoning Computations	24-OCT-2013
A – 008	Rear Yard Diagram	24-OCT-2013

A – 009	Site Plan	24-OCT-2013
A – 410	Section A	24-OCT-2013
A – 411	Section B	24-OCT-2013
A – 412	Section C	24-OCT-2013
A – 413	Section D	24-OCT-2013
A – 416	Section F	24-OCT-2013
A – 417	Section H	24-OCT-2013
A – 420	Section K	24-OCT-2013

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. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, New York County. The Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.

5. The development shall include those project components related to the environment and those mitigation measures listed in the Final Impact Statement (CEQR No. 14DCP019M) issued on March 21, 2014 (and identified as practicable) and in accordance with the Restrictive Declaration attached hereto as Exhibit A.

6. 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 and the related restrictive declaration 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 or of the related restrictive declaration.

7. 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.

8. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to such documents shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, 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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 8, 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. 50

Report of the Committee on Land Use in favor of approving Application No. C 140068 (A) MMM submitted by Rockefeller University pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination, discontinuance and closing of volumes of the FDR Drive, between East 64th and East 68th Street, Borough of Manhattan, Community District 8, Council District 5.

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 - 8 **C 140068 (A) MMM**

City Planning Commission decision approving an application submitted by Rockefeller University pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of volumes of the FDR Drive between East 64th and East 68th Streets; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30243 dated February 14, 2014 and signed by the Borough President.

INTENT

This city map amendment, in conjunction with the related special permit action, would facilitate the development of a two-story research building, one-story interactive conference center in the demapped air space over the Franklin D. Roosevelt Drive (FDR) Drive and a one-story building for a recreational facility within the existing Rockefeller University campus situated on the east side of York Avenue between East 64th and East 68th streets in Manhattan Community District 8.

PUBLIC HEARING

DATE: April 23, 2014

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

SUBCOMMITTEE RECOMMENDATION

DATE: May 6, 2014

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

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

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

COMMITTEE ACTION

DATE: May 8, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, 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. 240

Resolution approving the decision of the City Planning Commission on ULURP No. C 140068 (A) MMM, an amendment to the City Map (L.U. No. 50).

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 the Rockefeller University, pursuant to Sections 197-c and 199 of the New York City Charter, Section 5-430 *et seq.* of the New York City Administrative Code and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure (ULURP), for an amendment to the City Map involving:

- the elimination, discontinuance and closing of volumes of the FDR Drive between East 64th and East 68th Streets; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30243 dated February 14, 2014 and signed by the Borough President, (ULURP No. C 140068 (A) MMM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Application C 140157 ZSM (L.U. No. 49), a special permit pursuant to Section 74-682 of the Zoning Resolution of the City of New York to allow the development of a building within the demapped air space above the Franklin D. Roosevelt Drive, including a request for a rear yard waiver;

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

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

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

(4) **WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") CEQR No. 14DCP019M, for which a Notice of Completion was issued on March 21, 2014, as adjusted by the subsequent Technical Memorandum, dated April 2, 2014, and in accordance with the restrictive declaration attached to CPC Report C 140157 ZSM as Exhibit A;

RESOLVED:

Having considered the FEIS and the subsequent Technical Memorandum dated April 2, 2014, with respect to the Application, the Council finds that:

(1) The FEIS and the subsequent Technical Memorandum dated April 2, 2014, meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to the report for the zoning special permit (C 140157 ZSM), those project components related to the environment and mitigation measures that were identified as practicable.

(4) The Decision and the FEIS along with the subsequent Technical Memorandum dated April 2, 2014 constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 199 of the City Charter and Section 5-430 *et seq.* of the New York City Administrative Code and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140068 (A) MMM, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of volumes of the FDR Drive between East 64th and East 68th streets; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30243 dated February 14, 2014 and signed by the Borough President, subject to the following conditions:

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that "such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City"; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 30243 dated February 14, 2014, providing for the discontinuance and closing of a Volumes of FDR Drive between East 64th and East 68th streets, more particularly described as follows:

At grade and above areas, east of the Franklin D. Roosevelt Drive, between the easterly prolongations of East 64th Street and East 68th Street.

Area EA1:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 778.25 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 92.55 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 17.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 795.25 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 92.54 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 17.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 59.50 square feet (0.0014 acres).

Area EA2:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 865.24 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 92.64 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 17.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 882.24 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 92.64 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 17.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 59.50 square feet (0.0014 acres).

Area EA3:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 966.24 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 92.74 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 982.24 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map

No. 30143; thence, running southeasterly 92.74 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

Area EA4:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 1,062.23 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 91.99 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 1,078.23 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 91.66 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

Area EA5:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 1,158.00 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 87.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 1174.00 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 86.41 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

Area EA6:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 78.73 feet, forming an interior angle of 93 degrees 13 minutes 55 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence running southwesterly 11.52 feet at an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.59 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

Area EA7:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running easterly 91.52 feet, forming an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.49 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence running southwesterly 107.52 feet at an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.47 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

Area EA8:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running easterly 187.52 feet, forming an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.38 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence running southwesterly 203.52 feet at an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.36 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

Area EA9:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly

line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running easterly 283.52 feet, forming an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.26 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence running southwesterly 299.52 feet at an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.24 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

Area EA10:

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running easterly 379.52 feet, forming an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.14 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 16.00 feet along the east side of the F.D.R. Drive, to a point; said point being distant 1,249.10 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence running southwesterly 395.52 feet at an interior angle of 06 degrees 27 minutes 23 seconds, and thence running southeasterly 78.13 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point;

No. 2 Thence southeasterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 3 Thence northeasterly 16.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 4 Thence northwesterly 3.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 56.00 square feet (0.0013 acres).

At grade and above area, west of the Franklin D. Roosevelt Drive, between the easterly prolongations of East 64th Street and East 68th Street.

Beginning at a point on the westerly side of the F.D.R. Drive, said point being distant 755.48 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143;

No. 1 Running thence southwesterly 493.62 feet along the west side of the F.D.R. Drive, to a point;
No. 2 Thence southwesterly 415.75 feet, forming an interior angle of 186 degrees 29 minutes 38 seconds with the last mentioned course, to a point;
No. 3 Thence southeasterly 2.22 feet, forming an interior angle of 90 degrees 04 minutes 07 seconds with the last mentioned course, to a point;
No. 4 Thence northeasterly 3.32 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 5 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 50 minutes 46 seconds with the last mentioned course, to a point;
No. 6 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 09 minutes 20 seconds with the last mentioned course, to a point;
No. 7 Thence northwesterly 0.42 feet, forming an interior angle of 89 degrees 50 minutes 40 seconds with the last mentioned course, to a point;
No. 8 Thence northeasterly 46.00 feet, forming an interior angle of 270 degrees 09 minutes 14 seconds with the last mentioned course, to a point;
No. 9 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 50 minutes 46 seconds with the last mentioned course, to a point;
No. 10 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 09 minutes 20 seconds with the last mentioned course, to a point;
No. 11 Thence northwesterly 0.42 feet, forming an interior angle of 89 degrees 50 minutes 40 seconds with the last mentioned course, to a point;
No. 12 Thence northeasterly 46.00 feet, forming an interior angle of 270 degrees 09 minutes 14 seconds with the last mentioned course, to a point;
No. 13 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 50 minutes 46 seconds with the last mentioned course, to a point;
No. 14 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 09 minutes 20 seconds with the last mentioned course, to a point;
No. 15 Thence northwesterly 0.42 feet, forming an interior angle of 89 degrees 50 minutes 40 seconds with the last mentioned course, to a point;
No. 16 Thence northeasterly 46.00 feet, forming an interior angle of 270 degrees 09 minutes 14 seconds with the last mentioned course, to a point;
No. 17 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 50 minutes 46 seconds with the last mentioned course, to a point;
No. 18 Thence northeasterly 98.00 feet, forming an interior angle of 90 degrees 09 minutes 15 seconds with the last mentioned course, to a point;
No. 19 Thence northwesterly 0.42 feet, forming an interior angle of 89 degrees 50 minutes 45 seconds with the last mentioned course, to a point;
No. 20 Thence northeasterly 46.00 feet, forming an interior angle of 270 degrees 09 minutes 14 seconds with the last mentioned course, to a point;
No. 21 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 50 minutes 46 seconds with the last mentioned course, to a point;
No. 22 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 09 minutes 20 seconds with the last mentioned course, to a point;
No. 23 Thence northwesterly 0.42 feet, forming an interior angle of 89 degrees 50 minutes 40 seconds with the last mentioned course, to a point;
No. 24 Thence northeasterly 46.01 feet, forming an interior angle of 271 degrees 23 minutes 58 seconds with the last mentioned course, to a point;
No. 25 Thence southeasterly 0.42 feet, forming an interior angle of 268 degrees 36 minutes 02 seconds with the last mentioned course, to a point;
No. 26 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 09 minutes 20 seconds with the last mentioned course, to a point;
No. 27 Thence northwesterly 0.42 feet, forming an interior angle of 89 degrees 50 minutes 40 seconds with the last mentioned course, to a point;
No. 28 Thence northeasterly 46.00 feet, forming an interior angle of 271 degrees 05 minutes 54 seconds with the last mentioned course, to a point;
No. 29 Thence southeasterly 0.42 feet, forming an interior angle of 268 degrees 54 minutes 06 seconds with the last mentioned course, to a point;
No. 30 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 09 minutes 20 seconds with the last mentioned course, to a point;
No. 31 Thence northwesterly 0.42 feet, forming an interior angle of 89 degrees 50 minutes 40 seconds with the last mentioned course, to a point;
No. 32 Thence northeasterly 27.83 feet, forming an interior angle of 270 degrees 11 minutes 47 seconds with the last mentioned course, to a point;
No. 33 Thence northeasterly 18.23 feet, forming an interior angle of 177 degrees 42 minutes 13 seconds with the last mentioned course, to a point;
No. 34 Thence southeasterly 0.42 feet, forming an interior angle of 268 degrees 37 minutes 46 seconds with the last mentioned course, to a point;
No. 35 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 36 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 37 Thence northeasterly 43.99 feet, forming an interior angle of 266 degrees 48 minutes 17 seconds with the last mentioned course, to a point;
No. 38 Thence southeasterly 0.42 feet, forming an interior angle of 267 degrees 58 minutes 40 seconds with the last mentioned course, to a point;
No. 39 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 40 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 41 Thence northeasterly 42.57 feet, forming an interior angle of 267 degrees 57 minutes 15 seconds with the last mentioned course, to a point;
No. 42 Thence southeasterly 0.42 feet, forming an interior angle of 274 degrees 11 minutes 20 seconds with the last mentioned course, to a point;
No. 43 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 44 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 45 Thence northeasterly 40.04 feet, forming an interior angle of 270 degrees 05 minutes 40 seconds with the last mentioned course, to a point;
No. 46 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 54 minutes 20 seconds with the last mentioned course, to a point;
No. 47 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 48 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 49 Thence northeasterly 49.74 feet, forming an interior angle of 270 degrees 05 minutes 24 seconds with the last mentioned course, to a point;
No. 50 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 57 minutes 20 seconds with the last mentioned course, to a point;
No. 51 Thence northeasterly 96.61 feet, forming an interior angle of 90 degrees 02 minutes 40 seconds with the last mentioned course, to a point;

No. 52 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 03 minutes 06 seconds with the last mentioned course, to a point;
No. 53 Thence northeasterly 46.00 feet, forming an interior angle of 269 degrees 56 minutes 53 seconds with the last mentioned course, to a point;
No. 54 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 54 minutes 36 seconds with the last mentioned course, to a point;
No. 55 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 56 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 57 Thence northeasterly 46.08 feet, forming an interior angle of 273 degrees 28 minutes 15 seconds with the last mentioned course, to a point;
No. 58 Thence southeasterly 0.42 feet, forming an interior angle of 266 degrees 31 minutes 45 seconds with the last mentioned course, to a point;
No. 59 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 60 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 61 Thence northeasterly 45.99 feet, forming an interior angle of 270 degrees 34 minutes 58 seconds with the last mentioned course, to a point;
No. 62 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 25 minutes 02 seconds with the last mentioned course, to a point;
No. 63 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 64 Thence northwesterly 0.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 65 Thence northeasterly 46.00 feet, forming an interior angle of 270 degrees 36 minutes 29 seconds with the last mentioned course, to a point;
No. 66 Thence southeasterly 0.42 feet, forming an interior angle of 269 degrees 23 minutes 31 seconds with the last mentioned course, to a point;
No. 67 Thence northeasterly 2.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 68 Thence northwesterly 0.40 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 69 Thence northeasterly 2.28 feet, forming an interior angle of 270 degrees 36 minutes 29 seconds with the last mentioned course, to a point;
No. 70 Thence northwesterly 5.88 feet, forming an interior angle of 84 degrees 26 minutes 53 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 95 degrees 04 minutes 47 seconds.

The described area contains 3,148.00 square feet (0.0723 acres).

At grade and below area, east of the Franklin D. Roosevelt Drive, between the easterly prolongations of East 64th Street and East 68th Street.

Beginning at a point on the easterly side of the F.D.R. Drive, said point being distant 758.25 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143; thence, running southeasterly 92.77 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds, to the point of beginning;

No. 1 Running thence southwesterly 19.00 feet along the east side of the F.D.R. Drive, to a point;
No. 2 Thence northwesterly 1.21 feet, forming an interior angle of 270 degrees 03 minutes 49 seconds with the last mentioned course, to a point;
No. 3 Thence southwesterly 19.00 feet, forming an interior angle of 89 degrees 57 minutes 12 seconds with the last mentioned course, to a point;
No. 4 Thence southeasterly 1.22 feet, forming an interior angle of 90 degrees 02 minutes 46 seconds with the last mentioned course, to the point;
No. 5 Thence southwesterly 68.00 feet, forming an interior angle of 269 degrees 58 minutes 58 seconds with the last mentioned course, to a point;
No. 6 Thence northwesterly 1.22 feet, forming an interior angle of 270 degrees 03 minutes 27 seconds with the last mentioned course, to a point;
No. 7 Thence southwesterly 19.00 feet, forming an interior angle of 89 degrees 58 minutes 03 seconds with the last mentioned course, to a point;
No. 8 Thence southeasterly 1.23 feet, forming an interior angle of 90 degrees 03 minutes 05 seconds with the last mentioned course, to the point;
No. 9 Thence southwesterly 88.51 feet, forming an interior angle of 269 degrees 55 minutes 24 seconds with the last mentioned course, to a point;
No. 10 Thence northwesterly 1.22 feet, forming an interior angle of 270 degrees 03 minutes 48 seconds with the last mentioned course, to a point;
No. 11 Thence southwesterly 5.00 feet, forming an interior angle of 90 degrees 12 minutes 55 seconds with the last mentioned course, to a point;
No. 12 Thence southeasterly 1.24 feet, forming an interior angle of 89 degrees 47 minutes 03 seconds with the last mentioned course, to the point;
No. 13 Thence southwesterly 90.98 feet, forming an interior angle of 270 degrees 32 minutes 00 seconds with the last mentioned course, to a point;
No. 14 Thence northwesterly 1.24 feet, forming an interior angle of 270 degrees 39 minutes 45 seconds with the last mentioned course, to a point;
No. 15 Thence southwesterly 5.00 feet, forming an interior angle of 90 degrees 48 minutes 08 seconds with the last mentioned course, to a point;
No. 16 Thence southeasterly 1.31 feet, forming an interior angle of 89 degrees 11 minutes 50 seconds with the last mentioned course, to the point;
No. 17 Thence southwesterly 90.91 feet, forming an interior angle of 271 degrees 39 minutes 37 seconds with the last mentioned course, to a point;
No. 18 Thence northwesterly 1.31 feet, forming an interior angle of 271 degrees 39 minutes 34 seconds with the last mentioned course, to a point;
No. 19 Thence southwesterly 5.00 feet, forming an interior angle of 89 degrees 24 minutes 25 seconds with the last mentioned course, to a point;
No. 20 Thence southeasterly 1.26 feet, forming an interior angle of 90 degrees 35 minutes 33 seconds with the last mentioned course, to the point;
No. 21 Thence southwesterly 90.96 feet, forming an interior angle of 271 degrees 04 minutes 13 seconds with the last mentioned course, to a point;
No. 22 Thence northwesterly 1.22 feet, forming an interior angle of 270 degrees 58 minutes 14 seconds with the last mentioned course, to a point;
No. 23 Thence southwesterly 5.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 24 Thence southeasterly 1.22 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to the point;
No. 25 Thence southwesterly 91.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 26 Thence northwesterly 1.22 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 27 Thence southwesterly 5.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 28 Thence southeasterly 1.22 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to the point;
No. 29 Thence southwesterly 91.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 30 Thence northwesterly 1.22 feet, forming an interior angle of 270 degrees 00 minutes 18 seconds with the last mentioned course, to a point;
No. 31 Thence southwesterly 5.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 32 Thence southeasterly 1.22 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to the point;
No. 33 Thence southwesterly 91.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 34 Thence northwesterly 1.22 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 35 Thence southwesterly 5.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 36 Thence southeasterly 1.22 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to the point;
No. 37 Thence southwesterly 91.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 38 Thence northwesterly 1.22 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 39 Thence southwesterly 5.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 40 Thence southeasterly 1.15 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to the point;
No. 41 Thence southwesterly 21.72 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 42 Thence southeasterly 2.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 43 Thence northeasterly 19.22 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 44 Thence southeasterly 9.21 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 45 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 46 Thence northwesterly 9.14 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 47 Thence northeasterly 86.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 48 Thence southeasterly 9.14 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 49 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 50 Thence northwesterly 9.14 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 51 Thence northeasterly 86.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 52 Thence southeasterly 9.14 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 53 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 54 Thence northwesterly 9.14 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 55 Thence northeasterly 86.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 56 Thence southeasterly 9.14 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 57 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 58 Thence northwesterly 9.14 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 59 Thence northeasterly 86.00 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 60 Thence southeasterly 9.14 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;

No. 61 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 62 Thence northwesterly 9.18 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 63 Thence northeasterly 86.04 feet, forming an interior angle of 269 degrees 01 minutes 46 seconds with the last mentioned course, to a point;
No. 64 Thence southeasterly 9.14 feet, forming an interior angle of 268 degrees 56 minutes 16 seconds with the last mentioned course, to a point;
No. 65 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 66 Thence northwesterly 9.16 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 67 Thence northeasterly 86.07 feet, forming an interior angle of 268 degrees 19 minutes 54 seconds with the last mentioned course, to a point;
No. 68 Thence southeasterly 9.14 feet, forming an interior angle of 268 degrees 20 minutes 07 seconds with the last mentioned course, to a point;
No. 69 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 70 Thence northwesterly 9.10 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 71 Thence northeasterly 86.02 feet, forming an interior angle of 269 degrees 20 minutes 29 seconds with the last mentioned course, to a point;
No. 72 Thence southeasterly 9.15 feet, forming an interior angle of 269 degrees 28 minutes 04 seconds with the last mentioned course, to a point;
No. 73 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 74 Thence northwesterly 9.13 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 75 Thence northeasterly 86.00 feet, forming an interior angle of 269 degrees 56 minutes 06 seconds with the last mentioned course, to a point;
No. 76 Thence southeasterly 9.14 feet, forming an interior angle of 270 degrees 03 minutes 53 seconds with the last mentioned course, to a point;
No. 77 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 78 Thence northwesterly 7.86 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 79 Thence northeasterly 9.00 feet, forming an interior angle of 269 degrees 59 minutes 43 seconds with the last mentioned course, to a point;
No. 80 Thence northwesterly 1.29 feet, forming an interior angle of 89 degrees 59 minutes 49 seconds with the last mentioned course, to a point;
No. 81 Thence northeasterly 68.00 feet, forming an interior angle of 269 degrees 56 minutes 33 seconds with the last mentioned course, to a point;
No. 82 Thence southeasterly 1.28 feet, forming an interior angle of 270 degrees 01 minutes 02 seconds with the last mentioned course, to a point;
No. 83 Thence northeasterly 9.00 feet, forming an interior angle of 89 degrees 57 minutes 13 seconds with the last mentioned course, to a point;
No. 84 Thence southeasterly 7.86 feet, forming an interior angle of 270 degrees 02 minutes 52 seconds with the last mentioned course, to a point;
No. 85 Thence northeasterly 10.00 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 86 Thence northwesterly 9.15 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 87 Thence northeasterly 19.00 feet, forming an interior angle of 269 degrees 56 minutes 06 seconds with the last mentioned course, to a point;
No. 88 Thence northwesterly 2.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 90 degrees 00 minutes 00 seconds.

The described area contains 3312.29 square feet (0.0760 acres).

At grade and below area, west of the Franklin D. Roosevelt Drive, between the easterly prolongations of East 64th Street and East 68th Street.

Beginning at a point on the westerly side of the F.D.R. Drive, said point being distant 755.48 feet southwest from the corner formed by the intersection of the westerly line of the F.D.R. Drive and the southern line of E. 71st Street, as said streets are shown on Map No. 30143;

No. 1 Running thence southwesterly 493.62 feet along the west side of the F.D.R. Drive, to a point;
No. 2 Thence southwesterly 415.75 feet, forming an interior angle of 186 degrees 29 minutes 38 seconds with the last mentioned course, to a point;
No. 3 Thence southeasterly 3.72 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 4 Thence northeasterly 8.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 5 Thence northwesterly 1.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 6 Thence northeasterly 39.32 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 7 Thence southeasterly 1.63 feet, forming an interior angle of 270 degrees 19 minutes 02 seconds with the last mentioned course, to a point;
No. 8 Thence northeasterly 8.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 9 Thence northwesterly 1.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 10 Thence northeasterly 39.35 feet, forming an interior angle of 269 degrees 40 minutes 58 seconds with the last mentioned course, to a point;
No. 11 Thence southeasterly 1.58 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 12 Thence northeasterly 8.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 13 Thence northwesterly 1.58 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 14 Thence northeasterly 39.33 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 15 Thence southeasterly 1.60 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 16 Thence northeasterly 8.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 17 Thence northwesterly 1.60 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 18 Thence northeasterly 39.34 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 19 Thence southeasterly 1.79 feet, forming an interior angle of 269 degrees 59 minutes 59 seconds with the last mentioned course, to a point;
No. 20 Thence northeasterly 8.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 21 Thence northwesterly 1.79 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 22 Thence northeasterly 39.34 feet, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 23 Thence southeasterly 1.88 feet, forming an interior angle of 270 degrees 07 minutes 00 seconds with the last mentioned course, to a point;
No. 24 Thence northeasterly 8.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 25 Thence northwesterly 1.90 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 26 Thence northeasterly 39.34 feet, forming an interior angle of 269 degrees 52 minutes 57 seconds with the last mentioned course, to a point;
No. 27 Thence southeasterly 2.08 feet, forming an interior angle of 270 degrees 42 minutes 47 seconds with the last mentioned course, to a point;
No. 28 Thence northeasterly 8.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 29 Thence northwesterly 2.12 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 30 Thence northeasterly 38.41 feet, forming an interior angle of 270 degrees 31 minutes 56 seconds with the last mentioned course, to a point;
No. 31 Thence southeasterly 1.23 feet, forming an interior angle of 269 degrees 56 minutes 53 seconds with the last mentioned course, to a point;
No. 32 Thence northeasterly 10.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 33 Thence northwesterly 1.29 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 34 Thence northeasterly 37.46 feet, forming an interior angle of 269 degrees 49 minutes 25 seconds with the last mentioned course, to a point;
No. 35 Thence southeasterly 1.26 feet, forming an interior angle of 270 degrees 15 minutes 10 seconds with the last mentioned course, to a point;
No. 36 Thence northeasterly 10.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 37 Thence northwesterly 1.41 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 38 Thence northeasterly 23.63 feet, forming an interior angle of 268 degrees 50 minutes 43 seconds with the last mentioned course, to a point;
No. 39 Thence northeasterly 14.00 feet, forming an interior angle of 177 degrees 52 minutes 13 seconds with the last mentioned course, to a point;
No. 40 Thence southeasterly 1.72 feet, forming an interior angle of 265 degrees 20 minutes 14 seconds with the last mentioned course, to a point;
No. 41 Thence northeasterly 10.50 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 42 Thence northwesterly 1.25 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 43 Thence northeasterly 35.86 feet, forming an interior angle of 270 degrees 05 minutes 50 seconds with the last mentioned course, to a point;
No. 44 Thence southeasterly 1.51 feet, forming an interior angle of 269 degrees 34 minutes 35 seconds with the last mentioned course, to a point;
No. 45 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 46 Thence northwesterly 1.78 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 47 Thence northeasterly 34.81 feet, forming an interior angle of 266 degrees 21 minutes 20 seconds with the last mentioned course, to a point;
No. 48 Thence southeasterly 1.20 feet, forming an interior angle of 275 degrees 56 minutes 43 seconds with the last mentioned course, to a point;
No. 49 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 50 Thence northwesterly 1.77 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 51 Thence northeasterly 32.41 feet, forming an interior angle of 268 degrees 20 minutes 17 seconds with the last mentioned course, to a point;

No. 52 Thence southeasterly 1.39 feet, forming an interior angle of 270 degrees 48 minutes 39 seconds with the last mentioned course, to a point;
No. 53 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 54 Thence northwesterly 1.53 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 55 Thence northeasterly 42.09 feet, forming an interior angle of 269 degrees 11 minutes 05 seconds with the last mentioned course, to a point;
No. 56 Thence southeasterly 1.42 feet, forming an interior angle of 269 degrees 59 minutes 53 seconds with the last mentioned course, to a point;
No. 57 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 58 Thence northwesterly 1.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 59 Thence northeasterly 36.96 feet, forming an interior angle of 269 degrees 57 minutes 23 seconds with the last mentioned course, to a point;
No. 60 Thence southeasterly 1.45 feet, forming an interior angle of 270 degrees 01 minutes 59 seconds with the last mentioned course, to a point;
No. 61 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 62 Thence northwesterly 1.45 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 63 Thence northeasterly 38.33 feet, forming an interior angle of 270 degrees 03 minutes 14 seconds with the last mentioned course, to a point;
No. 64 Thence southeasterly 1.40 feet, forming an interior angle of 270 degrees 45 minutes 00 seconds with the last mentioned course, to a point;
No. 65 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 66 Thence northwesterly 1.54 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 67 Thence northeasterly 38.35 feet, forming an interior angle of 269 degrees 10 minutes 40 seconds with the last mentioned course, to a point;
No. 68 Thence southeasterly 1.50 feet, forming an interior angle of 269 degrees 21 minutes 00 seconds with the last mentioned course, to a point;
No. 69 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 70 Thence northwesterly 1.17 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 71 Thence northeasterly 38.39 feet, forming an interior angle of 274 degrees 00 minutes 20 seconds with the last mentioned course, to a point;
No. 72 Thence southeasterly 1.60 feet, forming an interior angle of 267 degrees 05 minutes 00 seconds with the last mentioned course, to a point;
No. 73 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 74 Thence northwesterly 1.42 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 75 Thence northeasterly 38.34 feet, forming an interior angle of 270 degrees 00 minutes 25 seconds with the last mentioned course, to a point;
No. 76 Thence southeasterly 1.42 feet, forming an interior angle of 269 degrees 58 minutes 00 seconds with the last mentioned course, to a point;
No. 77 Thence northeasterly 9.67 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 78 Thence northwesterly 1.44 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 79 Thence northeasterly 38.57 feet, forming an interior angle of 270 degrees 01 minutes 55 seconds with the last mentioned course, to a point;
No. 80 Thence southeasterly 1.94 feet, forming an interior angle of 269 degrees 57 minutes 00 seconds with the last mentioned course, to a point;
No. 81 Thence northeasterly 8.07 feet, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, to a point;
No. 82 Thence northwesterly 7.82 feet, forming an interior angle of 84 degrees 26 minutes 00 seconds with the last mentioned course, to a point or place of beginning, forming an interior angle of 95 degrees 04 minutes 47 seconds.

The described area contains 3337.26 square feet (0.0766 acres).

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 30243, dated February 14, 2014, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;

b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition "a" above until the applicant shall have executed a mapping agreement protecting the city's interest, in form and sufficiency acceptable to the Corporation Counsel, and which agreement shall be accepted by the City Planning Commission (the "Mapping Agreement"); and

c. The Mapping Agreement shall contain provisions providing as follows:

(i) For compliance with any New York City Department of Transportation requirements in connection with construction over and in the FDR Drive, including performance and maintenance requirements for the platform over the FDR Drive;

(ii) For compliance with any New York City Department of Environmental Protection requirements in connection with construction in the FDR Drive, including protection of any existing water or sewer mains, including any provisions for hazardous material testing and remediation, which shall be administered by the New York City Office of Environmental Remediation; and

(iii) For compliance with any New York City Department of Parks and Recreation requirements with respect to the maintenance and operation of the East River Esplanade, as improved by the applicant pursuant to the Restrictive Declaration.

d. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, 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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 8, 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. 56

Report of the Committee on Land Use in favor of approving 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, Community District 5, Council District 14.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2014 (Minutes, page 1423), respectfully

REPORTS:

SUBJECT

BRONX CB - 5 **20145351 SCX**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed school site selection, for continued use as an approximately 177-seat primary school facility, P.S. 33 Annex, Bronx, located at 2392-98 Jerome Avenue (Block 3188, Lot 8), Borough of the Bronx, Community School District No. 10.

INTENT

To acquire the site located at 2392-98 Jerome Avenue from its current owner for continued long-term use as an approximately 177-seat primary school facility, P.S. 33 Annex.

PUBLIC HEARING

DATE: May 6, 2014

Witnesses in Favor: Three **Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION

DATE: May 6, 2014

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor: Koo, Palma, Arroyo, Levin, Barron, Kallos
Against: *None* **Abstain:** *None*

COMMITTEE ACTION

DATE: May 8, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, 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. 241

Resolution approving the site plan for continued use as an approximately 177-Seat Primary School Facility, P.S. 33 Annex- Bronx, located at 2392-98 Jerome Avenue (Block 3188, Lot 8) in Community School District 10, Borough of the Bronx (Non-ULURP No. 20145351 SCX; L.U. No. 56).

By Council Members Greenfield and Koo.

WHEREAS, the New York City School Construction Authority submitted to the Council on May 1, 2014, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for continued use as an approximately 177-Seat Primary School Facility, P.S. 33-Annex, located at 2392-98 Jerome Avenue (Block 3188, Lot 8), serving students in Community School District 10, Community District 5, Borough of the Bronx (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on May 6, 2014;

WHEREAS, the Council has considered the relevant environmental issues and has determined that the acquisition is a Type II action which requires no further environmental review; and

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

RESOLVED:

The Council finds that the action described herein will have no impact on the environment since the application was determined to be a Type II action which requires no further environmental review.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, 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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 8, 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 of the Committee on Rules, Privileges and Elections

Report for Res. No. 184-A

Report of the Committee on Rules, Privileges and Elections in favor of approving, as amended, a Resolution to Amend the Rules of the Council in relation to improving the responsiveness, transparency, fairness, and inclusiveness of the City Council.

The Committee on Rules, Privileges and Elections, to which the annexed amended resolution was referred on April 29, 2014 (Minutes, page 1322), respectfully

REPORTS:

The Council Rules

Pursuant to section 46 of the New York City Charter ("Charter"), the Council is required to adopt the Rules of its body at the beginning of every session, during the Charter Meeting. These rules govern the body of the Council. The Council Rules ("Rules") address several different areas. Some of the areas addressed in the Rules include, but are not limited to, the procedure and guidelines regarding Council meetings and hearings, the legislative process, Council Committee duties and powers, as well as certain rules which are required to be observed by the Council, pursuant to the Charter.

Some of the more specific requirements contained in the current Rules, include but are not limited to, a requirement that the election of all Committee Chairs be done by a majority vote of the full Council, a rule which empowers the first sponsor of a proposed local law or resolution, to require a committee to vote on his/her proposed legislation, through its discharge motion procedure, as well as a rule which requires reasonable advance notice to the public of committee meetings, and a requirement that all votes be memorialized and published, to ensure accessibility of this information to the public.

Amending the Council Rules

These Rules can be amended by the Council at any time, to address any need or concern of the Council. Amendments to these Rules can be done either by the recommendation of the Council's Committee on Rules, Privileges, and Elections or by a resolution introduced by any Council Member. An amendment to the Council Rules requires at least a majority vote, from all of the Council Members.

Additional Governing Laws of the Council

These Rules do not exclusively govern the Council. There are additional laws and regulations, which the Council must observe, including various New York City and New York State laws. The Council Rules must not infringe on these mentioned laws. Additionally, when the Rules are silent or fail to provide guidance on any matter of parliamentary procedure, then the Robert's Rules of Order, Newly Revised edition, governs this issue for the body.

Previous Hearings on Rules Reform

On February 24, 2014 and May 7, 2014, the Rules Committee held a hearing addressing and discussing ways in which the Council Rules could be amended to make the Council a more transparent, fair, responsive and effective legislature.

During these hearings several people and organizations appeared and joined in on this discussion and dialogue; with several individuals and organizations testifying before the committee, where they shared with this committee, their concerns, and offered thoughtful and valuable suggestions regarding the reconstruction of the existing rules, which govern the New York City Council. Some of these individuals and organizations that appeared and testified included; Dick Dadey and Alex Camarda from the Citizen's Union of the City of New York, Gene Russianoff from NYPIRG, Maggie Williams from The Advocacy Institute, Susan Learner from Common Cause, Molly Krakowski from JASA, Rachel Krich from Shorefront Jewish Community Council Inc., Yisroel Schulman from NYLAG (New York Legal Assistance Group), UJA Federation of New York, Esteban Duran from El Puente, John Medina from Community Voices Heard, Hilary Klein from Make the Road NY, John Kaehny from Reinvent Albany, Noel Hidalgo from BetaNYC, Sara Ludwig from the New Economy Project, Donald Bluestone from MMMCC (Mosholu Montefiore Community Center), Carmen Collado from JBFCS (The Jewish Board of Family and Children's Services), Socheatta Meng from NYCLU (The New York Civil Liberties Union), Erin Markman from the Urban Justice Center, Professor Celina Su from CUNY, Ray Figueroa from NYC Community Garden Coalition, David Moore from the Participatory Political Foundation, and Jessica Walker from Partnership for New York City.

Proposed Amendments to the Council Rules Following the Rules Hearings

The Rules Committee has taken the process of amending the Council Rules seriously, to ensure that as a result of these amendments, the Council becomes a more transparent, fair, responsive and effective legislature. The Rules Committee has diligently considered every concern and suggestion presented to the Committee by the Members of the Council, the community and various organizations and individuals. As a result of all the information received by this Committee, and following the testimony and suggestions provided during the Rules Committee hearing held on February 24, 2014, the Rules Committee introduced Proposed Resolution 184 on April 29, 2014, which contained proposed amendments to the Rules governing the Council, in an effort to make the Council a more transparent, fair and efficient legislature. Likewise, as a result of the Rules Committee receiving additional suggestions and feedback regarding amendments to the Council Rules during the Rules hearing held on May 7, 2014, an amendment was made to the previously introduced Proposed Resolution 184, in response to the addition feedback, which is contained in the attached amended proposed resolution, Proposed Resolution 184-A. Some of the amendments proposed following the introduction of the previously introduced Proposed Resolution 184 of April 29, 2014, consists of, but are not limited to the following;

- **Council Rule 5.10** was amended to clarify that the Speaker should keep records of the "plain language summaries" of bills, rather than the "memoranda of support," because plain language summaries are replacing the memoranda of support in the rules.

- **Council Rule 5.50** was amended to require that the Council Rules be available on the Council's website, in addition to being distributed to members.

- **Council Rule 5.110** was amended to require that the Council continue to post its calendar on its website, and to use the more common term "machine-readable" rather than "computer-readable" format.

- **Council Rule 6.60** was amended to clarify that every minor change, such as a correction of a typo or an addition of a comma, does not require a re-posting (and re-lettering) of the bill on the Council's website, but rather only those amendments or packages of amendments that are finalized for consideration, require posting.

- **Council Rule 7.00** was amended to clarify that the involuntary removal of a committee chair requires the uncoupled vote of 2/3 of the members of the body as a whole.

- **Council Rule 7.50** was amended to clarify that scheduling conflicts, including but not limited to the previous language, referring to a situation in which all available rooms are full, are reasons that the Speaker may cite in writing, when denying a chair's hearing request. The name of the Committee on State and Federal Legislation was also corrected.

- **Council Rule 7.110** was amended to include an additional exception to the supermajority bill sponsorship meeting requirement. This amendment makes clear that if a committee has decided to hear a piece of legislation, through a process other than a meeting brought about as a result of the supermajority meeting process, the committee need not meet an additional time under this rule, for the purposes of determining action. Because the committee has already determined that a hearing will take place, no further determination is necessary under this amended rule. This exception would eliminate the duplicative requirement for a committee to meet, to discuss something that has already been decided.

- **Council Rule 9.40** was amended to clarify the process by which bills may be amended in committee meetings. Members of a committee may offer amendments to legislation being considered before their committee. They must make any proposed amendments in writing and deliver it to the Legislative Document Unit at least 24 hours before the committee meeting's scheduled planned vote. The representative from the Legislative Document Unit will read the amendment out loud at the meeting, and the member, first-named prime sponsor, and other committee members, will have the opportunity to speak on the amendment. The amendment will then be voted on by the committee members. The original or amended legislation may then be voted on by the committee members, at the discretion of the committee chair.

- **Council Rule 10.40** was amended to specifically require the Council to make both the archived and the live webcasts of Council meetings, available where practicable.

Objective for the Rules Hearing on May 14, 2014

The Rules of the Council are an evolving document and are changed throughout the Council session to address new concerns, proposals, and to reform ideas. During this hearing, the Rules Committee will open the floor up for additional questions and comments regarding the attached Proposed Resolution 184-A, which contains proposed changes to the Council Rules. Following this discussion, the Rules Committee will take a vote to decide whether or not this resolution should be passed, and whether the proposed amendments to the Council Rules should be enacted.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 184-A:)

Res. No. 184-A

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, Kallos, Chin, Constantinides, Garodnick, Greenfield and Levin.

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] plain language summary 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 make available on the Council's website and 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, calendar, 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 machine-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 prior to such legislation receiving any committee vote. Once finalized for consideration, 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 the 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, there is a scheduling conflict at the time such meeting is 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 and Federal 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, and such proposed local law or resolution has not received, or is not scheduled to receive, a hearing in the committee or committees to which it has been referred, a meeting of the committee or committees 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 or meetings 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 or meetings, whichever is earlier; (ii) at any time, the first-named prime sponsor of such proposed local law or resolution writes to the chair of the committee or committees to which such legislation has been referred requesting a deferral of such meeting or meetings; or (iii) at any time prior to such meeting or meetings a hearing is scheduled on the proposed local law or resolution in such committee or committees. The first-named prime sponsor may retract a deferral request by writing to the chair of the relevant committee or committees, after which such meeting 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.

9.40. Motion to Amend to be in Writing - a. At a Stated Meeting, any Member may offer an amendment to legislation that is being considered for a vote on the General Orders Calendar. Before any motion to amend a proposed local law or resolution is debated, it shall be reduced to writing, delivered to the Legislative Document Unit and read. After the reading, the Member shall have up to two minutes to explain the amendment. Members wishing to participate in the debate shall also be entitled to speak for up to two minutes. At the conclusion of debate, the proposed

amendment shall be voted on and, if approved, shall be added to the original legislation, which would be laid over for a vote at a later Stated Meeting. If more than one amendment is [made] proposed, they shall be considered in the order made. If the amendment is voted down, the original legislation shall then be voted on.

b. All motions to amend the expense or capital budgets must be made at a Stated Meeting and must be in writing.

c. At a committee meeting, any member of the committee may offer an amendment to legislation that is being considered for a vote at such meeting. Before any motion to amend a proposed local law or resolution is debated, it shall be reduced to writing, delivered to the Legislative Document Unit at least 24 hours prior to the committee meeting, and read by the Legislative Document Unit at such meeting. After the reading, the member shall have up to two minutes to explain the amendment. The first-named prime sponsor of the legislation and committee members wishing to participate in the debate shall also be entitled to speak for up to two minutes. At the conclusion of debate, the proposed amendment shall be voted on and, if approved, shall be added to the original legislation, which may then be voted on by the committee. If more than one amendment is proposed, they shall be considered in the order made. If the amendment is voted down, the original legislation may then be voted on.

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 live and archived 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.

BRADFORD S. LANDER, Chairperson; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVIVERITO; Committee on Rules, Privileges and Elections, May 14, 2014. *Other Council Members Attending: Miller.*

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 of the Committee on State and Federal Legislation

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

Report for M-50

Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor - "AN Act to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the Administrative Code of the City of New York in relation to the animal population control fund; and to repeal certain provisions of Chapter 115 of the laws of 1894 , relating to the better protection of lost or stray animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city". A.2046 / S.5048

The Committee on State and Federal Legislation, to which the annexed communication was referred on May 14, 2014, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly in Albany, N.Y. This Committee is to decide whether to recommend the adoption of this respective Mayor's Message by the Council. By adopting this item, the Council would be formally requesting the New York State Legislature to act favorably in this matter)

BACKGROUND

State law currently requires all people living in New York City who own dogs to obtain a license for each dog and sets the fee for a license for a sterilized dog ("the base fee") at $8.50.[1] The license term must be renewed annually[2] and the state may assess a late fee of $2 should a person not renew the license within 10 days of its expiration date.[3] In 2010, State law was amended to create an animal population control program (in both New York State and New York City) focused on reducing the number of stray and/or unwanted dogs and cats by promoting and funding low-cost spay/neuter programs throughout the City.[4] This program is funded primarily by the fees collected for dog licenses from unsterilized dogs.[5] As part of the animal population control program legislation, the State gave the New York City Council the power to set the licensing fee for unsterilized dogs.[6] Thus, in 2011, New York City enacted Local Law 9, which required dog owners to pay an additional $25.50, in addition to the base fee of $8.50, for a license for unsterilized dogs.[7] Therefore, the current total amount an owner must pay for an unsterilized dog license is $34. Previous to the change in state law, an unsterilized dog license cost an additional $12.50.[8]

PROPOSED LEGISLATION

Section one of the proposed legislation would repeal Sections 1, 2, 2-a, 3, 3-a, and 4 of the Chapter 115 of the Unconsolidated laws of 1894, pertaining to the protection of lost and strayed animals, and replace them with new sections 1, 2, 3, and 4. The proposed bill would maintain the requirement that all dog owners in New York City procure a license for their dog and would require applicants to submit enumerated information to the Department of Health and Mental Hygiene ("DOHMH") in order to receive such license. DOHMH would be permitted to make rules to determine whether additional information would be required from the applicant, including proof of rabies vaccination. DOHMH would also be required to include a statement with all license application or renewal forms that the applicant may submit additional funds, separate from the required fees, to be used solely for funding low-cost animal sterilization programs. The proposed legislation would keep the license term at one year, but permit DOHMH to increase the length of the term via rule. If the DOHMH chose to change the licensing term, the fees would be required to be prorated. Under the proposed legislation, the base fee for a sterilized dog license would be set by the City Council, rather than by the state, and the proposed legislation would mandate that the fee for an unsterilized dog would be at least 85% greater than the amount of the base fee. Applicants for a dog license would be required to pay the greater fee unless (1) they submitted a signed statement from a veterinarian attesting that the dog had been sterilized or, due to age or other condition, sterilization would be harmful to the dog or (2) an affirmation, in a form approved by the commissioner, that the dog has been sterilized. The requirement that the additional licensing fee for an unsterilized dog be deposited in the animal population control fund would be retained. The City Council, rather than the state, would determine via local law any late fee that may be imposed, but the proposed legislation would require that such fee not be greater than 20% of the base fee for a license. The proposed legislation would retain the requirement that ten cents annually from each license fee be submitted to New York State Department of Agriculture and Markets to be used to fund research into dog diseases and the study of viruses that affect dogs and humans. The proposed legislation would add a requirement that all dog licensing fees must be equal, regardless of the breed of dog.

Under the proposed legislation, penalties for not licensing a dog would increase from $10 to no more than $75 for a first violation and no more than $100 for a subsequent violation within 5 years of the first violation. Notices of violation would be returnable to the Environmental Control Board or the DOHMH tribunal and could be issued by any DOHMH agent or any other entity designated by the commissioner. The proposed legislation would add two affirmative defenses: (1) that the applicant submitted a timely application or renewal, but DOHMH had not yet issued or renewed such license and (2) violation was issued less than thirty days after the expiration date of the license and the person had applied for a renewal. Additionally, the proposed legislation would designate that three-fourths of any penalty amount would be deposited into the animal population and control fund, while the remaining one-fourth could be used only to carry out the provisions of the law, establishing, maintaining or funding animal shelters, providing education about responsible pet ownership, or other animal care and control activities. Using a dog licensing tag on a dog for whom it was not issued would be considered a misdemeanor and owners would be subject to penalties of up to $250.

DOHMH would be permitted to issue replacement tags upon proof of that the originally issued tag was lost. The cost of a replacement tag would be set by the City Council via local law.

Section 2 of the proposed legislation would amend section 8 of chapter 115 of the laws of 1894. It would give DOHMH sole authority to enforce the provisions of the law, including issuing and renewing licenses and collecting fees. Any references to the ASPCA would be omitted, since they no longer play a role in any dog licensing activities. The legislation would specify that any fees collected by DOHMH, besides those for unsterilized dogs and those earmarked for the State Department of Agriculture and Markets, must be used to defray the costs of implementing and enforcing the law, establishing, maintaining or funding animal shelters, and providing public education on responsible pet ownership.

Section 3 of the legislation would repeal sections 8-a and 8-c of chapter 115 of the laws of 1894 and renumber section 8-b as 8-a. The newly renumbered section would add the requirement that anyone transferring ownership of a dog in New York City would be mandated to require that the new owner submit a license application prior to such transfer. The seller or transferor would be permitted to collect the application and then forward it to the DOHMH. The legislation would permit the seller or transferor of a dog to retain a fee of up to 10% of the base fee for a license. Currently, a seller may only charge $1 per license application submitted to DOHMH.

Section 4 of the proposed legislation would clarify that notices of violation would be issued by DOHMH or any other entity designated by the Commission and returnable to the Environmental Control Board (ECB) or the DOHMH tribunal at the Office of Administrative Trials and Hearings (OATH).

Section 5 would amend section 13 of Chapter 115 regarding exemptions to the licensing requirement. Under the proposed legislation, the licensing requirements would not apply to people temporarily residing in the City for less than thirty days, to people within the first thirty days after becoming a City resident or to dogs in the temporary custody of an owner for purposes of adoption, boarding, training or other temporary situations.

Finally, section 6 of the proposed legislation would amend section 17-812 of the administrative code of the city of New York to clarify that the animal population control program would be funded by any additional fees for unsterilized dogs and three-fourths of the amount of any penalties assessed.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This act shall take effect on the sixtieth day after it shall have become a law, provided that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, pursuant to section one of this act, any existing licenses or renewals thereof issued under the provisions of such sections shall continue to be valid for such terms as they were issued under such provisions; and provided further that such licenses shall be renewable pursuant to the new provisions added by section one of this act; and provided further that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, any license or renewal fees previously authorized and in effect pursuant to such sections as of the date this act takes effect shall remain in effect until new fees shall be adopted and take effect pursuant to local law enacted in accordance with this act; and provided further that notices of violation may not be issued pursuant to section three of chapter 115 of the laws of 1894, relating to better protection of lost and strayed animals and for securing the rights of owners there- of, until the one hundred twentieth day after this act shall have become a law.

[1] NY CLS Unconsol Ch 41 §1, 8-a
[2] NY CLS Unconsol Ch 41 §2
[3] NY CLS Unconsol Ch 41 §2-a
[4] NYC Ad Code §17-811
[5] NYC Ad Code §17-812
[6] NYC CLS Unconsol Ch 41 §3-a
[7] NYC Ad Code §17-813
[8] NY CLS Unconsol Ch 41 §3-a

(The following is the Fiscal Impact Statement for M-50:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, ACTING DIRECTOR

PRECONSIDERED MAYOR'S MESSAGE

FISCAL IMPACT STATEMENT
A. 2046 (KAVANAGH)
S. 5048 (SERRANO)
COMMITTEE: State and Federal Legislation

TITLE: AN ACT to amend chapter 115 of the laws of 1894, in relation to the better protection of lost and strayed animals, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions relating to the better protection of lost or strayed animals relating to licensing of dogs in a certain city.

SPONSOR(S): Mayor's Message

SUMMARY OF LEGISLATION: Under the proposed legislation, the base fee for a sterilized dog license would be set by the City Council, rather than by the State, and the proposed legislation would mandate that the fee for an unsterilized dog shall be at least 85% greater than the amount of the base fee. The City Council, rather than the State, would determine via local law any late fee that may be imposed, but the proposed legislation would require that such fee not be greater than 20% of the base fee for a license. The proposed legislation would add a requirement that all dog licensing fees must be equal, regardless of the breed of the dog. The proposed legislation would maintain the requirement that all dog owners in New York City procure a license for their dog and would require applicants to submit enumerated information to the Department of Health and Mental Hygiene (DOHMH) in order to receive such license. Also, it would give DOHMH sole authority to enforce the provisions of the law, including issuing and renewing licenses and collecting fees. Moreover, this legislation would add a provision that anyone holding a permit pursuant to section 161.09 of the Health Code would be prohibited from transferring ownership of a dog in New York City without first requiring the new owner submit a license application prior to such transfer. The legislation would also permit the seller or transferor of a dog to retain a fee of up to 10% of the base fee from a license.

The proposed legislation would increase the penalties for not licensing a dog from $10 to no more than $75 for a first violation and no more than $100 for a subsequent violation within five years of the first violation. Lastly, the proposed legislation would clarify that notices of violation would be issued by DOHMH or any other entity designated by the Commission and returnable to the Environmental Control Board (ECB) or the DOHMH tribunal at the Office of Administrative Trials and Hearings (OATH). The licensing requirements would not apply to people

temporarily residing in the City for less than thirty days, to people within the first thirty days after becoming a City resident or to dogs in the temporary custody of an owner for purposes of adoption, boarding, training or other temporary situations. Finally, this legislation requires that the additional fees for licensing unsterilized dogs and three-fourths of the amount of any penalties assessed be deposited in the City's animal population control fund.

EFFECTIVE DATE: This legislation would take effect sixty days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues (+)	**$0**	**$480,000**	**$480,000**
Expenditures (-)	**$0**	**$0**	**$0**
Net	**$0**	**$480,000**	**$480,000**

IMPACT ON REVENUES: According to the Administration, as a result of this legislation DOHMH would generate approximately $480,000 in revenue annually for every $5.00 increase from the current $8.50 base rate for dog licenses, assuming current number of licenses (96,000) remains constant.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Crilhien Francisco, Legislative Financial Analyst City Council Finance Division

ESTIMATE REVIEWED BY: Latonia McKinney, Acting Director, City Council Finance Division

Tanisha Edwards, Chief Counsel, City Council Finance Division

DATE SUBMITTED TO COUNCIL: May 12, 2013

FIS HISTORY: This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered Mayor's Message on May 12, 2014. Following a successful vote, the Preconsidered Mayor's Message will be introduced and voted on by the Full Council on May 14, 2014.

(For text of the State Assembly bill and respective State Assembly Sponsor's Memorandum of Support, please see M-50 printed in the Mayor's Message section of these Minutes; for text of the State Senate bill and respective State Senate Sponsor's Memorandum of Support, please refer to the State Senate website at www.nysenate.gov)

KAREN KOSLOWITZ, Chairperson; INEZ E. DICKENS, BRADFORD S, LANDER, RAFAEL L. ESPINAL. Jr., BEN KALLOS, ALAN N. MAISEL; Committee on State and Federal Legislation, May 12, 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

Report for L.U. No. 28 & Res. No. 242

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 was originally referred on March 12, 2014 (Minutes, page 708) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1234), 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

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 28, 2014. The City Planning Commission filed a letter dated May 5, 2014, with the Council on May 13, 2014, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 242

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140132 ZSK (L.U. No. 28), for the grant of a special permit pursuant to the following sections of the Zoning Resolution of the City of New York: 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 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, Borough of Brooklyn.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), on the 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 the following sections of the Zoning Resolution of the City of New York:

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, (ULURP No. C 140132 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140133 ZSK (L.U. No. 29), a special permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development; C 140134 ZSK (L.U. No. 30), a special permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development; C 140135 ZSK (L.U. No. 31), a special permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development; N 140131 ZRK (L.U. No. 32), a zoning text amendment of ZR Section 62-352 and 74-745 related to inclusionary housing and loading requirements; and N 140136 ZAK (L.U. No. 33), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas;

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 74-743 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 1, 2014;

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

(5) **WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013 and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS with respect to the Decision and Application and the Technical Memoranda, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** those mitigation measures that were identified as practicable.

(4) The Decision together with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 140132 ZSK, 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 140132 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SHoP Architects P.C., and James Corner Field Operations filed with this application and incorporated in this Resolution:

Dwg. No.	Title	Last Date Revised
Z00-0	) Title Sheet	) 10.31.2013
) Z00-2A	) Zoning Lot Calculations	) 10.31.2013
) Z00-2B	) Zoning Waivers	) 10.31.2013
) Z00-2C	) Zoning Actions and Design Guidelines	) 03.05.2014
) Z00-3	) Upland/Seaward Lot Calculations	) 10.31.2013
) Z01-1	) Site Plan	) 10.31.2013
) Z03-1	) Adjusted Base Plane Calculations	) 10.31.2013
) Z03-2	) Shoreline Facing Walls	) 10.31.2013
) Z05-B	) Zoning Lot 1 Building A – Site Plan	) 10.31.2013
) Z05-C1	) Zoning Lot 1 Building A – Height and Setback Diagrams	) 10.31.2013
) Z05-C2	) Zoning Lot 1 Building A – Height and Setback Diagrams	) 10.31.2013
) Z05-C3	) Zoning Lot 1 Building A – Height and Setback Diagrams	) 10.31.2013
) Z06-B	) Zoning Lot 1 Building B – Site Plan	) 03.05.2014
) Z06-C1	) Zoning Lot 1 Building B – Height and Setback Diagrams	) 03.05.2014
) Z06-C2	) Zoning Lot 1 Building B – Height and Setback Diagrams	) 03.05.2014
) Z06-C3	) Zoning Lot 1 Building B – Height and Setback Diagrams	) 03.05.2014
) Z06-C4	) Zoning Lot 1 Building B – Height and Setback Diagrams	) 03.05.2014
) Z06-C5	) Zoning Lot 1 Building B – Height and Setback Diagrams	) 03.05.2014
) Z06-C6	) Zoning Lot 1 Building B – Height and Setback Diagrams	) 03.05.2014
) Z07-B	) Zoning Lot 2 Refinery Building – Site Plan	) 10.31.2013
) Z07-C1	) Zoning Lot 2 Refinery Building – Height and Setback Diagrams	) 10.31.2013
) Z07-C2	) Zoning Lot 2 Refinery Building - Height and Setback Diagrams	) 10.31.2013
) Z09-B	) Zoning Lot 1 Building D – Site Plan	) 10.31.2013
) Z09-C1	) Zoning Lot 1 Building D – Height and Setback Diagrams	) 10.31.2013
) Z09-C2	) Zoning Lot 1 Building D – Height and Setback Diagrams	) 10.31.2013

) Z09-C3	) Zoning Lot 1 Building D – Height and Setback Diagrams	) 10.31.2013
) Z10-B	) Zoning Lot 3 Building E – Site Plan	) 03.05.2014
) Z10-C1	) Zoning Lot 3 Building E – Height and Setback Diagrams	) 03.05.2014
) Z10-C2	) Zoning Lot 3 Building E – Height and Setback Diagrams	) 03.05.2014
) Z11-1	) Location of Uses	) 10.31.2013
) G-001.00	0) Title Sheet	1) 10.29.13
2) G -100.00	3) Survey	4) 09.14.13
5) G -110.00	6) Zoning Lots	7) 10.29.13
8) L -001.00	9) WPAA Zoning Calculations	0) 10.29.13
1) L -002.00	2) WPAA Zoning Calculations	3) 10.29.13
4) L -003.00	5) WPAA Zoning Calculations	6) 10.29.13
7) L -100.00	8) Waterfront Public Area Access Diagram	9) 10.29.13
0) L -121.00-A	1) Layout Plan – Area 1	2) 10.29.13
3) L -122.00-A	4) Layout Plan – Area 2	5) 10.29.13
6) L -131.00-A	7) Materials Plan – Area1	8) 10.29.13
9) L -132.00-A	0) Materials Plan – Area 2	1) 10.29.13
2) L -141.00-A	3) Grading Plan – Area 1	4) 10.29.13
5) L -142.00-A	6) Grading Plan – Area 2	7) 10.29.13
8) L -151.00-A	9) Planting Plan – Area 1	0) 10.29.13
1) L -152.00-A	2) Planting Plan – Area 2	3) 10.29.13
4) L -161.00-A	5) Furnishing Plan – Area 1	6) 10.29.13
7) L -162.00-A	8) Furnishing Plan – Area 2	9) 10.29.13
0) L -171.00-A	1) Lighting Plan – Area 1	2) 10.29.13
3) L -172.00-A	4) Lighting Plan – Area 2	5) 10.29.13
6) L -181.00-A	7) Lighting Foot Candle Diagram – Area 1	8) 10.29.13
9) L -182.00-A	0) Lighting Foot Candle Diagram – Area 2	1) 10.19.13
2) L -121.00-B	3) Layout Plan	4) 10.19.13
5) L -131.00-B	6) Materials Plan	7) 10.29.13
8) L -141.00-B	9) Grading Plan	0) 10.29.13
1) L -151.00-B	2) Planting Plan	3) 10.29.13
4) L -161.00-B	5) Furnishing Plan	6) 10.29.13
7) L -171.00-B	8) Lighting Plan	9) 10.29.13
0) L -181.00-B	1) Lighting Foot Candle Diagram	2) 10.29.13
3) L -210.00	4) Typical Details 1	5) 10.15.13
6) L -211.00	7) Typical Details 2	8) 10.15.13
9) L -220.00	0) Typical Details 3	1) 10.15.13
2) L -230.00	3) Typical Details 4	4) 10.15.13
5) L -231.00	6) Typical Details 5	7) 10.15.13
8) L -232.00	9) Typical Details 6	0) 10.15.13
1) L -233.00	2) Typical Details 7	3) 10.15.13
4) L -234.00	5) Typical Details 8	6) 10.15.13
7) L -235.00	8) Typical Details 9	9) 10.15.13
0) L -300.00	1) Site Sections 1	2) 10.15.13
3) L -301.00	4) Site Sections 2	5) 10.29.13
6) L -302.00	7) Site Sections 3	8) 10.29.13
9) L -303.00	0) Site Sections 4	1) 10.29.13

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. Development pursuant to this resolution shall be allowed only after (a) the restrictive declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Kings County; and (b) the Maintenance and Operations Agreement associated with such declaration and attached as Exhibit G thereto shall have been executed. Such restrictive declaration, **as modified by the New York City Council as of April 24, 2014,** shall be deemed incorporated herein as a condition of this resolution.

5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 07DCP094K) issued on May 28, 2010, as adjusted by the subsequent Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013, March 5, 2014, and in accordance with the restrictive declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,**.

6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

7. 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, sub-lessee or occupant.

8. 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 and the restrictive declaration 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 or of the restrictive declaration.

(222)

9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents 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, 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. 29 & Res. No. 243

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 was originally referred on March 12, 2014 (Minutes, page 708) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1236), 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

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

Res. No. 243

Resolution approving the decision of the City Planning Commission on ULURP No. C 140133 ZSK (L.U. No. 29), 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, Borough of Brooklyn.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), on the 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 of the City of New York 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, (ULURP No. C 140133 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140132 ZSK (L.U. No. 28), a special permit pursuant to ZR Section 74-743 to transfer floor area between zoning lots and modify height and setback, minimum distance, floorplate, lot coverage, and yard regulations; C 140134 ZSK (L.U. No. 30), a special permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development; C 140135 ZSK (L.U. No. 31), a special permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development; N 140131 ZRK (L.U. No. 32), a zoning text amendment of ZR Section 62-352 and 74-745 related to inclusionary housing and loading requirements; and N 140136 ZAK (L.U. No. 33), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas;

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 74-744(b) 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 1, 2014;

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

(223) **WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013 and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS with respect to the Decision and Application and the Technical Memoranda, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** those mitigation measures that were identified as practicable.

(4) The Decision together with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 140133 ZSK, incorporated by reference herein, the Council approves the Decision with the following conditions:

1. The property that is the subject of this application (C 140133 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SHoP Architects P.C. and James Corner Field Operations, filed with this application and incorporated in this resolution:

4) wg. No.	D	5)	Title	6) Date Revised	Last
7) 00-0	Z	8)	Title Sheet	9) 13	10.31.20
0) 00-2A	Z	1)	Zoning Lot Calculations	2) 13	10.31.20
3) 00-2B	Z	4)	Zoning Waivers	5) 13	10.31.20
6) 00-2C	Z	7)	Zoning Actions and Design Guidelines	8) 14	03.05.20
9) 00-3	Z	0)	Upland/Seaward Lot Calculations	1) 13	10.31.20
2) 01-1	Z	3)	Site Plan	4) 13	10.31.20
5) 03-1	Z	6)	Adjusted Base Plane Calculations	7) 13	10.31.20
8) 03-2	Z	9)	Shoreline Facing Walls	0) 13	10.31.20
1) 05-B	Z	2)	Zoning Lot 1 Building A – Site Plan	3) 13	10.31.20
4) 05-C1	Z	5)	Zoning Lot 1 Building A – Height and Setback Diagrams	6) 13	10.31.20
7) 05-C2	Z	8)	Zoning Lot 1 Building A – Height and Setback Diagrams	9) 13	10.31.20
0) 05-C3	Z	1)	Zoning Lot 1 Building A – Height and Setback Diagrams	2) 13	10.31.20
3) 06-B	Z	4)	Zoning Lot 1 Building B – Site Plan	5) 14	03.05.20
6) 06-C1	Z	7)	Zoning Lot 1 Building B – Height and Setback Diagrams	8) 14	03.05.20
9) 06-C2	Z	0)	Zoning Lot 1 Building B – Height and Setback Diagrams	1) 14	03.05.20
2) 06-C3	Z	3)	Zoning Lot 1 Building B – Height and Setback Diagrams	4) 14	03.05.20
5) 06-C4	Z	6)	Zoning Lot 1 Building B – Height and Setback Diagrams	7) 14	03.05.20
8) 06-C5	Z	9)	Zoning Lot 1 Building B – Height and Setback Diagrams	0) 14	03.05.20
1) 06-C6	Z	2)	Zoning Lot 1 Building B – Height and Setback Diagrams	3) 14	03.05.20
4) 07-B	Z	5)	Zoning Lot 2 Refinery Building – Site Plan	6) 13	10.31.20
7) 07-C1	Z	8)	Zoning Lot 2 Refinery Building – Height and Setback Diagrams	9) 13	10.31.20
0) 07-C2	Z	1)	Zoning Lot 2 Refinery Building - Height and Setback Diagrams	2) 13	10.31.20
3) 09-B	Z	4)	Zoning Lot 1 Building D – Site Plan	5) 13	10.31.20
6) 09-C1	Z	7)	Zoning Lot 1 Building D – Height and Setback Diagrams	8) 13	10.31.20
9) 09-C2	Z	0)	Zoning Lot 1 Building D – Height and Setback Diagrams	1) 13	10.31.20
2) 09-C3	Z	3)	Zoning Lot 1 Building D – Height and Setback Diagrams	4) 13	10.31.20
5) 10-B	Z	6)	Zoning Lot 3 Building E – Site Plan	7) 14	03.05.20
8) 10-C1	Z	9)	Zoning Lot 3 Building E – Height and Setback Diagrams	0) 14	03.05.20
1) 10-C2	Z	2)	Zoning Lot 3 Building E – Height and Setback Diagrams	3) 14	03.05.20
4) 11-1	Z	5)	Location of Uses	6) 13	10.31.20
7) -001.00	G	8)	Title Sheet	9)	10.29.13
0) -100.00	G	1)	Survey	2)	09.14.13
3) -110.00	G	4)	Zoning Lots	5)	10.29.13
6) 001.00	L-	7)	WPAA Zoning Calculations	8)	10.29.13
9) 002.00	L-	0)	WPAA Zoning Calculations	1)	10.29.13
2) 003.00	L-	3)	WPAA Zoning Calculations	4)	10.29.13
5) 100.00	L-	6)	Waterfront Public Area Access Diagram	7)	10.29.13
8) 121.00-A	L-	9)	Layout Plan – Area 1	0)	10.29.13
1) 122.00-A	L-	2)	Layout Plan – Area 2	3)	10.29.13
4) 131.00-A	L-	5)	Materials Plan – Area1	6)	10.29.13
7) 132.00-A	L-	8)	Materials Plan – Area 2	9)	10.29.13
0) 141.00-A	L-	1)	Grading Plan – Area 1	2)	10.29.13
3) 142.00-A	L-	4)	Grading Plan – Area 2	5)	10.29.13
6) 151.00-A	L-	7)	Planting Plan – Area 1	8)	10.29.13
9) 152.00-A	L-	0)	Planting Plan – Area 2	1)	10.29.13
2) 161.00-A	L-	3)	Furnishing Plan – Area 1	4)	10.29.13
5) 162.00-A	L-	6)	Furnishing Plan – Area 2	7)	10.29.13
8) 171.00-A	L-	9)	Lighting Plan – Area 1	0)	10.29.13
1) 172.00-A	L-	2)	Lighting Plan – Area 2	3)	10.29.13
4) 181.00-A	L-	5)	Lighting Foot Candle Diagram – Area 1	6)	10.29.13
7) 182.00-A	L-	8)	Lighting Foot Candle Diagram – Area 2	9)	10.19.13
0) 121.00-B	L-	1)	Layout Plan	2)	10.19.13
3) 131.00-B	L-	4)	Materials Plan	5)	10.29.13
6) 141.00-B	L-	7)	Grading Plan	8)	10.29.13
9) 151.00-B	L-	0)	Planting Plan	1)	10.29.13
2) 161.00-B	L-	3)	Furnishing Plan	4)	10.29.13
5) 171.00-B	L-	6)	Lighting Plan	7)	10.29.13
8) 181.00-B	L-	9)	Lighting Foot Candle Diagram	0)	10.29.13
1) 210.00	L-	2)	Typical Details 1	3)	10.15.13
4) 211.00	L-	5)	Typical Details 2	6)	10.15.13
7) 220.00	L-	8)	Typical Details 3	9)	10.15.13
0) 230.00	L-	1)	Typical Details 4	2)	10.15.13
3) 231.00	L-	4)	Typical Details 5	5)	10.15.13
6) 232.00	L-	7)	Typical Details 6	8)	10.15.13
9) 233.00	L-	0)	Typical Details 7	1)	10.15.13
2) 234.00	L-	3)	Typical Details 8	4)	10.15.13
5) 235.00	L-	6)	Typical Details 9	7)	10.15.13
8) 300.00	L-	9)	Site Sections 1	0)	10.15.13
1) 301.00	L-	2)	Site Sections 2	3)	10.29.13
4) 302.00	L-	5)	Site Sections 3	6)	10.29.13
7) 303.00	L-	8)	Site Sections 4	9)	10.29.13

(440)

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.

(441)

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the CPC Decision on the related special permit (C 140132 ZSK), **as modified by the New York City Council as of April 24, 2014,** with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, King County. Such restrictive declaration, **as modified by the New York City Council as of April 24, 2014,** shall be deemed incorporated herein as a

condition of this resolution.

5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 07DCP094K) issued on May 28, 2010, as adjusted by the subsequent Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013, March 5, 2014, and in accordance with the restrictive declaration attached as Exhibit A to the CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,**.

(442)

6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

7. 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, sub-lessee or occupant.

8. 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.

9. 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, 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. 30 & Res. No. 244

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 was originally referred on March 12, 2014 (Minutes, page 709) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1238), 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

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

Res. No. 244

Resolution approving the decision of the City Planning Commission on ULURP No. C 140134 ZSK (L.U. No. 30), 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,, Borough of Brooklyn.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), on the 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 of the City of New York 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 (ULURP No. C 140134 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140132 ZSK (L.U. No. 28), a special permit pursuant to ZR Section 74-743 to transfer floor area between zoning lots and modify height and setback, minimum distance, floorplate, lot coverage, and yard regulations; C 140133 ZSK (L.U. No. 29), a special permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development; C 140135 ZSK (L.U. No. 31), a special permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development; N 140131 ZRK (L.U. No. 32), a zoning text amendment of ZR Section 62-352 and 74-745 related to inclusionary housing and loading requirements; and N 140136 ZAK (L.U. No. 33), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas;

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 74-745(a) 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 1, 2014;

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

(443) **WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013 and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS with respect to the Decision and Application and the Technical Memoranda, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** those mitigation measures that were identified as practicable.

(4) The Decision together with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, based on the environmental determination and consideration, described in this report, C 140134 ZSK, incorporated by reference herein, the Council approves the Decision subject to the following terms and conditions:

1. The property that is the subject of this application (C 140134 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SHoP Architects P.C. and James Corner Field Operations, filed with this application and incorporated in this resolution:

4) wg. No.	**D**	**5) Title**	**6) Last Date Revised**
7) 00-0	Z	8) Title Sheet	9) 10.31.20 13
0) 00-2A	Z	1) Zoning Lot Calculations	2) 10.31.20 13
3) 00-2B	Z	4) Zoning Waivers	5) 10.31.20 13
6) 00-2C	Z	7) Zoning Actions and Design Guidelines	8) 03.05.20 14
9) 00-3	Z	0) Upland/Seaward Lot Calculations	1) 10.31.20 13
2) 01-1	Z	3) Site Plan	4) 10.31.20 13
5) 03-1	Z	6) Adjusted Base Plane Calculations	7) 10.31.20 13
8) 03-2	Z	9) Shoreline Facing Walls	0) 10.31.20 13
1) 05-B	Z	2) Zoning Lot 1 Building A – Site Plan	3) 10.31.20 13
4) 05-C1	Z	5) Zoning Lot 1 Building A – Height and Setback Diagrams	6) 10.31.20 13
7) 05-C2	Z	8) Zoning Lot 1 Building A – Height and Setback Diagrams	9) 10.31.20 13
0) 05-C3	Z	1) Zoning Lot 1 Building A – Height and Setback Diagrams	2) 10.31.20 13
3) 06-B	Z	4) Zoning Lot 1 Building B – Site Plan	5) 03.05.20 14
6) 06-C1	Z	7) Zoning Lot 1 Building B – Height and Setback Diagrams	8) 03.05.20 14
9) 06-C2	Z	0) Zoning Lot 1 Building B – Height and Setback Diagrams	1) 03.05.20 14
2) 06-C3	Z	3) Zoning Lot 1 Building B – Height and Setback Diagrams	4) 03.05.20 14
5) 06-C4	Z	6) Zoning Lot 1 Building B – Height and Setback Diagrams	7) 03.05.20 14
8) 06-C5	Z	9) Zoning Lot 1 Building B – Height and Setback Diagrams	0) 03.05.20 14
1) 06-C6	Z	2) Zoning Lot 1 Building B – Height and Setback Diagrams	3) 03.05.20 14
4) 07-B	Z	5) Zoning Lot 2 Refinery Building – Site Plan	6) 10.31.20 13
7) 07-C1	Z	8) Zoning Lot 2 Refinery Building – Height and Setback Diagrams	9) 10.31.20 13
0) 07-C2	Z	1) Zoning Lot 2 Refinery Building - Height and Setback Diagrams	2) 10.31.20 13
3) 09-B	Z	4) Zoning Lot 1 Building D – Site Plan	5) 10.31.20 13
6) 09-C1	Z	7) Zoning Lot 1 Building D – Height and Setback Diagrams	8) 10.31.20 13
9) 09-C2	Z	0) Zoning Lot 1 Building D – Height and Setback Diagrams	1) 10.31.20 13
2) 09-C3	Z	3) Zoning Lot 1 Building D – Height and Setback Diagrams	4) 10.31.20 13
5) 10-B	Z	6) Zoning Lot 3 Building E – Site Plan	7) 03.05.20 14
8) 10-C1	Z	9) Zoning Lot 3 Building E – Height and Setback Diagrams	0) 03.05.20 14
1) 10-C2	Z	2) Zoning Lot 3 Building E – Height and Setback Diagrams	3) 03.05.20 14
4) 11-1	Z	5) Location of Uses	6) 10.31.20 13
7) 001.00	G-	8) Title Sheet	9) 10.29.13
0) 100.00	G-	1) Survey	2) 09.14.13
3) 110.00	G-	4) Zoning Lots	5) 10.29.13
6) 001.00	L-	7) WPAA Zoning Calculations	8) 10.29.13
9) 002.00	L-	0) WPAA Zoning Calculations	1) 10.29.13
2) 003.00	L-	3) WPAA Zoning Calculations	4) 10.29.13
5) 100.00	L-	6) Waterfront Public Area Access Diagram	7) 10.29.13
8) 121.00-A	L-	9) Layout Plan – Area 1	0) 10.29.13
1) 122.00-A	L-	2) Layout Plan – Area 2	3) 10.29.13
4) 131.00-A	L-	5) Materials Plan – Area1	6) 10.29.13
7) 132.00-A	L-	8) Materials Plan – Area 2	9) 10.29.13
0) 141.00-A	L-	1) Grading Plan – Area 1	2) 10.29.13
3) 142.00-A	L-	4) Grading Plan – Area 2	5) 10.29.13
6) 151.00-A	L-	7) Planting Plan – Area 1	8) 10.29.13
9) 152.00-A	L-	0) Planting Plan – Area 2	1) 10.29.13
2) 161.00-A	L-	3) Furnishing Plan – Area 1	4) 10.29.13
5) 162.00-A	L-	6) Furnishing Plan – Area 2	7) 10.29.13
8) 171.00-A	L-	9) Lighting Plan – Area 1	0) 10.29.13
1) 172.00-A	L-	2) Lighting Plan – Area 2	3) 10.29.13
4) 181.00-A	L-	5) Lighting Foot Candle Diagram – Area 1	6) 10.29.13
7) 182.00-A	L-	8) Lighting Foot Candle Diagram – Area 2	9) 10.19.13
0) 121.00-B	L-	1) Layout Plan	2) 10.19.13
3) 131.00-B	L-	4) Materials Plan	5) 10.29.13

6) L-141.00-B	7)	Grading Plan	8)	10.29.13
9) L-151.00-B	0)	Planting Plan	1)	10.29.13
2) L-161.00-B	3)	Furnishing Plan	4)	10.29.13
5) L-171.00-B	6)	Lighting Plan	7)	10.29.13
8) L-181.00-B	9)	Lighting Foot Candle Diagram	0)	10.29.13
1) L-210.00	2)	Typical Details 1	3)	10.15.13
4) L-211.00	5)	Typical Details 2	6)	10.15.13
7) L-220.00	8)	Typical Details 3	9)	10.15.13
0) L-230.00	1)	Typical Details 4	2)	10.15.13
3) L-231.00	4)	Typical Details 5	5)	10.15.13
6) L-232.00	7)	Typical Details 6	8)	10.15.13
9) L-233.00	0)	Typical Details 7	1)	10.15.13
2) L-234.00	3)	Typical Details 8	4)	10.15.13
5) L-235.00	6)	Typical Details 9	7)	10.15.13
8) L-300.00	9)	Site Sections 1	0)	10.15.13
1) L-301.00	2)	Site Sections 2	3)	10.29.13
4) L-302.00	5)	Site Sections 3	6)	10.29.13
7) L-303.00	8)	Site Sections 4	9)	10.29.13

(660)

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.

(661)

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the CPC Decision on the related special permit (C 140132 ZSK), **as modified by the New York City Council as of April 24, 2014,** with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, King County. Such restrictive declaration, **as modified by the New York City Council as of April 24, 2014,** shall be deemed incorporated herein as a condition of this resolution.

5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 07DCP094K) issued on May 28th, 2010, as adjusted by the subsequent Technical Memoranda, and in accordance with the restrictive declaration attached as Exhibit A to the CPC Decision C 140132 ZSK **as modified by the New York City Council as of April 24, 2014.**.

(662)

6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

7. 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, sub-lessee or occupant.

8. 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.

9. 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, 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. 31 & Res. No. 245

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 was originally referred on March 12, 2014 (Minutes, page 709) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1240), 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

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

Res. No. 245

Resolution approving the decision of the City Planning Commission on ULURP No. C 140135 ZSK (L.U. No. 31), 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, Borough of Brooklyn.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), on the 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 of the City of New York 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 (ULURP No. C 140135 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140132 ZSK (L.U. No. 28), a special permit pursuant to ZR Section 74-743 to transfer floor area between zoning lots and modify height and setback, minimum distance, floorplate, lot coverage, and yard regulations; C 140133 ZSK (L.U. No. 29), a special permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development; C 140134 ZSK (L.U. No. 30), a special permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development; N 140131 ZRK (L.U. No. 32), a zoning text amendment of ZR Section 62-352 and 74-745 related to inclusionary housing and loading requirements; and N 140136 ZAK (L.U. No. 33), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas;

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 74-745(b) 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 1, 2014;

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

(663) **WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013 and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS with respect to the Decision and Application and the Technical Memoranda, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** those mitigation measures that were identified as practicable.

(4) The Decision together with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 140135 ZSK, incorporated by reference herein, the Council approves the Decision subject to the following terms and conditions:

1. The property that is the subject of this application (C 140135 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SHoP Architects, P.C. and James Corner Field Operations, filed with this application and incorporated in this resolution:

(664)

5) g. No.	**Dw**	**6)**	**Title**	**7) Date Revised**	**Last**
8) 0-0	Z0	9)	Title Sheet	0) 013	10.31.2
1) 0-2A	Z0	2)	Zoning Lot Calculations	3) 013	10.31.2
4) 0-2B	Z0	5)	Zoning Waivers	6) 013	10.31.2
7) 0-2C	Z0	8)	Zoning Actions and Design Guidelines	9) 014	03.05.2
0) 0-3	Z0	1)	Upland/Seaward Lot Calculations	2) 013	10.31.2
3) 1-1	Z0	4)	Site Plan	5) 013	10.31.2
6) 3-1	Z0	7)	Adjusted Base Plane Calculations	8) 013	10.31.2
9) 3-2	Z0	0)	Shoreline Facing Walls	1) 013	10.31.2
2) 5-B	Z0	3)	Zoning Lot 1 Building A – Site Plan	4) 013	10.31.2
5) 5-C1	Z0	6)	Zoning Lot 1 Building A – Height and Setback Diagrams	7) 013	10.31.2
8) 5-C2	Z0	9)	Zoning Lot 1 Building A – Height and Setback Diagrams	0) 013	10.31.2
1) 5-C3	Z0	2)	Zoning Lot 1 Building A – Height and Setback Diagrams	3) 013	10.31.2
4) 6-B	Z0	5)	Zoning Lot 1 Building B – Site Plan	6) 014	03.05.2
7)	Z0	8)	Zoning Lot 1 Building B –	9)	03.05.2

6-C10) Z01) Zoning Lot 1 Building B – Height and Setback Diagrams 2) 014 03.05.2
6-C23) Z04) Zoning Lot 1 Building B – Height and Setback Diagrams 5) 014 03.05.2
6-C36) Z07) Zoning Lot 1 Building B – Height and Setback Diagrams 8) 014 03.05.2
6-C49) Z00) Zoning Lot 1 Building B – Height and Setback Diagrams 1) 014 03.05.2
6-C52) Z03) Zoning Lot 1 Building B – Height and Setback Diagrams 4) 014 03.05.2
6-C65) Z06) Zoning Lot 2 Refinery Building – Site Plan 7) 013 10.31.2
7-B8) Z09) Zoning Lot 2 Refinery Building – Height and Setback Diagrams 0) 013 10.31.2
7-C11) Z02) Zoning Lot 2 Refinery Building - Height and Setback Diagrams 3) 013 10.31.2
7-C24) Z05) Zoning Lot 1 Building D – Site Plan 6) 013 10.31.2
9-B7) Z08) Zoning Lot 1 Building D – Height and Setback Diagrams 9) 013 10.31.2
9-C10) Z01) Zoning Lot 1 Building D – Height and Setback Diagrams 2) 013 10.31.2
9-C23) Z04) Zoning Lot 1 Building D – Height and Setback Diagrams 5) 013 10.31.2
9-C36) Z17) Zoning Lot 3 Building E – Site Plan 8) 014 03.05.2
0-B9) Z10) Zoning Lot 3 Building E – Height and Setback Diagrams 1) 014 03.05.2
0-C12) Z13) Zoning Lot 3 Building E – Height and Setback Diagrams 4) 014 03.05.2
0-C25) Z16) Location of Uses 7) 013 10.31.2
1-1 8) G-001.00 9) Title Sheet 0) 3 10.29.1
1) G-100.00 2) Survey 3) 3 09.14.1
4) G-110.00 5) Zoning Lots 6) 3 10.29.1
7) L-001.00 8) WPAA Zoning Calculations 9) 3 10.29.1
0) L-002.00 1) WPAA Zoning Calculations 2) 3 10.29.1
3) L-003.00 4) WPAA Zoning Calculations 5) 3 10.29.1
6) L-100.00 7) Waterfront Public Area Access Diagram 8) 3 10.29.1
9) L-121.00-A 0) Layout Plan – Area 1 1) 3 10.29.1
2) L-122.00-A 3) Layout Plan – Area 2 4) 3 10.29.1
5) L-131.00-A 6) Materials Plan – Area1 7) 3 10.29.1
8) L-132.00-A 9) Materials Plan – Area 2 0) 3 10.29.1
1) L-141.00-A 2) Grading Plan – Area 1 3) 3 10.29.1
4) L-142.00-A 5) Grading Plan – Area 2 6) 3 10.29.1
7) L-151.00-A 8) Planting Plan – Area 1 9) 3 10.29.1
0) L-152.00-A 1) Planting Plan – Area 2 2) 3 10.29.1
3) L-161.00-A 4) Furnishing Plan – Area 1 5) 3 10.29.1
6) L-162.00-A 7) Furnishing Plan – Area 2 8) 3 10.29.1
9) L-171.00-A 0) Lighting Plan – Area 1 1) 3 10.29.1
2) L-172.00-A 3) Lighting Plan – Area 2 4) 3 10.29.1
5) L-181.00-A 6) Lighting Foot Candle Diagram – Area 1 7) 3 10.29.1
8) L-182.00-A 9) Lighting Foot Candle Diagram – Area 2 0) 3 10.19.1
1) L-121.00-B 2) Layout Plan 3) 3 10.19.1
4) L-131.00-B 5) Materials Plan 6) 3 10.29.1
7) L-141.00-B 8) Grading Plan 9) 3 10.29.1
0) L-151.00-B 1) Planting Plan 2) 3 10.29.1
3) L-161.00-B 4) Furnishing Plan 5) 3 10.29.1
6) L-171.00-B 7) Lighting Plan 8) 3 10.29.1
9) L-181.00-B 0) Lighting Foot Candle Diagram 1) 3 10.29.1
2) L-210.00 3) Typical Details 1 4) 3 10.15.1
5) L-211.00 6) Typical Details 2 7) 3 10.15.1
8) L-220.00 9) Typical Details 3 0) 3 10.15.1
1) L-230.00 2) Typical Details 4 3) 3 10.15.1
4) L-231.00 5) Typical Details 5 6) 3 10.15.1
7) L-232.00 8) Typical Details 6 9) 3 10.15.1
0) L-233.00 1) Typical Details 7 2) 3 10.15.1
3) L-234.00 4) Typical Details 8 5) 3 10.15.1
6) L-235.00 7) Typical Details 9 8) 3 10.15.1
9) L-300.00 0) Site Sections 1 1) 3 10.15.1
2) L-301.00 3) Site Sections 2 4) 3 10.29.1
5) L- 6) Site Sections 3 7) 10.29.1

302.00 3
8) L- 9) Site Sections 4 0) 10.29.1
303.00 3
(881)

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.
(882)
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the CPC Decision on the related special permit (C 140132 ZSK), **as modified by the New York City Council as of April 24, 2014,** with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, King County. Such restrictive declaration, **as modified by the New York City Council as of April 24, 2014,** shall be deemed incorporated herein as a condition of this resolution.

5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 07DCP094K) issued on May 28, 2010, as adjusted by the subsequent Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013, March 5, 2014, and in accordance with the restrictive declaration attached as Exhibit A to the CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,**.
(883)
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
(884)
7. 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, sub-lessee or occupant.

8. 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.

9. 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, 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. 32 & Res. No. 246

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 was originally referred on March 12, 2014 (Minutes, page 709) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1242), 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

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

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

Res. No. 246

Resolution approving the decision of the City Planning Commission on Application No. N 140131 ZRK, 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 Community District 1, Borough of Brooklyn (L.U. No. 32).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Two Trees Management LLC, Inc., for an amendment of the text 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 Brooklyn Community District 1, this action along with the other related actions would modify the inclusionary housing program and create a new special permit to waive loading requirements to facilitate a 2.95 million-square-foot large-scale general development located at 264-350 and 317-329 Kent Avenue (Application No. N 140131 ZRK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140132 ZSK (L.U. No. 28), a special permit pursuant to ZR Section 74-743 to transfer floor area between zoning lots and modify height and setback, minimum distance, floorplate, lot coverage, and yard regulations; C 140133 ZSK (L.U. No. 29), a special permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development; C 140134 ZSK (L.U. No. 30), a special permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development; C 140135 ZSK (L.U. No. 31), a special permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development; and N 140136 ZAK (L.U. No. 33), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 1, 2014;

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

(885) **WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013 and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS with respect to the Decision and Application and the Technical Memoranda, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to the CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** those mitigation measures that were identified as practicable.

(4) The Decision together with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 140131 ZRK, 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

62-352

Inclusionary Housing

* * *

(3) For #zoning lots# containing #residences# in R8 or C6-2 Districts within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may not exceed the base #floor area ratio# of 4.88, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 districts within the #large-scale general development#, exclusive of ground-floor non-#residential floor area#, #floor area# within a #school#, and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph, (b), inclusive, #low income floor area# may be considered #moderate income floor area#~~, and #moderate income floor area# may be considered #middle income floor area#~~.

* * *

74-745

~~Location of a~~ Accessory parking spaces and loading berths

For a #large-scale general development# the City Planning Commission may permit:

(a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the City Planning Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot lines#, provided that the Commission shall find:

~~(a)~~(1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;

~~(b)~~(2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and

~~(c)~~(3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.

(b) Waiver or reduction of loading berth requirements

When a #zoning lot# in a #large scale general development#, that is located within a waterfront area pursuant to Section 62-132(b), in Community District 1 in Brooklyn, contains one or more #retail or service uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A, and where no single such establishment exceeds 8,500 square feet in #floor area#, the City Planning Commission may waive the requirement for loading berths, or reduce the number of required loading berths, provided that:

(1) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#;

(2) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment;

(3) such modification allows for a better relationship of the #street walls# of the #building# containing such establishment with the sidewalks and surrounding area; and

(4) such modification will not impair or adversely affect the development of the surrounding area.

The City Planning Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

* * *

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.

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. 33 & Res. No. 247

Report of the Committee on Land Use in favor of approving Application No. C 140136 ZAK submitted by Two Trees Management, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) 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 was originally referred on March 12, 2014 (Minutes, page 710) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1244), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 **N 140136 ZAK**

City Planning Commission decision approving an application submitted by Two Trees Management, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) 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 zoning authorization, 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

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

Res. No. 247

Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York, to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) 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 in Community District 1, Borough of Brooklyn (Non-ULURP No. N 140136 ZAK; L.U. No. 33).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), on the application submitted by Two Trees Management, LLC, for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) 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, Community District 1 (Non-ULURP No. N 140136 ZAK), Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140132 ZSK (L.U. No. 28), a special permit pursuant to ZR Section 74-743 to transfer floor area between zoning lots and modify height and setback, minimum distance, floorplate, lot coverage, and yard regulations; C 140133 ZSK (L.U. No. 29), a special permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development; C 140134 ZSK (L.U. No. 30), a special permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development; C 140135 ZSK (L.U. No. 31), a special permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development; and N 140131 ZRK (L.U. No. 32), a zoning text amendment of ZR Section 62-352 and 74-745 related to inclusionary housing and loading requirements;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 1, 2014;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-822(a)(2) of the Zoning Resolution of the City of New York;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for

which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013, and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

Having considered the FEIS with respect to the Decision and Application and the Technical Memoranda, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** those mitigation measures that were identified as practicable.

(4) The Decision together with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140136 ZAK, incorporated by reference herein, the Council approves the Decision subject to the following terms and conditions:

1. The properties that are the subject of this application (N 140136 ZAK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans prepared by SHoP Architects P.C. and James Corner Field Operations, filed with this application and incorporated in this resolution:

6) wg. No.	**D**	**7)**	**Title**	**8) Date Revised**	**Last**
9) 00-0	Z	0)	Title Sheet	1) 13	10.31.20
2) 00-2A	Z	3)	Zoning Lot Calculations	4) 13	10.31.20
5) 00-2B	Z	6)	Zoning Waivers	7) 13	10.31.20
8) 00-2C	Z	9)	Zoning Actions and Design Guidelines	0) 14	03.05.20
1) 00-3	Z	2)	Upland/Seaward Lot Calculations	3) 13	10.31.20
4) 01-1	Z	5)	Site Plan	6) 13	10.31.20
7) 03-1	Z	8)	Adjusted Base Plane Calculations	9) 13	10.31.20
0) 03-2	Z	1)	Shoreline Facing Walls	2) 13	10.31.20
3) 05-B	Z	4)	Zoning Lot 1 Building A – Site Plan	5) 13	10.31.20
6) 05-C1	Z	7)	Zoning Lot 1 Building A – Height and Setback Diagrams	8) 13	10.31.20
9) 05-C2	Z	0)	Zoning Lot 1 Building A – Height and Setback Diagrams	1) 13	10.31.20
2) 05-C3	Z	3)	Zoning Lot 1 Building A – Height and Setback Diagrams	4) 13	10.31.20
5) 06-B	Z	6)	Zoning Lot 1 Building B – Site Plan	7) 14	03.05.20
8) 06-C1	Z	9)	Zoning Lot 1 Building B – Height and Setback Diagrams	0) 14	03.05.20
1) 06-C2	Z	2)	Zoning Lot 1 Building B – Height and Setback Diagrams	3) 14	03.05.20
4) 06-C3	Z	5)	Zoning Lot 1 Building B – Height and Setback Diagrams	6) 14	03.05.20
7) 06-C4	Z	8)	Zoning Lot 1 Building B – Height and Setback Diagrams	9) 14	03.05.20
0) 06-C5	Z	1)	Zoning Lot 1 Building B – Height and Setback Diagrams	2) 14	03.05.20
3) 06-C6	Z	4)	Zoning Lot 1 Building B – Height and Setback Diagrams	5) 14	03.05.20
6) 07-B	Z	7)	Zoning Lot 2 Refinery Building – Site Plan	8) 13	10.31.20
9) 07-C1	Z	0)	Zoning Lot 2 Refinery Building – Height and Setback Diagrams	1) 13	10.31.20
2) 07-C2	Z	3)	Zoning Lot 2 Refinery Building - Height and Setback Diagrams	4) 13	10.31.20
5) 09-B	Z	6)	Zoning Lot 1 Building D – Site Plan	7) 13	10.31.20
8) 09-C1	Z	9)	Zoning Lot 1 Building D – Height and Setback Diagrams	0) 13	10.31.20
1) 09-C2	Z	2)	Zoning Lot 1 Building D – Height and Setback Diagrams	3) 13	10.31.20
4) 09-C3	Z	5)	Zoning Lot 1 Building D – Height and Setback Diagrams	6) 13	10.31.20
7) 10-B	Z	8)	Zoning Lot 3 Building E – Site Plan	9) 14	03.05.20
0) 10-C1	Z	1)	Zoning Lot 3 Building E – Height and Setback Diagrams	2) 14	03.05.20
3) 10-C2	Z	4)	Zoning Lot 3 Building E – Height and Setback Diagrams	5) 14	03.05.20
6) 11-1	Z	7)	Location of Uses	8) 13	10.31.20
9) -001.00	G	0)	Title Sheet	1)	10.29.13
2) -100.00	G	3)	Survey	4)	09.14.13
5) -110.00	G	6)	Zoning Lots	7)	10.29.13
8) 001.00	L-	9)	WPAA Zoning Calculations	0)	10.29.13
1) 002.00	L-	2)	WPAA Zoning Calculations	3)	10.29.13
4) 003.00	L-	5)	WPAA Zoning Calculations	6)	10.29.13
7) 100.00	L-	8)	Waterfront Public Area Access Diagram	9)	10.29.13
00) 121.00-A	L-	01)	Layout Plan – Area 1	02)	10.29.13
03) 122.00-A	L-	04)	Layout Plan – Area 2	05)	10.29.13
06) 131.00-A	L-	07)	Materials Plan – Area1	08)	10.29.13
09) 132.00-A	L-	10)	Materials Plan – Area 2	11)	10.29.13
12) 141.00-A	L-	13)	Grading Plan – Area 1	14)	10.29.13
15) 142.00-A	L-	16)	Grading Plan – Area 2	17)	10.29.13
18) 151.00-A	L-	19)	Planting Plan – Area 1	20)	10.29.13
21) 152.00-A	L-	22)	Planting Plan – Area 2	23)	10.29.13
24) 161.00-A	L-	25)	Furnishing Plan – Area 1	26)	10.29.13
27) 162.00-A	L-	28)	Furnishing Plan – Area 2	29)	10.29.13
30) 171.00-A	L-	31)	Lighting Plan – Area 1	32)	10.29.13
33) 172.00-A	L-	34)	Lighting Plan – Area 2	35)	10.29.13
36) 181.00-A	L-	37)	Lighting Foot Candle Diagram – Area 1	38)	10.29.13
39) 182.00-A	L-	40)	Lighting Foot Candle Diagram – Area 2	41)	10.19.13
42) 121.00-B	L-	43)	Layout Plan	44)	10.19.13
45) 131.00-B	L-	46)	Materials Plan	47)	10.29.13
48) 141.00-B	L-	49)	Grading Plan	50)	10.29.13
51) 151.00-B	L-	52)	Planting Plan	53)	10.29.13
54) 161.00-B	L-	55)	Furnishing Plan	56)	10.29.13
57) 171.00-B	L-	58)	Lighting Plan	59)	10.29.13
60) 181.00-B	L-	61)	Lighting Foot Candle Diagram	62)	10.29.13
63) 210.00	L-	64)	Typical Details 1	65)	10.15.13
66) 211.00	L-	67)	Typical Details 2	68)	10.15.13
69)	L-	70)	Typical Details 3	71)	10.15.13

220.00				
72)	L- 73)	Typical Details 4	74)	10.15.13
230.00				
75)	L- 76)	Typical Details 5	77)	10.15.13
231.00				
78)	L- 79)	Typical Details 6	80)	10.15.13
232.00				
81)	L- 82)	Typical Details 7	83)	10.15.13
233.00				
84)	L- 85)	Typical Details 8	86)	10.15.13
234.00				
87)	L- 88)	Typical Details 9	89)	10.15.13
235.00				
90)	L- 91)	Site Sections 1	92)	10.15.13
300.00				
93)	L- 94)	Site Sections 2	95)	10.29.13
301.00				
96)	L- 97)	Site Sections 3	98)	10.29.13
302.00				
99)	L- 00)	Site Sections 4	01)	10.29.13
303.00				
02)	L- 03)	Waterfront Zoning Lot	04)	10.29.13
601.00	Phasing: Phase 1			
05)	L- 06)	Waterfront Zoning Lot	07)	10.29.13
602.00	Phasing: Phase 2			
08)	L- 09)	Waterfront Zoning Lot	10)	10.29.13
603.00	Phasing: Phase 3			
11)	L- 12)	Waterfront Zoning Lot	13)	10.29.13
604.00	Phasing: Phase 4			

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.

3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.

4. Development pursuant to this resolution shall be allowed only after (a) the restrictive declaration attached as Exhibit A to the CPC Decision on the related special permit (C 140132 ZSK), **as modified by the New York City Council as of April 24, 2014,** with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Kings County; and (b) the Maintenance and Operations Agreement associated with such declaration and attached as Exhibit G to such restrictive declaration, thereto shall have been executed. Such restrictive declaration, **as modified by the New York City Council as of April 24, 2014,** shall be deemed incorporated herein as a condition of this resolution.

(1114)

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 restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any 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 to disapprove any application for modification, cancellation or amendment of the authorization.

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 authorization.

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.

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 & Res. No. 248

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 was originally referred on March 12, 2014 (Minutes, page 913) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1253), 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

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

Res. No. 248

Resolution approving the decision of the City Planning Commission on ULURP No. C 130336 ZMM, a Zoning Map amendment (L.U. No. 41).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 17, 2014 its decision dated March 17, 2014 (the "Decision"), on the application 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, which along with the other related actions would facilitate the development of a mixed-use building containing residential units, including affordable housing, commercial or community facility uses and up to 500 public parking spaces at 606 West 57th Street in Manhattan Community District 4 (ULURP No. C 130336 ZMM) Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130339 ZSM (L.U. No. 42), a special permit pursuant to Section 13-454, Additional parking spaces for large scale developments, to provide a maximum of 500 public parking spaces or a maximum of 395 public parking spaces; and N 130337 ZRM (L.U. No. 43), an amendment to Zoning Resolution Appendix F to include the project area in Inclusionary Housing designated area; Section 96-34, Special Regulations in Northern Subarea C1, to amend the Inclusionary Housing bonus structure to encourage the inclusion of commercial or community facility floor area, to permit an auto showroom with preparation of automobiles and accessory repair facility, and to establish a special permit for transient hotel uses;

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 1, 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 and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on March 7, 2014 (CEQR No. 13DCP080M), and the CEQR Technical Memorandum dated May 1, 2014 (the "CEQR Technical Memorandum");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, with modifications, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the CPC Decision C 130336 ZMM, those project components related to the environment and mitigation measures that were identified as practicable;

(4) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the CPC Decision C 130336 ZMM, as same may be modified with any necessary administrative or technical changes, all as acceptable to counsel to the Department of City Planning, is executed, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York; and

(5) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130336 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8c:

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, Community District 4, Borough of Manhattan.

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.

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. 42 & Res. No. 249

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 was originally referred on March 12, 2014 (Minutes, page 914) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1256), 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

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 28, 2014. The City Planning Commission filed a letter dated May 5, 2014, with the Council on May 13, 2014, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 249

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 130339 ZSM (L.U. No. 42), for the grant of a special permit pursuant to Sections 13-45, 13-451 and 13-454 of the Zoning Resolution of the City of New York 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.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 17, 2014 its decision dated March 17, 2014 (the "Decision"), on the 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 W. 57th Street (Block 1104, Lots 31, 40, 44 and 55), in a C4-7 District, within the Special Clinton District (ULURP No. C 130339 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130336 ZMM (L.U. No. 41), an amendment of the Zoning Map to change M1-5 and M2-3 districts to a C4-7 district; and N 130337 ZRM (L.U. No. 43), an amendment to Zoning Resolution Appendix F to include the project area in Inclusionary Housing designated area; Section 96-34, Special Regulations in Northern Subarea C1, to amend the Inclusionary Housing bonus structure to encourage the inclusion of commercial or community facility floor area, to permit an auto showroom with preparation of automobiles and accessory repair facility, and to establish a special permit for transient hotel uses;

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 Sections 13-45 and 13-454 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 1, 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 and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on March 7, 2014 (CEQR No. 13DCP080M), and the CEQR Technical Memorandum dated May 1, 2014 (the "CEQR Technical Memorandum");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, with modifications, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the CPC Decision C 130336 ZMM, those project components related to the environment and mitigation measures that were identified as practicable;

(4) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the CPC Decision C 130336 ZMM, as same may be modified with any necessary administrative or technical changes, all as acceptable to counsel to the Department of City Planning, is executed, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York; and

(5) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130339 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications and subject to the following conditions:

Matter in ~~Strikethrough~~ is old to be deleted;
Matter in Double-Underline is new, to be added.

1. The property that is the subject of this Application (C 130339 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

15) wg. No.	**D 16)**	**Title**	**17) Date Revised**	**Last**
18) of 4	1 19)	Parking Plan Ground & P1 Levels Alternative 1	20) ~~13~~ 28, 2014	~~10/16/20~~ April
21) of 4	2 22)	Parking Plan Cellar Levels – P2 & P3 Alternative 1	~~23)~~ ~~24)~~ 2014	~~10/16/20~~ April 28,
25) of 4	3 26)	Parking Plan Ground & P1 Levels Alternative 2	27) 13	10/16/20
28) of 4	4 29)	Parking Plan Cellar Levels P2 & P3 Alternative 2	30) 13	10/16/20

(1131)

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, sub-lessee 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, renewal or extension 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, 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.

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. 43 & Res. No. 250

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 was originally referred on March 12, 2014 (Minutes, page 914) before being approved with modifications and sent to the City Planning Commission (with coupled resolution shown below) on April 29, 2014 (Minutes, p. 1257), 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

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

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 28, 2014. The City Planning Commission filed a letter dated May 5, 2014, with the Council on May 13, 2014, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 250

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 130337 ZRM, 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 within Community District 4, Borough of Manhattan (L.U. No. 43).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 17, 2014 its decision dated March 17, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 606 W. 57 LLC c/o TF Cornerstone Inc., for an amendment of the text 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 within Manhattan Community District 4; which in conjunction with its related actions would facilitate construction of a new mixed-use building on a portion of a block bounded by West 56th Street and West 57th Street, between Eleventh Avenue and Twelfth Avenue, in the Clinton neighborhood (Application No. N 130337 ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130336 ZMM (L.U. No. 41), an amendment of the Zoning Map to change M1-5 and M2-3 districts to a C4-7 district; and C 130339 ZSM (L.U. No. 42), a special permit pursuant to Section 13-454, Additional parking spaces for large scale developments, to provide a maximum of 500 public parking spaces or a maximum of 395 public parking spaces;

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 1, 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 and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on March 7, 2014 (CEQR No. 13DCP080M), and the CEQR Technical Memorandum dated May 1, 2014 (the "CEQR Technical Memorandum");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, with modifications, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the CPC Decision C 130336 ZMM, those project components related to the environment and mitigation measures that were identified as practicable;

(4) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the CPC Decision C 130336 ZMM, as same may be modified with any necessary administrative or technical changes, all as acceptable to counsel to the Department of City Planning, is executed, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York; and

(5) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130337 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

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;
Matter in **bold double-underline is new, added by the City Council**
Matter in [brackets] is old, deleted by the City Council
* * * indicates where unchanged text appears in the Zoning Resolution

Article II: Residence District Regulations
Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

Article IX: Special Purpose Districts
Chapter 6
Special Clinton District

* * *

96-30
OTHER AREAS

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

* * *

96-34
Special Regulations in Northern Subarea C1

Within Area C1-1, within Northern Subarea C1, as shown on the map in Appendix A of this Chapter, the following special [#use# and] Inclusionary Housing regulations**, #use# and special permit regulations** shall apply:

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in Appendix F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such "Inclusionary Housing designated area# the following special regulations shall apply:

The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

[Within the area shown on the Map entitled Special Use Regulations in Northern Subarea C1 in Appendix A of this Chapter, t]

(1) The following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

[(1)] **(i)** automobile showrooms or sales with preparation of automobiles for delivery; and

[(2)] **(ii)** automobile repairs.

(2) #Transient hotels# shall not be permitted in that portion of Area C1-1 which is located between Eleventh Avenue and a line 250 feet west of Eleventh Avenue, and in a portion located between West 57th Street and a line 100 feet south of West 57th Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2):

The City Planning Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as to not impair the essential character of, or the future use or development, of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

96-80
EXCLUDED AREAS

* * *

96-81
R10 Districts

R10 Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. ~~The provisions of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply.~~

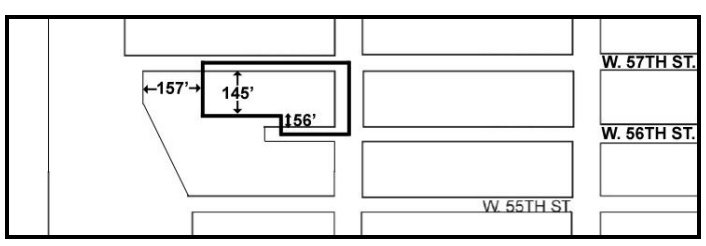
* * *

Appendix A - Special Clinton District Map

* * *

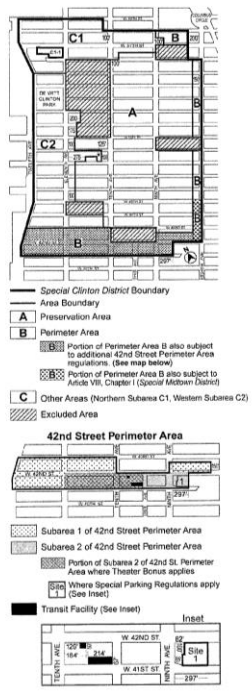
Map to be inserted in Appendix A

C1-1 – Special Use Regulations Area



(6/14/11)

Appendix A - Special Clinton District Map (96A)



APPENDIX F
Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

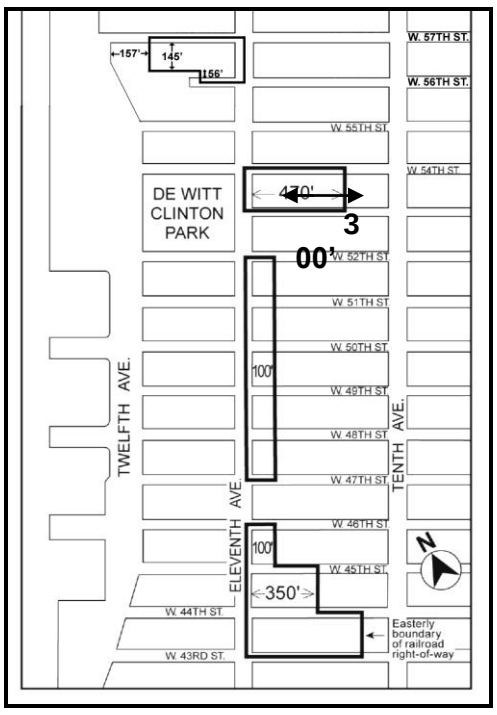
* * *

Map 2
#Special Clinton District# – see Sections 96-31, 96-32, 96-34, 96-81 and 96-82

EXISTING MAP TO BE REPLACED

Portion of Community District 4, Manhattan

PROPOSED MAP



Portion of Community District 4, Manhattan

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.

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).

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

Richard Morris	666 West End Avenue #150 New York, N.Y. 10025	6
Norma Cortes	221 East 122nd Street #704 New York, N.Y. 10035	8
Ramon Fournier	507 West 171st Street #65 New York, N.Y. 10032	10
Awilda Cordero	251 Longstreet Avenue Bronx, N.Y. 10465	13
Kieran Mahoney	202-14 33`d Avenue Queens, N.Y. 11361	19
Hassan Abbus Mirza	133-01 Sanford Avenue 34G Flushing, N.Y. 11355	20
Matthew T. Hunt	69-24 218th Street Queens, N.Y. 11364.	23
Luke Strong	60-35 74th Street Queens, N.Y. 11379	30
Salvatore Galasso	242 Beach 130th Street Queens, N.Y. 11694	32
Emily Abbott	184 Noll Street #2D Brooklyn, N.Y. 11237	34
Amy Vitacco	624 Saint Johns Place Brooklyn, N.Y. 11238	35
Lauren Haugli	747 Park Avenue #3L	36

	Brooklyn, N.Y. 11206	
Thomas Vandormaelen	1307 Pacific Street #3B Brooklyn, N.Y. 11216	36
Eli Conrad-Hampton	1319 Halsey Street #2R Brooklyn, N.Y. 11237	37
Matthew Costello	1319 Halsey Street #2R Brooklyn, N.Y. 11237	37
Brendan Stepien	1426 Putnam Avenue #2R Brooklyn, N.Y. 11237	37
Daniel Langenbucher	2323 Newkirk Avenue #1C Brooklyn, N.Y. 11226	40
Imelda Alcivar	445 Fountain Avenue #7F Brooklyn, N.Y. 11208	42
Marissa Robbins	8631 Fort Hamilton Parkway #2 Brooklyn, N.Y. 11209	43
Carolyn Deborah Baskin	859 East 10th Street Brooklyn, N.Y. 11230	45

Approved New Applicants and Reapplicants

Name	Address	District #
Alfonso Ariel Reyes	455 FDR Drive #B1103 New York, N.Y. 10002	2
Carmen L. Delgado	1763 2nd Avenue #14G New York, N.Y. 10128	5
Martin M. Williams	2508 Broadway #2A New York, N.Y. 10025	6
Roseline Moody	28 West 119th Street #2 New York, N.Y. 10026	9
Cynthia V. Foster	280 Longstreet Avenue Bronx, N.Y. 10465	13
Shirelle Williams	2545 Sedgwick Avenue #6K Bronx, N.Y. 10468	14
Maria J. Adorn	595 Trinity Avenue #19B Bronx, N.Y. 10455	17
Linda E. Best	820 Thieriot Avenue #15G Bronx, N.Y. 10473	18
Maria J. Sepulveda	1210 Noble Avenue Bronx, N.Y. 10472	18
Janice Balderas	4564 168th Street Flushing, N.Y. 11358	19
John Mulvey	125-03 6th Avenue Queens, N.Y. 11356	19
Carmen Castro	133-01 Sanford Avenue #4M Flushing, N.Y. 11355	20
Albert Gamil	53-11 Oceania Street Queens, N.Y. 11364	23
Lucia Mendietta	35-20 Leverich Street Queens, N.Y. 11372	25
Carolyn O' Connell	35-07 32ND Street Queens, N.Y. 11106	26
Tracey Whisnant	21-09 35th Avenue #1 Long Island City, N.Y. 11106	26
Timothy James	118-68 Riverton Street St. Albans, N.Y. 11412	27
Marlene McGee	131-65 225th Street Queens, N.Y. 11413	31
Evelyn Vega	334 Beach 56th Street #6C Arveme, N.Y. 11692	31
Yvonne Contreras	211 Scheafer Street #2R Brooklyn, N.Y. 11207	37
Sinai Halbertstam	1214 43rd Street Brooklyn, N.Y. 11219	39
Wilvina Canal	1745 Caton Avenue #4F Brooklyn, N.Y. 11226	40
Mary Forestiere	7005 Louise Terrace Brooklyn, N.Y. 11209	43
Susan Freund	1825 55th Street Brooklyn, N.Y. 11204	44
Joanne Collins	1343 East 57th Street Brooklyn, N.Y. 11234	46
Shanira L. Taylor-Boucaud	673 East 77th Street Brooklyn, N.Y. 11236	46
Bruce Zurrow	3106 Emmons Avenue #2 Brooklyn, N.Y. 11235	48
Roberta Lipner	1160 Richmond Road #7K Staten Island, N.Y. 10304	50
John Buday	11 Windham Loop #1II Staten Island, N.Y. 10314	51

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)	**M 50 -**	Licensing of dogs in a certain city; animal population control fund; better protection of lost or stray animals and for securing the rights of owners **A.2046 / S.5048 (Home Rule item introduced by the Mayor).**
(2)	**Int 243-A -**	Increasing the maximum income level qualifying for exemption from rent increases granted to certain senior citizens.
(3)	**Res 184-A -**	To Amend the Rules of the Council in relation to improving the responsiveness, transparency, fairness, and inclusiveness of the City Council.
(4)	**L.U. 28 & Res 242 -**	App. **C 140132 ZSK** large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.
(5)	**L.U. 29 & Res 243 -**	App. **C 140133 ZSK** large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.
(6)	**L.U. 30 & Res 244 -**	App. **C 140134 ZSK** large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.
(7)	**L.U. 31 & Res 245 -**	App. **C 140135 ZSK** large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.
(8)	**L.U. 32 & Res 246 -**	App. **C 140131 ZRK** large scale general developments in Brooklyn, Community District 1, Council District 33.
(9)	**L.U. 33 & Res 247 -**	App. **C 140136 ZAK** large-scale general development, Borough of Brooklyn, Community District 1, Council District 33.
(10)	**L.U. 37 & Res 238 -**	App. **20145358 HAK** 365 Jay Street (Block 147, Lot 2), in the Borough of Brooklyn, Council District 33.
(11)	**L.U. 41 & Res 248 -**	App **C 130336 ZMM** 606 W. 57 LLC Manhattan, Community District 4, Council District 6.
(12)	**L.U. 42 & Res 249 -**	App. **C 130339 ZSM** 606 West 57th Street, Special Clinton District, Borough of Manhattan, Council District 6.
(13)	**L.U. 43 & Res 250 -**	App. **C 130337 ZRM** 606 W. 57 LLC c/o TF Cornerstone Inc. Manhattan, Community District 4, Council District 6.
(14)	**L.U. 49 & Res 239 -**	App. **C 140157 ZSM** FDR Drive, between East 64th and East 68th Street, Manhattan, Community District 8, Council District 5.
(15)	**L.U. 50 & Res 240 -**	App. **C 140068 (A) MMM** FDR Drive, between East 64th and East 68th Street, Manhattan, Community District 8, Council District 5.
(16)	**L.U. 56 & Res 241 -**	App. **20145351 SCX**, 2392-2398 Jerome Avenue (Block 3188, Lot 8), Bronx, Council District 14.
(17)	**L.U. 60 & Res 237 -**	Mixed Income Program, 810 River Avenue, Bronx, Community District No. 4, Council District 8.

(18) 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, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 28 & Res No. 242; LU No. 29 & Res No. 243; LU No. 30 & Res No. 244; LU No. 31 & Res No. 245; LU No. 32 & Res No. 246; LU No. 33 & Res No. 247**:

Affirmative – Arroyo, 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, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

Abstention – Barron **– 1.**

The following was the vote recorded for **LU No. 41 & Res No. 248; LU No. 42 & Res No. 249; LU No. 43 & Res No. 250:**

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, Menchaca, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

Abstention – Mendez and Williams **– 2.**

The following Introduction was sent to the Mayor for his consideration and approval: Int No. 243-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 111-A

Report of the Committee on Transportation in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow New York City to lower its speed limit to 25 miles per hour.

The Committee on Transportation, to which the annexed amended resolution was referred on March 12, 2014 (Minutes, page 641), respectfully

REPORTS:

INTRODUCTION

On May 14, 2014, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Proposed Res. No. 111-A, calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow New York City to lower its speed limit to 25 miles per hour. This was the second hearing on this resolution. The first hearing was held on April 30, 2014, at which time the Committee heard testimony from representatives of the New York City Department of Transportation as well as other interested stakeholders and community leaders.

Res. No. 111-A

Res. No. 111-A would state New York State law sets 30 miles per hour as the speed limit in New York City unless otherwise posted.

The Resolution would state that in 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City, according to New York City Police Department (NYPD) data. The Resolution would point out that in 2013, "unsafe speed" was cited as a contributing factor in over 3,000 collisions that resulted in injuries or fatalities in the City, also according to NYPD data.

The Resolution would state that many studies have concluded that the chances of a pedestrian surviving a motor vehicle collision decrease dramatically as the speed of the vehicle increases. The Resolution would highlight one such study by the AAA Foundation for Traffic Safety determined that while a pedestrian has a 20 percent chance of dying if struck by a vehicle traveling at 30 miles per hour, the chance of death drops to 12 percent if the vehicle is traveling at 25 miles per hour.

The Resolution would state that slower speeds also decrease stopping distance, giving drivers a better chance to take action to prevent collisions from occurring in the first place. The Resolution would argue that in the interest of pedestrian safety, the City's unposted speed limit should be lowered.

Finally, Res. No. 111-A would call upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow New York City to lower its speed limit to 25 miles per hour.

UPDATE

On May 14, 2014, the Committee on Transportation passed Res. No. 111-A by a vote of nine in the affirmative and zero in the negative with no abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 111-A:)

Res. No. 111-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow New York City to lower its speed limit to 25 miles per hour.

By Council Members Greenfield, Chin, Constantinides, Espinal, Gentile, Koo, Levine, Reynoso, Torres, Van Bramer, Mendez, Rosenthal, Rodriguez, Barron and Levin.

Whereas, New York State law sets 30 miles per hour as the speed limit in New York City unless otherwise posted; and

Whereas, In 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City, according to New York City Police Department (NYPD) data; and

Whereas, In 2013, "unsafe speed" was cited as a contributing factor in over 3,000 collisions that resulted in injuries or fatalities in the City, also according to NYPD data; and

Whereas, Many studies have concluded that the chances of a pedestrian surviving a motor vehicle collision decrease dramatically as the speed of the vehicle increases; and

Whereas, One such study by the AAA Foundation for Traffic Safety determined that while a pedestrian has a 20 percent chance of dying if struck by a vehicle traveling at 30 miles per hour, the chance of death drops to 12 percent if the vehicle is traveling at 25 miles per hour; and

Whereas, Slower speeds also decrease stopping distance, giving drivers a better chance to take action to prevent collisions from occurring in the first place; and

Whereas, In the interest of pedestrian safety, the City's unposted speed limit should be lowered; 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 that would allow New York City to lower its speed limit to 25 miles per hour.

YDANIS A. RODRIGUEZ, Chairperson; DANIEL R. GARODNICK, MARGARET S. CHIN, DEBORAH L. ROSE, JAMES G. VAN BARAMER, MARK S. WEPRIN, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, ANTONIO REYNOSO; Committee on Transportation, May 14, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Matteo, Ulrich, Williams, and Ignizio.

The following Council Member formally abstained to vote on this item: Council Member Gentile.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 159

Report of the Committee on Veterans in favor of approving a Resolution calling upon the United States Congress to pass, and the President of the United States to sign S.2182, the Suicide Prevention for American Veterans Act, legislation expanding and improving care provided to veterans and service members with mental health disorders or are at risk for suicide.

The Committee on Veterans, to which the annexed resolution was referred on April 10, 2014 (Minutes, page 1085), respectfully

REPORTS:

INTRODUCTION

On May 13, 2014, the Committee on Veterans, chaired by Council Member Eric Ulrich, held a hearing on Res. No. 159, a Resolution calling upon the United States Congress to pass, and the President of the United States to sign S.2182, the Suicide Prevention for American Veterans Act, legislation expanding and improving care provided to veterans and service members with mental health disorders or are at risk for suicide. The first hearing was held on April 24, 2014. On May 13, the resolution passed by a vote of 4-0.

BACKGROUND

Twenty-two veterans die each day by suicide, according to the United States (U.S.) Department of Veterans Affairs (VA), an increase from earlier estimates which projected the number of veteran suicides at 18 per day.[1] Despite comprising only eight percent of the population, veteran suicides account for 20 percent of all suicides in the U.S.[2] According to a recent survey of veterans that have served since 2001 and active duty service members that had combat deployments since that time, 51 percent reported knowing a service member or veteran from the Iraq or Afghanistan conflicts that had attempted or committed suicide.[3] As the newest generation of veterans is beginning to confront the mental health challenges stemming from over a decade at war, many Vietnam veterans still struggle greatly, with those over age 50 accounting for more than 70 percent of veteran suicides.[4]

Historically, the veteran suicide rate has been difficult to accurately establish, as individual states have differing methods for collecting information related a deceased person's military service.[5] In 2010, the VA entered into data sharing agreements with all 50 states in order to improve the agency's understanding of veteran suicides.[6] Previously, the VA's primary source of information regarding veteran suicide was the agency's health care facilities, relying upon data related to veterans who were under the care of the VA.[7] According to data available to the VA for the years 1999 to 2010, the average age of a veteran who died by suicide was approximately 60, 17 years older than the average non-veteran male who died by suicide during the same period.[8] A January 2014 update by the VA found that while the overall veteran suicide rate remained relatively stable from 2009 to 2011, there were increases in suicide rates for female veterans and male veterans under age 30.[9]

The VA does not provide state specific information related to veteran suicides, however, a journalism program recently requested and compiled public records from health departments in all 50 states in order to provide more detailed information regard the veteran suicide rates across the country.[10] According to that research data, between 2005 and 2011, the suicide rate for veterans in New York State was approximately 21 deaths per 100,000, more than double the civilian rate.[11] During that period, the veteran suicide rate in New York also grew by more than six percent.[12]

Contributing Factors

While it is difficult to pinpoint the exact cause of these tragedies, a number of factors associated with combat service are also connected with a heightened risk of suicide, including traumatic brain injury (TBI), chronic pain, and post-traumatic stress disorder (PTSD).[13] Veterans of war, including those of the United States' most recent military interventions in Afghanistan and Iraq, as well as those that served in Vietnam, undoubtedly experience traumatic events which can leave both mental and physical scars. During the conflicts in Iraq and Afghanistan, more than 52,000 were injured.[14] Since 2000, over 100,000 deployed service members have been diagnosed with PTSD and more than 250,000 cases of TBI were reported.[15] Further, more than three million service members were deployed to Southeast Asia during the Vietnam War, and it is estimated that 19 to 30 percent of such veterans have experienced PTSD.[16] Physical and mental injuries sustained during service are linked to suicide later in life, but recent research indicates experience before entering the military may also play a strong role. In a study sponsored by the U.S. Army, more than half of suicide attempts by active duty service members were traced to mental disorders which existed before enlistment.[17]

Mental Health Services Offered by the U.S. Department of Veterans Affairs

VA officials have seen a steady rise in the number of veterans seeking mental health care in recent years, from approximately 927,000 cases in 2006 to over 1.3 million in 2012.[18] The VA provides mental health care at its medical centers, community-based outpatient clinics, and Vet Centers, which are community-based programs designed to support war veterans and their families.[19] Most veterans discharged under other than dishonorable conditions are eligible for VA health care benefits.[20] Post-9/11 combat veterans are eligible for five years of free health care services from the VA.[21] However, as the on-set of PTSD symptoms may not appear for many years and many veterans may be initially reticent to acknowledge they need mental health services, five years may be insufficient amount of time for some veterans.[22]

Expansion of the VA services designed to prevent veteran suicides began in 2007 with the passage of the Joshua Omvig Suicide Prevention Act, named for a veteran who died by suicide following his return from service in Iraq.[23] The Act required the VA to develop a comprehensive suicide prevention program, including mandatory specialized training for VA staff, the designation of suicide prevention counselors at each VA medical facility, making available mental health care on a 24-hour basis, the establishment of a toll-free hotline for veterans staffed by mental health professional, and expansion of outreach and education efforts.[24] In August 2012, in response to a continuing high demand for VA services, President Barack Obama signed an Executive Order (E.O.) aimed at improving veterans' access to mental health services.[25] The E.O. required the VA to increase the capacity of the toll-free hotline by 50 percent and ensure that any veteran that indicated they were experiencing a mental or emotional health crisis would be connected to support within 24 hours.[26] The VA also was directed to hire and train 800 peer support counselors by the end of 2013, and hire 1,600 mental professionals by June 2013.[27] In November 2013, the VA announced it met the hiring benchmarks established under the E.O.[28]

Mental health care is available at the VA through primary care providers and mental health specialists, including psychiatrists, psychologists, social workers, and counselors.[29] Available treatment settings include inpatient care for those suffering from very severe or life-threatening mental illness, intensive outpatient care, outpatient care in a psychosocial rehabilitation and recovery center, regular outpatient care, telemedicine, residential care, and rehabilitative care.[30] Veterans can also connect with mental health professionals through the confidential Veterans Crisis Line, which offers services via a hotline, online chat, and text messaging.[31] The Crisis Line, established following the passage of the Joshua Omvig Suicide Prevention Act, is operated by a subsidiary of the Mental Health Association of New York City and processes nearly 22,000 calls each month.[32]

Limitations Regarding VA Mental Health Care

Veterans are generally not eligible for VA services if they have been discharged due to misconduct; however, there is evidence that thousands of veterans have been dishonorably discharged due to offenses that may be a result of TBI or PTSD.[33] Thousands more may have received wrongful discharges for mental illness. One estimate put the number of service members that were dishonorably discharged due to a group of mental health disorders known as personality disorders between 2001 and 2011 at over 31,000.[34] These veterans must instead turn to services provided by community based groups and private providers, which may not be as readily available or able to offer care specialized for veterans.

The VA is also limited in its capacity and ability to attract and keep veterans in mental health care programs. According to the American Psychiatric Association, approximately half of recent veterans with PTSD do not seek treatment, and among those that do seek treatment, 20 to 50 percent do not complete treatment.[35] Even those who choose to enroll face obstacles. As many groups are given priority status for health care appointments, some service members face lengthy waits for services.[36] The VA's stated goal is that all first-time patients requesting mental health services have an initial evaluation within 24 hours and a more comprehensive evaluation within two weeks.[37] However, in 2012, the VA Inspector General released a report finding that only half of new patients received a comprehensive evaluation within the VA's goal of two weeks.[38] Those veterans waited an average of 50 days for such an evaluation.[39] The Inspector General report concluded that the VA "does not have a reliable and accurate method of determining whether they are providing patients timely access to mental health care services."[40] The VA also faces challenges in adequately serving veterans at risk for suicide. A 2013 Inspector General report called on the VA to take action to improve follow-ups for veterans identified by health facility staff as being at high risk for suicide after finding that post-discharge evaluations were not being consistently provided.[41] It remains unclear if the recent hiring increases at the VA have led to a discernable decrease in the wait time for mental health services or an improvement in follow-up efforts.

In March 2013, in response to many of these above mentioned concerns, Montana Senator John Walsh, a veteran of the conflict in Iraq, introduced the Suicide Prevention for American Veterans Act.[42] The bill seeks to increase the availability of mental health care services through expansion of eligibility and VA capacity. The Act would extend the period during which combat veterans are eligible for healthcare from the VA from five years to fifteen years and establish a review process for veterans who may have been wrongfully discharged because of mental health issues, so that such discharges may be upgraded.[43] In order to increase the number of providers, the VA would be required to offer student loan repayment to certain mental health care professionals.[44] Additionally, the Act would require the VA and Department of Defense to annually review their mental health care programs to ensure effectiveness, provide training to their mental health providers on identifying veterans who may be at risk for suicide, and to improve processes regarding medical records and prescriptions to improve care for transitioning service members.[45]

ANALYSIS

Res. No. 159 indicates that service in the U.S. military often entails working in stressful and life-threatening situations and that exposure to such conditions can result in the development of mental health issues. The resolution states that each day, approximately 22 U.S. veterans die by suicide. The resolution expresses concern that the demand for mental health supports for veterans will increase in the coming years as the size of the military decreases and more service members transition to civilian life.

The resolution states that Montana Senator John Walsh introduced S.2182, the Suicide Prevention for American Veterans Act, a bill aimed at decreasing suicide among veterans. The bill would extend the period during which combat veterans are eligible for healthcare from the U.S. Department of Veterans Affairs (VA) from five years to fifteen years. The Act would establish a review process for veterans who may have been wrongfully discharged because of mental health issues, so that such discharges may be upgraded. The Act also seeks to increase the service capacity of the U.S. VA by offering student loan repayment to certain mental health care professionals. In addition, under the Act, the U.S. VA and Department of Defense would annually review their mental health care programs to ensure effectiveness, provide training to their mental health providers on identifying veterans who may be at risk for suicide, and to improve processes regarding medical records and prescriptions to improve care for transitioning service members.

The resolution declares that enhancing the mental health care services provided by the federal government would improve he lives and outcomes of thousands of returning service members and veterans living in New York City. The resolution calls upon the United States Congress to pass, and the President of the United States to sign S.2182, the Suicide Prevention for American Veterans Act, legislation expanding and improving care provided to veterans and service members with mental health disorders or are at risk for suicide.

[1] U.S. Department of Veterans Affairs, *Suicide Data Report, 2012* 18 (Feb. 2013), *available at* http://www.va.gov/opa/docs/suicide-data-report-2012-final.pdf.

[2] Margaret C. Harrell and Nancy Berglass, Center for a New American Security, *Losing the Battle: The Challenge of Military Suicide* 2 (Oct. 2011), *available at* http://www.cnas.org/files/documents/publications/CNAS_LosingTheBattle_HarrellBerglass_0.pdf.

[3] After the Wars, WASHINGTON POST, Mar. 29, 2014, *available at* http://www.washingtonpost.com/sf/national/2014/03/29/a-legacy-of-pride-and-pain/; Washington Post and the Kaiser Family Foundation, *Survey of Iraq and Afghanistan Active Duty Soldiers and Veterans* (Mar. 2014), *available at* http://kaiserfamilyfoundation.files.wordpress.com/2014/03/8563-t1.pdf.

[4] U.S. Department of Veterans Affairs, *supra* note 1, at 23.

[5] *Id.* at 15.

[6] *Id.* at 7.

[7] *Id.* at 9.

[8] *Id.* at 16 and 51.

[9] U.S. Department of Veterans Affairs, *Suicide Rates in VHA Patients through 2011 with Comparisons with Other Americans and other Veterans through 2010* 4 (Jan. 2014), *available at* http://www.mentalhealth.va.gov/docs/Suicide_Data_Report_Update_January_2014.pdf.

[10] Jeff Hargarten and Forrest Burston, Calculating Veteran Suicides, Arizona State University - News21, Aug. 24, 2013, *available at* http://backhome.news21.com/article/suicide-how/.

[11] Arizona State University - News21, Tracking Veterans Suicides, http://backhome.news21.com/interactive/suicide-interactive/ (*last accessed* Apr. 15, 2014).

[12] *Id.*

[13] Harrell, *supra* note 2, at 2.

[14] U.S. Department of Defense - Defense Casualty Analysis System, OEF, OIF, & OND Combined Casualties – by Reason Code, https://www.dmdc.osd.mil/dcas/pages/report_sum_reason.xhtml (*last accessed* Apr. 15, 2014).

[15] U.S. Congressional Research Service, *U.S. Military Casualty Statistics: Operation New Dawn, Operation Iraqi Freedom, and Operation Enduring Freedom* 6 (Feb. 2013), *available at* http://www.fas.org/sgp/crs/natsec/RS22452.pdf.

[16] U.S. Department of Defense, Defense Casualty Analysis System, Vietnam Conflict Casualty Summary, https://www.dmdc.osd.mil/dcas/pages/report_vietnam_sum.xhtml (*last accessed* Apr. 17, 2014); U.S. Department of Veterans Affairs, Veterans Health Library: Combat Experiences and PTSD, http://www.veteranshealthlibrary.org/mentalhealth/PTSD/MilitaryConcerns/142,UG4364_VA (*last accessed* Apr. 17, 2014).

[17] Press Release, Army Study to Assess Risk and Resilience in Servicemembers (Army STARRS), *Suicidal Ideation Among US Soldiers Begins Before Enlistment*, Mar. 4, 2014, *available at* http://www.eurekalert.org/pub_releases/2014-03/hms-sia030314.php.

[18] Leo Shane III, *VA questioned on mental health care progress despite hiring, funding*, STARS AND STRIPES, Feb. 13, 2013, *available at* http://www.stripes.com/va-questioned-on-mental-health-care-progress-despite-hiring-funding-1.207815; Press Release, U.S. Department of Veterans Affairs, *VA Focuses National Attention on Suicide Prevention Month 2013*, Sept. 5, 2013, *available at* http://va.gov/opa/pressrel/pressrelease.cfm?id=2476.

[19] U.S. Department of Veterans Affairs, About VA Mental Health, http://www.mentalhealth.va.gov/VAMentalHealthGroup.asp (*last accessed* Apr. 17, 2014); U.S. Department of Veterans Affairs, Who We Are – Vet Center, http://www.vetcenter.va.gov/About_US.asp (*last accessed* Apr. 17, 2014).

[20] U.S. Department of Veterans Affairs, *Federal Benefits for Veterans, Dependents, and Survivors* 1 (2012), *available at* http://www.va.gov/opa/publications/benefits_book/2012_Federal_benefits_ebook_final.pdf.

[21] 38 U.S.C. § 1710(e).

[22] Jacqueline Maffacci, Iraq and Afghanistan Veterans of America, *We've Got Your Back: IAVA's Campaign to Combat Suicide* 3 (Mar. 2014), *available at* http://media.iava.org/IAVACampaigntoCombatSuicideWhitePaper.pdf.

[23] Joshua Omvig Suicide Prevention Act, Pub. L. No. 110-110; 38 U.S.C. § 1720F.

[24] *Id.*

[25] Exec. Order No. 13625, 77 Fed. Reg. 54783 (Aug. 31, 2012).

[26] *Id.*

[27] *Id.*

[28] Press Release, U.S. Department of Veterans Affairs, *VA Meets President's Mental Health Executive Order Hiring Goals*, Nov. 5, 2013, *available at* http://va.gov/opa/pressrel/pressrelease.cfm?id=2487.

[29] U.S. Department of Veterans Affairs, *Guide to VA Mental Health Services for Veterans & Families* 4 (Jan. 2011), *available at* http://www.mentalhealth.va.gov/docs/Guide_to_VA_Mental_Health_Srvcs_FINAL12-20-10.pdf.

[30] *Id.* at 7-8.

[31] U.S. Department of Veterans Affairs, Suicide Prevention – Mental Health, http://www.mentalhealth.va.gov/suicide_prevention/ (*last accessed* Jan. 27, 2013).

[32] *Id.*; Mental Health Association of New York City, Veterans Crisis Line, http://mha-nyc.org/service/crisis-hotline-services/veterans-crisis-line.aspx (*last accessed* Apr. 17, 2014); Paul Szoldra, *Heartbreaking HBO Documentary Sheds Light on The Hidden Cost of War*, BUSINESS INSIDER, Nov. 1, 2013, *available at* http://www.businessinsider.com/crisis-hotline-veterans-press-1-2013-10.

[33] Dave Phillips, *Other Than Honorable: Disposable*, THE GAZETTE, May 19, 2013, *available at* http://cdn.csgazette.biz/soldiers/day1.html.

[34] Vietnam Veterans of America, *Casting Troops Aside: The United States Military's Illegal Personality Disorder Discharge Problem* 1 (Mar. 2012), *available at* http://www.vva.org/PPD-Documents/WhitePaper.pdf.

[35] Seth Robson, *Soldiers fail to seek PTSD treatment or drop out of therapy early, research finds*, STARS AND STRIPES, May 15, 2012, *available at* *http://www.stripes.com/news/special-reports/post-traumatic-stress-disorder-ptsd/soldiers-fail-to-seek-ptsd-treatment-or-drop-out-of-therapy-early-research-finds-1.177275*.

[36] Nancy Berglass and Margaret C. Harrell, Center for a New American Security, *Well After Service: Veteran Reintegration and American Communities* 8 (Apr. 2012), *available at* http://www.cnas.org/files/documents/publications/CNAS_WellAfterService_BerglassHarrell.pdf.

[37] *Id.*

[38] VA Office of Inspector General, *Veterans Health Administration – Review of Veterans' Access to Mental Health Care* i-ii (Apr. 2012), *available at* http://www.va.gov/oig/pubs/VAOIG-12-00900-168.pdf.

[39] *Id.*

[40] *Id.* at v.

[41] VA Office of Inspector General, *Combined Assessment Program Summary Report – Evaluation of Mental Health Treatment Continuity at Veterans Health Administration Facilities* 5 (Apr. 2013), *available at* http://www.va.gov/oig/pubs/VAOIG-13-01742-188.pdf.

[42] The Suicide Prevention for American Veterans Act, S.2182, 113th Cong. (2014).

[43] *Id.*

[44] *Id.*

[45] *Id.*

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 159:)

Res. No. 159

Resolution calling upon the United States Congress to pass, and the President of the United States to sign S.2182, the Suicide Prevention for American Veterans Act, legislation expanding and improving care provided to veterans and service members with mental health disorders or are at risk for suicide.

By Council Members Cabrera, Arroyo, Chin, Deutsch, Dickens, Eugene, Koo, Levine, Mendez, Richards, Rose, Williams, Gentile, Vallone, Lander, Levin, Espinal, Barron, Constantinides, Greenfield, Rosenthal, Van Bramer and Ulrich.

Whereas, Members of the United States (U.S.) Armed Forces are often called upon to operate in stressful and life-threatening situations, which can result in the development of mental health issues; and

Whereas, According to the U.S. Department of Veterans Affairs (VA), an estimated 22 veterans die each day by suicide; and

Whereas, As the U.S. decreases its involvement in overseas conflicts and reduces the size of the active duty military, greater numbers of service members are transitioning back to civilian life; and

Whereas, Many of these returning service members, in addition to the 200,000 veterans that currently live in New York City, will be in need of mental health support designed to address the unique needs of veterans; and

Whereas, In March 2014, Senator John Walsh of Montana introduced S.2182, the Suicide Prevention for American Veterans Act, a bill designed to combat suicide among veterans; and

Whereas, The Suicide Prevention for American Veterans Act would improve access to care for veterans by extending the period during which veterans who experienced combat are eligible for care from five years to fifteen years; and

Whereas, The Act would assist veterans who may have been wrongfully discharged because of mental health issues by establishing a review process for such discharges; and

Whereas, The Act would increase the service capacity of the U.S. VA by offering student loan repayment to mental health care professionals that agree to long-term service commitments; and

Whereas, Under the Act, the U.S. VA and Department of Defense would be required to review their mental health care programs annually to ensure effectiveness, offer special training on identifying veterans that are at risk for suicide to their mental health providers, and to improve processes regarding medical records and prescriptions to ensure seamless care to transitioning service members; and

Whereas, Enhancing mental health care services provided by the federal government would better the lives and outcomes for thousands of returning service members and veterans living in New York City; 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 of the United States to sign S.2182, the Suicide Prevention for American Veterans Act, legislation expanding and improving care provided to veterans and service members with mental health disorders or are at risk for suicide.

ERIC A. ULRICH, Chairperson; FERNANDO CABRERA, ANDREW COHEN, PAUL A. VALLONE; Committee on Veterans, May 13, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

A motion was made that this Resolution be Approved, by Council approved by Voice Vote.

Report for voice-vote Res. No. 185

Report of the Committee on Aging in favor of approving a 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.

The Committee on Aging, to which the annexed resolution was referred on April 29, 2014 (Minutes, page 1334), respectfully

REPORTS:

INTRODUCTION

On May 1, 2014, the Committee on Finance, chaired by Council Member Julissa Ferreras, and the Committee on Aging, chaired by Council Member Margaret Chin, held a hearing on Int. No. 243, 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. No. 185, a 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, and Oversight*:* The Senior Citizen Rent Increase Exemption Program: Examining Strategies for Improving the Administration of SCRIE. The New York City Department of Finance (DOF), the New York City Department for the Aging (DFTA), tenants advocates, legal services providers, advocates for seniors, and members of the public testified. Amendments were made to Int. No. 243 following that hearing. On May 13, 2014, the Committee on Aging considered Proposed Int. No. 243-A and Res. No. 185. Both items passed by a vote of 6-0.

BACKGROUND

The SCRIE program protects eligible renters from certain increases imposed by their landlord.[1] In return, the landlord receives property tax abatement equal to the amount of the rent forgiven. Tenants currently are eligible for the SCRIE program if: 1) they are at least 62 years old; 2) they have a total household income that does not exceed $29,000; 3) they reside in a rent controlled or rent stabilized apartment,[2] a Mitchell Lama complex or a rent regulated residential hotel; and 4) the maximum rent or legal regulated rent is increased to a level that exceeds one-third of the household's income.[3] There are approximately 53,000 seniors throughout 15,000 buildings enrolled in SCRIE.[4] The average SCRIE benefit received by landlords renting to such seniors equates to approximately 7 percent of each building's property tax bill.[5]

On March 31, 2014, Governor Andrew Cuomo signed into law Chapter 55 of 2014 ("State Law"), which increased the maximum income level qualifying for exemption from rent increases granted to certain senior citizens.[6] The State Law authorized localities throughout the State of New York to adopt a local law to increase the maximum income level qualifying for SCRIE from $29,000 to $50,000. The authorization marks only the second time in the past ten years that the State has provided for increases in income threshold, following a 2005 law which provided for an increase from $24,000 to $29,000 over a four-year period.[7] In contrast, during that same period, the federal government issued eight automatic cost-of-living adjustments to Social Security.[8]

Int. No. 243-A would provide for implementation of the rent threshold increase for SCRIE applicants residing in New York City. The increase would be in effect for those applying to the SCRIE program for two years, beginning July 1, 2014. Without further action by the State, the maximum income level qualifying for SCRIE would revert back to $29,000 in 2016. The State Law also provides that the State would reimburse the City for the cost of real property tax abatements for the newly eligible higher income households between July 1, 2014 and June 30, 2016. As with the income threshold increase, the State Law reimbursement for the SCRIE program would also sunset in 2016.

Effect of the SCRIE Increase

As of Fiscal Year 2014, there are 53,185 seniors enrolled in the SCRIE program. The cost of the SCRIE program to the City is $135.7 million. The number of enrollees and costs disaggregated by borough are as follows:

	Population Served	Cost to City
Bronx	9,225	$18.7M
Brooklyn	14,953	$37.3M
Manhattan	17,509	$48.7M
Queens	11,156	$30.3M
Staten Island	342	$0.6M

During the aforementioned May 1, 2014 hearing, DOF testified that according to estimates produced by the Mayor's Office of Management and Budget, 6,000 households will be newly eligible for the SCRIE program if the income threshold is raised to $50,000.[9]

ANALYSIS

Int. No. 243-A

Section one of Int. No. 243-A would amend subparagraph (ii) of paragraph 2 of subdivision m of section 26-405 of the Administrative Code (the Code) to provide that in order to be eligible for the senior citizen rent increase exemption (SCRIE) program, the maximum aggregate disposable income for all members of the household residing in a rent controlled unit must not exceed $50,000, beginning July 1, 2014.

Section two would amend paragraph 5 of subdivision m of section 26-405 of the Code to provide that a rent exemption order be issued to all eligible SCRIE applicants residing in rent controlled units whose household aggregate disposable income does not exceed $50,000, beginning July 1, 2014.

Section three would amend subparagraph (ii) of paragraph b of section 26-509 of the Code to provide that in order to be eligible for the SCRIE program and to be provided a rent exemption order, the maximum aggregate disposable income for all members of the household residing in a rent regulated unit must not exceed $50,000, beginning July 1, 2014.

Section four would amend subdivision d of section 26-601 of the Code to provide that in order to be eligible for the SCRIE program and to be provided a rent exemption order, the maximum aggregate disposable income for all members of the household residing in Mitchell-Lama and Redevelopment Company developments, Article XI co-ops established under the Private Financing Housing Law, and Federally-assisted cooperatives must not exceed $50,000, beginning July 1, 2014.

Section five of the bill provides that the local law would take effect on July 1, 2014 and expire two years thereafter. Section five also provides that amendments to section 26-509 of the Code made by section three would not impact the expiration of that section.

Res. No. 185

Res. No. 185 describes the history of the SCRIE program, which was established in 1970 to help low-income senior citizens remain in their homes by freezing their rents and states that approximately 53,000 seniors are currently enrolled. The resolution explains that tenants are eligible for SCRIE if they are at least 62 years old, have a household income that does not exceed $50,000, as of July 1, 2014, reside in a rent regulated unit or Mitchell-Llama development, and spend more than one-third of their income on rent.

The resolution goes on to discuss how the State must authorize increases to the income threshold for eligibility and how it has only done so twice in the past ten years – in 2005 when the threshold was increased from $24,000 to $29,00 over a four-year period and in the State budget approved in the spring of 2014. The resolution states that as the SCRIE income threshold remains relatively static, recipients are left vulnerable to losing eligibility when their Social Security income rises following cost-of-living adjustments.

The resolution states that 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 SCRIE income threshold to reflect any increase in the Consumer Price Index (CPI). The resolution argues that by linking SCRIE to the regional CPI, thousands New York City seniors would be able to remain in the program without relying on State action and could live without worrying that COLA increases to Social Security could cause them to lose SCRIE eligibility.

[1] *See* Chapter 689 of the Laws of 1972.

[2] Rent control generally applies to residential buildings constructed before February, 1947 in municipalities for which an end to the postwar rental housing emergency has not been declared. For an apartment to be under rent control, the tenant must generally have been living there continuously since before July 1, 1971 or for less time as a successor to a rent controlled tenant. When a rent controlled apartment becomes vacant, it either becomes rent stabilized or is removed from regulation, generally becoming stabilized if the building has six or more units and if the community has adopted the Emergency Tenant Protection Act. In New York City, rent stabilized apartments are generally those apartments in buildings of six or more units built between February 1, 1947 and January 1, 1974. Similar to rent control, stabilization provides other protections to tenants besides regulation of rental amounts. Tenants are entitled to receive required services, to have their leases renewed, and not to be evicted except on grounds allowed by law. Leases may be entered into and renewed for one or two year terms, at the tenant's choice. *See* Chapters 3 and 4 of Title 26 of the New York City Administrative Code.

[3] *See* § 467-c of the New York Real Property Tax Law; and §§ 26-405m, 26-406, and 26-509 of the New York City Administrative Code.

[4] *See* Annual Report of New York City Tax Expenditures, Fiscal year 2014 at 10, available at http://www.nyc.gov/html/dof/downloads/pdf/reports/reports%20-%20tax_expenditure/ter_2014_final.pdf (last visited April 30, 2014); *see also* Transcript of September 27, 2011 Finance Committee hearing, at 96.

[5] *See* Transcript of September 27, 2011 Finance Committee hearing, at 30.

[6] N.Y. Chapter Law 55 of 2014.

[7] *Id.*; N.Y. Chapter Law 205 of 2005.

[8] U.S. Social Security Administration, History of Automatic Cost-of-Living Adjustments, http://www.ssa.gov/cola/automatic-cola.htm (last accessed April 27, 2014).

[9] *See* Transcript of May 1, 2014 Finance and Aging Committee hearing.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 185:)

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.

MARGARET S. CHIN, Chairperson; MARIA del CARMEN ARROYO, KAREN KOSLOWITZ, DEBORAH L. ROSE, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 13, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 189

Report of the Committee on Civil Service and Labor in favor of approving a 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.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on April 29, 2014 (Minutes, page 1354), respectfully

REPORTS:

Introduction:

On Tuesday May 13, 2014, the Committee on Civil Service and Labor chaired by Council Member I. Daneek Miller will hold a second hearing on Resolution No. 189, which calls 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. The Committee previously held a hearing on this resolution on April 30, 2014, at which the committee received testimony from various advocates, worker activists and a small business owner.

Background:

The Federal Labor Standards Act of 1938 (FLSA), was enacted as a consequence of the United States Congress finding that labor conditions in some industries impeded the ability of workers to maintain a basic standard of living necessary to be productive in society.[1] Pursuant to the FLSA, a state's minimum wage cannot be set below the federal minimum wage rate. However, the FLSA does not provide for mandatory increases and does not mandate that states link their minimum wage rates to inflation.

In January of last year, Governor Andrew Cuomo delivered his State of the State address, during which he announced his support for increasing the minimum wage in New York to $8.75 per hour. During the following month, President Barack Obama delivered his State of the Union address, during which he announced his support for increasing the minium wage to $9 and to index future increases to inflation. In his 2014 State of the Union address, President Obama again brought up the minimum wage, this time stating that it should go up to $10.10 per hour and at the same time announced an executive order to raise the minimum for federal contractors to $10.10 per hour.[2] The President also urged large employers to follow suit. Gap Inc., which operates Banana Republic and Old Navy in addition to GAP stores, recently announced that they would raise their hourly wages.[3] Although at the present time there are no stores located in New York City, Wal-Mart Stores, Inc., the world's largest retailer, is considering supporting minimum wage increase legislation.[4]

New York State's General Minimum Wage law was passed in 2013, and as of December 31, 2013, the minimum wage is $8.00 per hour, which will increase to $9.00 by December 31, 2015. However, there have been additional calls by advocates and electeds to raise this dollar amount higher[5] and it to index future increases to inflation.[6]

The non-partisan Congressional Budget Office recently reported that raising the federal minimum wage to $10.10 per hour would lift 900,000 families out of poverty and increase the incomes of 16.5 million low-wage workers in an average week, but the report asserts that it would also cost 500,000 workers their jobs by the second half of 2016.[7] Theses loses would be attributable to businesses being unable to raise prices in order to pay for higher labor costs.[8]

Increasing the Minimum Wage and its Impact on Workers

According to the Fiscal Policy Institute (FPI), as of 2011, there were 880,000 workers in New York State retained as hourly employees who receive less than $8.50 per hour, 352,000 of whom reside in New York City.[9] Women account for roughly 55 percent of those impacted by changes to the state minimum wage and Blacks and Latinos account for approximately 40 percent.[10] In New York State, the majority of workers directly affected by changes to the states hourly minimum wage are age 20 and older; adults account for more than 84 percent of these workers.[11] In addition, FPI research indicated that nearly three out of every five City resident workers who would benefit from a higher minimum wage are immigrants.[12]

Furthermore, the failure of the minimum wage to keep up with inflation over the past 30 years has played a significant role in the growth of inequality in the United States (U.S.).[13] In New York State, prior to the increase in 2013, the minimum wage was last raised incrementally in 2009 from $5.15 to $7.25 an hour. However, it has been estimated that because of the rate of inflation, $7.56 would now be required to buy what $7.25 worth of goods would have in 2009.[14] This means that instead of currently receiving $580 in two weeks pre-tax for full time minimum wage earnings, an adjusted earnings amount should be around $604.80 to remain consistent with 2009 purchasing power.[15]

Cost of Living in New York State and City

Since the start of the recession in December 2007, the price index for food in the New York region has increased by more than 12 percent.[16] From August 2010 to August 2011 the average price of food in the New York metropolitan area increased by nearly 5 percent, according to data from the U.S. Bureau of Labor Statistics.[17] The number of New York households reporting very low food security rose by 56 percent in 2010, according to a USDA report.[18] The USDA defines very low food security as a household having multiple indicators of disrupted eating patterns and reduced food intake.

Three of the five areas with the highest cost of living in the United States are in New York City.[19] Manhattan has the highest cost of living, followed by Brooklyn. Queens ranks number five. In Manhattan the cost of living is twice the national average.[20]

Minimum Wage in Other Jurisdictions

Currently, 21 states and the District of Columbia have minimum wages higher than the federal rate.[21] Indexing the minimum wage means adjusting it automatically each year to keep pace with the rising cost of living. In an effort to help workers keep up with the cost of living and diminished purchasing power, Arizona, Colorado, Florida, Missouri, Montana, Nevada, Ohio, Oregon, Vermont, and Washington have indexed their respective minimum wage to inflation.[22] However, the remaining states and the federal government have not yet indexed their minimum wages.[23] As a result, they erode in value each year.

Impact on Jobs

In 2010, Economists at the University of Massachusetts, University of North Carolina, and University of California, compared employment data among every pair of neighboring U.S. counties that straddle a state border and had differing minimum wage levels, at any time between 1990 and 2006, and found that minimum wage increases were not to the significant detriment of jobs.[24] A follow up study conducted in April 2011 found that these results were consistent during periods of recession and high unemployment.[25]

Finally, there is a strong body of research that shows modest increases in the minimum wage do not harm local economies and some research suggests it may even

aid the local economy by putting income into the hands of households who will spend it on local goods and services.[26 27 28]

Res. No 189:

The resolution would note that 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. The resolution would further state that 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. The resolution would also note that 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.

The resolution would also state that 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. The resolution would further note that 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. The resolution would additionally state that the cost of living varies greatly throughout New York State. The resolution would additionally note that 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.

The resolution would also note that 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. The resolution would additionally state that 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. The resolution would also note that 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.

The resolution would also state that 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. The resolution would further note that 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. The resolution would additionally state that 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. The resolution would also note that cities like Chicago, San Francisco and Seattle are currently considering raising their local minimum wages to $15 per hour, according to MSNBC.

The resolution would also note that 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. The resolution would additionally state, however, that New York State law currently prohibits municipalities like New York City from setting their own minimum wage.

The resolution would also note that 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. The resolution would additionally state that 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.

Finally, the resolution would note that 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.

Thus, the Council would call 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.

[1] U.S. Department of Labor Wage and Hour Division, available at: http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf.
[2] Dan Berman, "State of the Union 2014: Obama to raise minimum wage for federal workers," *Politico*, Jan. 28, 2014, *available at* http://www.politico.com/story/2014/01/obama-minimum-pay-federal-contracts-102712.html.
[3] Steven Greenhouse, "Gap to Raise Minimum Hourly Pay," *The New York Times*, February 19, 2014, *available at* http://www.nytimes.com/2014/02/20/business/gap-to-raise-minimum-hourly-pay.html.
[4] Renee Dudley, "Wal-Mart Says 'Looking' at Support of Minimum Wage Raise," *Bloomberg*, Feb. 19, 2014, *available at:* http://www.bloomberg.com/news/print/2014-02-19/wal-mart-says-looking-at-support-of-federal-minimum-wage-rise.html.
[5] "Why New York State Should Let Cities and Counties Enact Higher Local Minimum Wages," Nat'l Employment Law Project & Fiscal Policy Inst., Feb. 2014, *available at*: http://www.nelp.org/page/-/rtmw/Why-New-York-State-Should-Let-Cities-and-Counties-Enact-Higher-Local-Minimum-Wages.pdf?nocdn=1.
[6] Pete Brush, "NY Democrats Push For Stronger Minimum Wage Package," Law 360, *available at:* http://www.law360.com/articles/506942/ny-democrats-push-for-stronger-minimum-wage-package.
[7] Annie Lowry, "Minimum Wage Increase Would Have Mixed Effects, C.B.O. Report Says," *New York Times*, Feb. 18, 2014.
[8] *Id.*
[9] "Raising New York State's Minimum Wage," Fiscal Policy Institute, Testimony Presented to the New York Assembly Labor Committee by James A. Parrott, Deputy Director and Chief Economist, April 23, 2012 available at http://www.fiscalpolicy.org/FPI_RaisingNewYorkStatesMinimumWage_20120423.pdf.
[10] Fiscal Policy Institute, "Which workers will benefit, if the New York minimum wage is raised to $8.50 an hour?" Feb. 16, 2012 available at: http://www.fiscalpolicy.org/FPI_NumbersThatCount_BenefitsOfIncreasingTheMinimumWage.pdf.
[11] *Id.*
[12] *Id.*
[13] David H. Autor, Alan Manning, *et al.*, "The Contribution of the Minimum Wage to U.S. Wage Inequality over Three Decades: A Reassessment," MIT Working Paper 2010 http://economics.mit.edu/files/3279.
[14] Calculation based on inflation estimate provided by the Federal Reserve Bank of Cleveland. Retrieved at http://www.clevelandfed.org/research/Data/US-Inflation/inf_calculator.cfm?first=7.25&year1=2009&year2=2011 on March 12, 2013.
[15] Analysis conducted by City Council Committee Staff.
[16] "Despite Economic Slowdown, Food Prices Rise In New York," City Limits, Sept. 19. 2011, available at: http://www.citylimits.org/news/articles/4433/despite-economic-slowdown-food-prices-rise-in-new-york.
[17] *Id.*
[18] *Id.*
[19] "The 10 Cities With The Highest Cost Of Living: Report," Huffington Post, Jan. 27, 2012 available at: http://www.huffingtonpost.com/2012/01/27/cities-high-cost-of-living_n_1236841.html.
[20] *Id.*
[21] U.S. Dep't of Labor Wage & Hour Division, Minimum Wage Laws in the States – Jan. 1, 2014," available at http://www.dol.gov/whd/minwage/america.htm.
[22] *Id.*
[23] *Id.*
[24] Arindrajit Dube, *et al.*, The Review of Economics and Statistics, "Minimum Wage Effects Across State Borders:
Estimates Using Contiguous Counties," November 2010 available at: http://www.irle.berkeley.edu/workingpapers/157-07.pdf.
[25] Sylvia A. Allegretto, *et al*, "Do Minimum Wages Really Reduce Teen Employment? Accounting for Heterogeneity and Selectivity in State Panel Data," INDUSTRIAL RELATIONS, Vol. 50, No. 2 (April 2011), available at http://www.irle.berkeley.edu/workingpapers/166-08.pdf.
[26] David Card, "Do Minimum Wages Reduce Employment? A Case Study of California," 1987-89, INDUSTRIAL & LABOR RELATIONS REVIEW, Vol. 46 (1): 38-54 (1992)
[27] David Card & Alan B. Krueger, "Minimum Wages and Employment: A Case Study of the Fast-Food Industry in New Jersey and Pennsylvania," THE AMERICAN ECONOMIC REVIEW, Vol. 84(4): 772-793(1994).
[28] Paul Krugman, "Would cutting the minimum wage raise employment?" *N.Y. Times*, Dec. 16, 2009.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 189:)

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.

I. DANEEK MILLER, Chairperson; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, May 13, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Cohen, Matteo, Weprin, and Ignizio.

Adopted by the Council by voice-vote.

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 voice-vote Res. No. 231

Report of the Committee on Finance in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign A.6597/S.4609, legislation which would repeal provisions of law granting a real property tax exemption to Madison Square Garden.

The Committee on Finance, to which the annexed resolution was referred on May 14, 2014, respectfully

REPORTS:

BACKGROUND

Madison Square Garden ("MSG") draws over four million sports and entertainment fans through its doors each year and plays host to more than 400 events.[1]

MSG is also home to a National Basketball Association ("NBA") team, the New York Knicks, and a National Hockey League ("NHL") team, the New York Rangers, which together generate tremendous revenue for the City.[2] The owners of MSG, Madison Square Garden, L.P. ("MSG Co.") also own Radio City Music Hall and the Beacon Theatre, through which they provide a venue for many cultural events, such as the circus, musical concerts, and political conventions.[3]

According to the MSG Co., MSG employs nearly 6,000 full-time, part-time, seasonal and per diem workers and generates more than $528 million to the New York City economy in direct and indirect spending amounts. Additionally, MSG owns the Garden of Dreams Foundation, which has provided aid to over 250,000 children and families in crisis as result of 9/11, Hurricane Katrina, and Hurricane Sandy.

From 1968, when MSG opened, until 1982, the owners of MSG paid real property taxes. During the early 1980s, escalating energy, labor, taxation, and energy costs made the City a very expensive place to play professional sports. In light of these increasing costs, then Mayor Edward Koch (the "'Administration") was concerned that the City would lose both teams, along with the revenue generated from having these teams play their home games in New York City. In efforts to encourage the Knicks and the Rangers to continue to play their home games in the City, a property tax exemption was given to MSG in 1982.

Chapter 459 of the Laws of 1982 was enacted by the State Legislature and signed into law in July 1982 by then governor of New York State, Hugh Carey. The law added Section 429 to the Real Property Tax Law granting, in effect, a full property tax exemption to MSG as long as certain conditions were met. Specifically, the law required that:

" Real property within a city having a population of one million or more, used by both a professional major league hockey team which is a member of the National Hockey League and a professional major league basketball team which is a member of the National Basketball Association to play their home games shall be exempt from taxation…, provided that such owners enter into a written agreement with the chief executive officer of the municipality in which such property is located to play their home games within such municipality for a period of at least ten consecutive years."[4]

The law stipulated that the tax exemption would be granted to a facility located in New York City which is used by both a professional NHL team and a professional NBA team to play their home games.[5] In order to obtain the exemption, the owners of the teams were required to enter into an agreement with the Administration that required the teams to play their home games in a facility located in New York City for at least ten consecutive years.[6] The exemption would continue so long as both teams played all their home games in that facility.[7]

Since 1982, the Knicks and the Rangers teams have played their home games in MSG (except between September 16, 2004 and July 22, 2005, when the 2004-05 NHL season was cancelled because of a labor dispute). Consequently, for more than thirty years, the owners of MSG have benefited from a full property tax exemption for the facility they use not only for sports teams, but also for entertainment activities, conventions, trade shows, and other events. In effect, by providing a perpetual property exemption to MSG, many argue that the City is treating MSG like a not-for-profit institution, except, of course, that MSG is not used exclusively for non-profit activities.

Most other exemptions the City makes available to encourage economic development and business retention are given for specified and finite periods of time. These include incentives for construction and rehabilitation, as well as tax exemptions and abatements offered under the City's Industrial and Commercial Incentive Program and the Industrial and Commercial Abatement Program.[8] Unlike most property tax exemptions given to for-profit organizations, MSG receives this benefit in perpetuity, regardless of whether the conditions and incentives initially justifying the benefit no longer remain.

Indeed, in 2002, former New York City Mayor Ed Koch, told the New York Times that he believed the 10 year reference in the State law was the exemption's duration, not the requirement that the teams remain in the City for at 10 years from the date of the agreement. "I went to bed at night believing it was a 10-year abatement, There's no question." Further, Allen G. Schwartz, who represented then Mayor Ed Koch, told the New York Times that "The deal we made, as I understood it, was that the Knicks and Rangers would be required to remain in New York City and the extent of the abatement would be for 10 years…somehow there was a slip between the cup and lip".

According to a report published by the City's Independent Budget Office ("IBO"), privately owned sports arenas recently constructed in other cities, such as the Fleet Center in Boston and the United Center in Chicago, are subject to property taxes, although they may receive government benefits such as access to tax exempt financing and public investment in related infrastructure projects.[9] Similar to its sports arena counterparts, MSG derives its revenue primarily from the sale of tickets (including luxury box rentals), sporting and entertainment events, and rents paid by promoters of other events held at MSG and Radio City Music Hall. MSG also collects revenue from the sale of advertising, food, beverages, merchandise, and the licensing of its trademarks.

FISCAL IMPACT

Since Fiscal 1983, MSG has been receiving a full property tax exemption. According to the IBO, for Fiscal 2015, the estimated forgone revenue that the City loses as a result of MSG's property tax exemption is $17.3 million, and the nominal value of the exemption from Fiscal 1983 through the current property tax year, Fiscal 2014, is over $300 million. Based on the projection of the City's economy, and the revenue stream from MSG related activities, it is more than likely that the annual tax will be in the range of $17.3 million for the next few years. Proponents of eliminating the exemption argue that the additional funds could help fund services in the City—especially those that have been vulnerable to cuts over the last several years.

On January 8, 2014, New York State Assembly Member David Weprin and New York Senator James Sanders introduced A.6597/S.4609 ("State legislation"), respectively, legislation which would repeal section 429 of the Real Property Tax law, which provides a real property tax exemption to Madison Square Garden. According to the Memorandum in Support for the State legislation, "the purpose of this bill is to eliminate a property tax exemption for a $4.4 billion dollar corporation."

PRECONSIDERED RESOLUTION 231

Today, the Committee on Finance will meet to consider a Preconsidered Resolution, which calls upon the New York State Legislature to pass, and the

Governor to sign A.6597/S.4609, legislation which would repeal provisions of law granting a real property tax exemption to Madison Square Garden.

Madison Square Garden, the Independent Budget Office, and the public have been invited to testify

[1] *See* Factoids provided by the Madison Square Garden Company to the Committee on May 12, 2014. (on file with Committee).
[2] *See* Section 429 of the New York State Real Property Tax Law.
[3] *See supra* n. 1
[4] *See* RPTL §429.
[5] *See id*.
[6] *See id. See also* Agreement, dated July 15, 1982, between the Mayor of the City of New York, and Madison Square Garden *(on file with the Committee).*
[7] *See id.*
[8] ICIP grants exemptions of up to 25 years (16 years of full exemption followed by a nine-year phase-out period) for industrial construction and commercial construction located in special exemption areas. This program provides abatements for property taxes for periods of up to 25 years. To be eligible, industrial and commercial buildings must be built, modernized, expanded, or otherwise physically improved. ICAP replaced the Industrial Commercial Exemption Program (ICIP), new applications for which ended in 2008, but existing benefits are unaffected. See the website of the Department of Finance available at http://www.nyc.gov/html/dof/html/property/property_tax_reduc_incentive.shtml (last accessed May 12, 2014.
[9]Budget Options for New York City, New York City Independent Budget Office, December 2013, p. 64 available at http://www.ibo.nyc.ny.us/iboreports/options2013.pdf (last accessed May 12, 2014).

Accordingly, this Committee recommends its adoption.

(For text of the Preconsidered resolution, please see the Introduction and Reading of Bills section for Res. No. 231 printed in these Minutes).

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, May 14, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 5 Council Members formally voted against this item: Council Members Crowley, Koo, Matteo, Ulrich, and Vallone.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 225

Resolution calling on the New York State Legislature to pass and the Governor to sign legislation that would grant the City of New York the authority to levy a school impact tax on developers of new or converted non-senior housing on a per-unit basis, to be administered by the New York City Department of Buildings at the time of filing for a certificate of occupancy for such housing, for the purpose of providing funding for the construction of new public K-12 schools, and that such tax be specifically designated for the construction of such schools.

By Council Members Chin, Levine, Mendez and Rosenthal.

Whereas, In many parts of New York City, including lower Manhattan, there have been a large number of new residential units constructed in the past ten years through the conversion of existing buildings and construction of new buildings; and

Whereas, Most of these buildings are "as of right" construction or do not otherwise have to comply with City Environmental Quality Review, resulting in no consideration of the impact of these new units on community resources such as public education; and

Whereas, As a result of these new residential units, construction of new public K-12 schools has not kept pace with the number of new students, resulting in a school overcrowding crisis in many parts of the City, including lower Manhattan; and

Whereas, New York City public schools are funded in part by local tax revenues, including property taxes and non-property tax revenues; and

Whereas, Pursuant to Article IX, Section 2(c)(8) of the New York State Constitution, the New York State Legislature must expressly delegate taxation authority to municipalities; and

Whereas, A certificate of occupancy certifies a building's compliance with applicable building codes and indicates that the building is completed and in a condition suitable for occupancy, and thus a tax on the number of units in the building would be appropriate to impose at the time of filing for such a certificate; and

Whereas, Such tax revenues should be required by State law to be dedicated to the construction of new schools; 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 legislation that would grant the City of New York the authority to levy a school impact tax on developers of new or converted non-senior housing on a per-unit basis, to be administered by the New York City Department of Buildings at the time of filing for a certificate of occupancy for such housing, for the purpose of providing funding for the construction of new public K-12 schools, and that such tax be specifically designated for the construction of such schools.

Referred to the Committee on Housing and Buildings.

Int. No. 321

By Council Members Constantinides, Gentile, King, Koo, Lancman, Mendez, Johnson and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to increasing fines and penalties for owning, conducting or operating a home improvement business without a license.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-396 of the administrative code of the city of New York is amended to read as follows:

a. Any contractor, canvasser or seller of home improvements who shall knowingly make any false or fraudulent representations or statements or who makes or causes any such statements to be made in respect to the character of any sale, or the party authorizing the same, or as to the quality, condition, or value of any property offered by him or her for sale, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment not exceeding one year or by a fine not exceeding [one] *five* thousand dollars.

§2. Subdivision 1 of section 20-401 of the administrative code of the city of New York is amended to read as follows:

1. a. Any person who shall own, conduct or operate a home improvement business without a license therefor or who shall knowingly violate any of the provisions of this subchapter or any rules promulgated thereunder, with the exception of violations referred to in section 20-396 of this subchapter, or having had his or her license suspended or revoked shall continue to engage in such business, shall be guilty of a misdemeanor, and upon conviction, shall be punishable by imprisonment for not more than six months, or by a fine of not more than [one] *five* thousand dollars, or both such fine and imprisonment, and each such violation shall be deemed a separate offense.

b. In addition to the penalties provided by paragraph a of this subdivision and those provided by sections 20-105 and 20-106 of chapter one of this title, any person who violates any of the provisions of this subchapter shall be liable for a penalty of not more than [one] *five* thousand dollars for each such violation.

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

Referred to the Committee on Consumer Affairs.

Res. No. 226

Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 4507, the Pedestrian Fatalities Reduction Act.

By Council Members Constantinides, Chin, Gentile, Mendez and Koslowitz.

Whereas, In 2013, 168 pedestrians were killed in traffic crashes in New York City, according to Police Department data; and

Whereas, Reducing the number of traffic-related fatalities in the City has received renewed attention in recent months, particularly since Mayor Bill de Blasio released a Vision Zero Action Plan aimed at eliminating traffic deaths; and

Whereas, In April 2014, Representative Joseph Crowley introduced H.R. 4507, the Pedestrian Fatalities Reduction Act, a bill that would require states to devote more attention and resources to reducing pedestrian fatalities; and

Whereas, Specifically, the bill would require states to include pedestrian and cyclist fatality and injury data in their federally-mandated Strategic Highway Safety Plans and to demonstrate how they plan to address any increases in the reported number of pedestrian or cyclist fatalities or serious injuries that occur at either the state or county level; and

Whereas, The bill would also update the federal handbook that states and localities use when collecting highway safety data to include specific elements that promote safety for pedestrians and cyclists; and

Whereas, In the interest of pedestrian safety, the Pedestrian Fatalities Reduction Act should be enacted; 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. 4507, the Pedestrian Fatalities Reduction Act.

Referred to the Committee on Transportation.

Res. No. 227

Resolution calling upon the New York State legislature to pass and the Governor to sign A.9217/S.6893, in relation to the membership and duties of the Board of Trustees and the oversight of the Executive Director and key library executive personnel of the Queens Borough Public Library.

By Council Members Constantinides, Van Bramer, Mendez, Richards, Koslowitz and Ulrich.

Whereas, The Queens Borough Public Library is an independent not-for-profit corporation that receives the majority of its operational funding from the City; and

Whereas, The Library system serves 2.3 million New Yorkers at 62 locations, seven Adult Learning Centers and two Family Literacy Centers; and

Whereas, It is guided by a 19-member Board of Trustees; and

Whereas, Recent news reports raised issues concerning the Library's exorbitant spending on administrative offices, a lack of proper oversight by the Board of Trustees, and the salary of the President and Chief Executive Officer (CEO); and

Whereas, It was reported in the news media that the Library's President and CEO spent large sums of money on his executive office renovations, including the construction of a rooftop deck; and

Whereas, According to testimony before the New York City Council, the Library's President and CEO stated that public funds were not used for such renovations, and that capital projects bid at $35,000 or more are subject to the approval of the Board of Trustees; and

Whereas, The Library's Board of Trustees approved the office renovations, which cost approximately $140,000, however, it currently has no authority over the design process and which items are purchased; and

Whereas, Although public funds may not have been used for the renovations, many question whether this was an appropriate use of any type of funding stream, while other library branches have more serious capital needs, and janitorial services were contracted out as a cost savings to the Library; and

Whereas, Assemblymember Jeffrion Aubry and Senator Michael Gianaris introduced A.9217/S.6893, respectively, to address the reports regarding the questionable spending and the apparent deficiencies in oversight at the Queens Borough Public Library; and

Whereas, This legislation would reform the operations of the Board of Trustees and improve the Library's overall governance, and bring more transparency and accountability to the Library; 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.9217/S.6893, in relation to the membership and duties of the Board of Trustees and the oversight of the Executive Director and key library executive personnel of the Queens Borough Public Library.

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

Res. No. 228

Resolution calling upon the Mayor to revitalize the Mayor's Office of Industrial and Manufacturing Business and to expand the technical assistance the Office would offer manufacturing and industrial businesses in the City.

By Council Members Cornegy, Menchaca, Arroyo, Chin, Constantinides, Eugene, Gentile, Lander, Mendez, Reynoso, Richards and Rosenthal.

Whereas, According to a brief by the Pratt Center for Community Development, a healthy manufacturing sector is vital to the expansion of the middle class and to the growth of economic development in New York City; and

Whereas, Manufacturing jobs have historically been considered gateways to the middle class for people with limited educational backgrounds and English proficiency; and

Whereas, While New York City has made recent strides to encourage the growth of the manufacturing industry, through Industrial Business Zones (IBZs) and with the help of nonprofits like the Brooklyn Navy Yard Development Corporation (BNYDC), there are still many barriers preventing manufacturers from doing business in the City; and

Whereas, These barriers include a lack of stable industrial spaces, and a lack of a well-trained industrial workforce; and

Whereas, Given these barriers, it would be beneficial to industrial firms to have a City-run entity whose sole responsibility was ensuring the growth and support of the manufacturing and industrial sector; and

Whereas, However, City-provided technical assistance and support for industrial and manufacturing businesses is currently allocated to the New York City Department of Small Business Services (SBS) and the New York City Economic Development Corporation (EDC), which are both entities with mandates that extend far beyond the support of the manufacturing industry; and

Whereas, As an alternative, many industrial and manufacturing related services could be transferred to the management of the Mayor's Office of Industrial and Manufacturing Business (MOIMB); and

Whereas, MOIMB was created by former Mayor Michael R. Bloomberg in 2005, but its first director departed in 2007 and, according to Crain's New York Business, was never replaced; and

Whereas, Services that could be assigned to MOIMB include management of the IBZs and Industrial Business Solutions Providers (IBSPs), who provide technical assistance to manufacturing firms; and

Whereas, An expanded MOIMB could also oversee industrial-focused workforce and community development initiatives; and

Whereas, In expanding MOIMB, the City would grant the manufacturing sector a strong voice in City government, ensuring that land zoned for manufacturing is used as such, that technical assistance initiatives are sufficiently funded, and that technical assistance programs are designed to meet the unique needs of this vital sector; and

Whereas, In so doing, the City could encourage the development of innovative small industrial businesses, the growth of well-paying middle class jobs, and the progress of economic and community development; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor to revitalize the Mayor's Office of Industrial and Manufacturing Business and to expand the technical assistance the Office would offer manufacturing and industrial businesses in the City.

Referred to the Committee on Economic Development.

Int. No. 322

By Council Members Dromm, Cabrera, King, Koo, Mendez and Koslowitz.

A Local Law to amend to administrative code of the city of New York, in relation to requiring towed vehicle storage facilities to provide 24 hour access.

Be it enacted by the Council as follows:

Section 1.Chapter one of title fourteen of the administrative code of the city of New York is amended by adding a new section 14-140.1 to read as follows:

§14-140.1 Redemption of Towed Vehicles. All storage facilities for towed vehicles operated by the department shall provide twenty-four hour access for redemption of vehicles stored in such facilities.

§2.Section 20-508 of title 20 of the administrative code of the city of New York is amended to read as follows:

§20-508Storage facilities. Every licensee which stores vehicles shall do so only on premises which *provide twenty-four hour access for redemption of such vehicles and* meet such specifications as the commissioner shall establish by regulation for safeguarding property.

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

Referred to the Committee on Transportation.

Res. No. 229

Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.6941/A.9297, legislation which would establish the crime of sabotage of rent regulated accommodations.

By Council Members Espinal, Arroyo, Gentile, Levine, Mendez, Reynoso and Rosenthal.

Whereas, According to the most recent Housing and Vacancy Survey (HVS), a survey conducted every 3 years that includes characteristics pertaining to the City's population, households, housing stock and neighborhoods, a little more than two-thirds of the City's households are renter households; and

Whereas, Of the City's approximately 2,105,000 renter households, 61 percent or 1,293,000 are living in accommodations that are rent regulated by some form of federal, state, or city law or regulation; and

Whereas, Rent regulation, including rent control and rent stabilization, offers renters protections against steep rent increases and evictions without cause; and

Whereas, In certain instances, upon vacancy, an owner may deregulate such accommodations and charge future renters market rates; and

Whereas, According to recent news reports, certain building owners are intentionally destroying rent regulated accommodations in order to make them uninhabitable and drive occupants out; and

Whereas, S.6941, sponsored by State Senator Martin Malavé Dilan, currently pending in the New York State Senate, and A.9297, sponsored by State Assembly Member Joseph R. Lentol, currently pending in the New York State Assembly, would expand renter protections by establishing the crime of sabotage, which involves impairing the habitability of a housing accommodation or utility with the intent to cause a rent regulated occupant to vacate; and

Whereas, In order to protect renters living in rent regulated accommodations and preserve the City's affordable housing stock, the crime of sabotage of rent regulated accommodations should be established; 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.6941/A.9297, legislation which would establish the crime of sabotage of rent regulated accommodations.

Referred to the Committee on Housing and Buildings.

Int. No. 323

By Council Members Eugene, Gentile and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to accept applications for employment by mail.

Be it enacted by the Council as follows:

Section 1.Chapter one of title twelve of the administrative code of the city of New York is amended to add a new section 12-140 to read as follows:

§ 12-140 Applications for employment. The head of each agency shall accept applications for employment with the city of New York delivered by mail and shall maintain a mailing address to which applicants may address and send applications in lieu of electronic submission. This section shall not apply to appointments and examinations pursuant to the civil service law.

§ 2.This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 324

By Council Members Eugene, Arroyo, Constantinides, Gentile and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to peer support services for veterans.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 3 of the administrative code of the city of New York is amended by adding a new section 3-132 to read as follows:

§ 3-132 Peer support services. The office of veterans' affairs shall establish a peer support hotline and other peer support services in partnership with veterans associations and organizations which service veterans. The office of veterans' affairs shall post on its website the peer support hotline phone number and information concerning other peer support services offered.

§ 2.This local law shall take effect ninety days after it shall have been enacted into law.

Referred to the Committee on Veterans.

Res. No. 230

Resolution calling for the creation of veterans treatment courts in every county in New York City, including the counties of New York and Richmond, to serve and address the increasing needs of the growing veteran population in the City.

By Council Members Eugene, Gentile, Mendez, Vallone and Ulrich.

Whereas, Veterans across the United States (U.S.) with mental health issues and concerns stemming from their service should receive the same care and attention as those veterans with physical injuries; and

Whereas, According to the National Association of Drug Court Professionals, one in five veterans exhibit symptoms of a mental disorder or a cognitive impairment, while one in six veterans who served in the conflicts in Afghanistan and Iraq experience issues with substance abuse; and

Whereas, In an effort to address the underlying mental health issues, such as post-traumatic stress disorder (PTSD), that many veterans face, courts across the U.S. have begun to focus on programs offering alternatives to incarceration for veterans who are charged with non-violent drug offenses and in some cases, service-related crimes; and

Whereas, The country's first veterans treatment court (VTC) was established in Buffalo, New York in January 2008; and

Whereas, On July 7, 2009, New York State Chief Judge Jonathan Lippman, Kings County District Attorney Charles Hynes, Queens County District Attorney Richard Brown and Nassau County District Attorney Kathleen Rice announced the launch of a collaborative effort called the "Veterans Project" for non-violent veteran offenders; and

Whereas, The program was designed "to provide outreach, specialized support services and treatment to divert them from incarceration; offer peer support to sustain engagement in services; and facilitate the exchange of information between legal, clinical and community resources"; and

Whereas, Under this program, former service members are considered for diversion if they have pled guilty to a non-violent crime, do not present a threat to community safety, and are willing to comply with court imposed conditions as an alternative to incarceration; and

Whereas, With the opening of the Bronx Veterans Court in October 2013, there are three veterans treatment courts or the functional equivalent thereof in New York City; and

Whereas, Veterans in all counties of the City would be better served by having equal access in their community to a viable option other than incarceration for non-violent offenses, that includes treatment, rehabilitation and services to help with readjustment to civilian life; now, therefore, be it

Resolved, That the Council of the City of New York calls for the creation of veterans treatment courts in every county in New York City, including the counties of New York and Richmond, to serve and address the increasing needs of the veteran population in the City.

Referred to the Committee on Veterans.

Int. No. 325

By Council Members Garodnick, Chin, Constantinides, Levin, Mendez, Richards and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the implementation of technology to allow traffic enforcement agents to issue idling tickets through their hand-held computers.

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 by adding a new section 14-118.3 to read as follows:

§14-118.3Handheld computers.Handheld computers used by the department to enforce laws, rules and regulations relating to parking violations shall be capable of issuing notices of violation returnable to the environmental control board alleging violations of the engine idling restrictions of section 24-163 of this code and rules promulgated thereto.

§2.This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Environmental Protection.

Int. No. 326

By Council Members Garodnick, Arroyo, Cabrera, Chin, Cohen, Constantinides, Koo, Levin, Levine, Mendez, Richards, Rosenthal and Ulrich.

A Local Law to amend the New York city charter, in relation to requiring parking placards to have a barcode which would allow traffic enforcement agents to confirm their validity.

Be it enacted by the Council as follows:

Section 1. Section 434 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. The commissioner shall require that all parking placards issued by the department have a barcode which would allow traffic enforcement agents to confirm their validity.

§2.Subdivision a of section 2903 of the New York city charter is amended by adding a new paragraph 19to read as follows:

(19) require that all parking placards issued by the department have a barcode which would allow traffic enforcement agents to confirm their validity.

§3. This local law shall take effect one year after its enactment into law; provided, however, that the commissioner of transportation shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 327

By Council Members Greenfield, Arroyo, Cabrera, Chin, Cohen, Constantinides, Eugene, Koo, Mendez, Rosenthal, Vallone and Ulrich.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to replacing references to "mental retardation" with references to "developmental disability".

Be it enacted by the Council as follows:

Section 1. No print, online, or other publication produced or printed after the effective date of this law by any New York city agency shall refer to individuals with developmental disabilities as "mentally retarded" or refer to any developmental disability as "mental retardation." The term "mentally retarded" shall be replaced with the term "individuals with developmental disabilities" or "developmentally disabled individuals" or "the developmentally disabled." The term "mental retardation" shall be replaced with the term "developmental disability" or

"developmental disabilities."

§2. Subdivision d of section 15 of the New York city charter is amended to read as follows:

d. 1. The city of New York recognizes that services for people suffering from [mental retardation and] developmental disabilities are provided by programs administered within a number of different city agencies, as well as by non-governmental entities. The city of New York further recognizes the need for coordination and cooperation among city agencies and between city agencies and non-governmental entities that provide such services.

2. There shall be [mental retardation and] developmental disability coordination within the office of operations. In performing functions relating to such coordination, the office of operations shall be authorized to develop methods to: (i) improve the coordination within and among city agencies that provide services to people with [mental retardation or] developmental disabilities, including but not limited to the department of health and mental hygiene, the administration for children's services, the human resources administration, department of youth and community development, the department of juvenile justice, and the department of employment, or the successors to such agencies, and the health and hospitals corporation and the board of education; and (ii) facilitate coordination between such agencies and non-governmental entities providing services to people with [mental retardation or] developmental disabilities; review state and federal programs and legislative proposals that may affect people with [mental retardation or] developmental disabilities and provide information and advice to the mayor regarding the impact of such programs or legislation; recommend legislative proposals or other initiatives that will benefit people with [mental retardation or] developmental disabilities; and perform such other duties and functions as the mayor may request to assist people with [mental retardation or] developmental disabilities and their family members.

§3. Section 550 of the New York city charter is amended to read as follows:

§ 550. Definitions. When used in this chapter: the term "mentally disabled" shall mean those with mental illness, [mental retardation] *developmental disability*, alcoholism, substance dependence or chemical dependence as these terms are defined in section 1.03 of the mental hygiene law; or any other mental illness or mental condition placed under the jurisdiction of the department by the mayor; the term "provider of services" shall mean an individual, association, corporation or public or private agency which provides for the mentally disabled; and the term "services for the mentally disabled" shall mean examination, diagnosis, care, treatment, rehabilitation, training, education, research, preventive services, referral, residential services or domiciliary care of or for the mentally disabled, not specifically limited by any other law. Notwithstanding the foregoing, planning and programs for persons with substance dependence or chemical dependence shall be conducted by the department, and the department may act as a "local agency" to conduct substance abuse programs and seek reimbursement therefore pursuant to provisions of the mental hygiene law relating to funding for substance abuse services, as deemed appropriate by the commissioner in recognition of the programs currently administered by the New York state office of alcoholism and substance abuse services or its successor agency under article nineteen of the mental hygiene law.

§4. Subdivision a of section 551 of the New York city charter is amended to read as follows:

a. There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, [mental retardation] *developmental disability* and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, [mental retardation] *developmental disability* and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section one hundred seven, for the units of appropriation for mental health, [mental retardation] *developmental disability* and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section one hundred seven, for the units of appropriation for mental health, [mental retardation] *developmental disability* and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that it is in the city's best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

§5. Section 552 of the New York city charter is amended to read as follows:

§ 552. Deputy commissioners. The commissioner may appoint deputy commissioners, one of whom shall have the same qualifications as the commissioner. There shall be at least two executive deputy commissioners, one of whom shall have the qualifications established pursuant to the mental hygiene law for a director of community services of a local governmental unit, and shall be the director within the department of the division of mental hygiene services. Such division shall be and shall exercise the powers of a local governmental unit for purposes of the mental hygiene law, and the executive deputy commissioner heading such division shall have the powers of a director of community services of a local governmental unit as set forth in or pursuant to such law, and shall report directly to the commissioner. In the exercise of such powers, such executive deputy commissioner shall coordinate the fiscal and programmatic administration of contracts awarded by the department for mental health, [mental retardation] *developmental disability*, and alcoholism services.

§6. Section 556 of the New York city charter is amended to read as follows:

§ 556. Functions, power and duties of the department. Except as otherwise provided by law, the department shall have jurisdiction to regulate all matters affecting health in the city of New York and to perform all those functions and operations performed by the city that relate to the health of the people of the city, including but not limited to the mental health, [mental retardation] *developmental disability*, alcoholism and substance abuse-related needs of the people of the city. The jurisdiction of the department shall include but not be limited to the following:

a. General functions. (1) Enforce all provisions of law applicable in the area under the jurisdiction of the department for the preservation of human life, for the care, promotion and protection of health and relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof;

(2) maintain an office in each borough and maintain, furnish and operate in each borough office health centers and health stations or other facilities which may be required from time to time for the preservation of health or the care of the sick;

(3) exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto, within the jurisdiction of the city and within the quarantine limits as established by law;

(4) receive and expend funds made available for public health purposes pursuant to law; and

(5) arrange, with the approval of the mayor, for the rendition of services and operation of facilities by other agencies of the city;

b. Review of public health services and general public health planning. (1) Develop and submit to the mayor and council a program for the delivery of services for the mentally disabled, including construction and operation of facilities;

(2) determine the needs of the mentally disabled in the city, which determination shall include the review and evaluation of all mental hygiene services and facilities within the department's jurisdiction;

(3) engage in short-range, intermediate-range and long-range mental hygiene planning that reflects the entire array of city needs in the areas of mental health, [mental retardation and] developmental disabilities and alcoholism and substance abuse services within the department's jurisdiction;

(4) implement and administer an inclusive citywide planning process for the delivery of services for people with mental disabilities; and design and incorporate within that planning process, consistent with applicable law, standards and procedures for community participation and communication with the commissioner at the borough and local community level;

(5) establish coordination and cooperation among all providers of services for the mentally disabled, coordinate the department's program with the program of the state department of mental hygiene so that there is a continuity of care among all providers of services, and seek to cooperate by mutual agreement with the state department of mental hygiene and its representatives and with institutions in such department and their representatives in pre-admission screening and in post-hospital care of persons suffering from mental disability;

(6) receive and expend funds made available for the purposes of providing mental health, [mental retardation and] developmental disability and alcoholism and substance abuse related services;

(7) administer, within the division of mental hygiene, the unit responsible for early intervention services pursuant to the public health law; and

(8) in accordance with section five hundred fifty-five of this chapter, determine the public health needs of the city and prepare plans and programs addressing such needs.

c. Supervision of matters affecting public health. (1) Supervise and control the registration of births, fetal deaths and deaths;

(2) supervise the reporting and control of communicable and chronic diseases and conditions hazardous to life and health; exercise control over and supervise the abatement of nuisances affecting or likely to affect the public health;

(3) make policy and plan for, monitor, evaluate and exercise general supervision over all services and facilities for the mentally disabled within the department's jurisdiction; and exercise general supervisory authority, through the promulgation of appropriate standards consistent with accepted professional practices for the care and treatment of patients within such services and facilities for the mentally disabled within the department's jurisdiction;

(4) except as otherwise provided by law, analyze and monitor hospitals, clinics, nursing homes, and homes for the aged, and analyze, evaluate, supervise and regulate clinical laboratories, blood banks, and related facilities providing medical and health services and services ancillary thereto;

(5) to the extent necessary to carry out the provisions of this chapter, the mental hygiene law and other applicable laws and when not inconsistent with any other law, arrange for the visitation, inspection and investigation of all providers of services for the mentally disabled, by the department or otherwise;

(6) conduct such inquiries into services and facilities for the mentally disabled as may be useful in performing the functions of the department, including investigations into individual patient care, and for such purpose the department may exercise the powers set forth in section five hundred fifty-five of this chapter and shall, consistent with the provisions of the mental hygiene law, have access to otherwise confidential patient records, provided such information is requested pursuant to the functions, powers and duties conferred upon the department by law;

(7) supervise and regulate the public health aspects of water supply and sewage disposal and water pollution;

(8) supervise and regulate the public health aspects of the production, processing and distribution of milk, cream and milk products, except for such inspection,

regulation and supervision of the sanitary quality of milk and cream distributed, consumed or sold within the city as performed by the New York department of agriculture and markets pursuant to section seventy-one-l of the agriculture and markets law;

(9) supervise and regulate the food and drug supply of the city and other businesses and activities affecting public health in the city, and ensure that such businesses and activities are conducted in a manner consistent with the public interest and by persons with good character, honesty and integrity;

(10) supervise and regulate the removal, transportation and disposal of human remains;

(11) supervise and regulate the public health aspects of ionizing radiation, the handling and disposal of radioactive wastes, and the activities within the city affecting radioactive materials, excluding special nuclear materials in quantities sufficient to form a critical mass; and

(12) in furtherance of the purposes of this chapter and the mental hygiene law, make rules and regulations covering the provision of services by providers of services for the mentally disabled.

d. Promotion or provision of public health services. (1) Maintain and operate public health centers and clinics as shall be established in the department;

2. engage in or promote health research for the purpose of improving the quality of medical and health care; in conducting such research, the department shall have the authority to conduct medical audits, to receive reports on forms prepared or prescribed by the department; such information when received by the department shall be kept confidential and used solely for the purpose of medical or scientific research or the improvement of the quality of medical care;

(3) produce, standardize and distribute certain diagnostic, preventive and therapeutic products and conduct laboratory examinations for the diagnosis, prevention and control of disease;

(4) promote or provide for public education on mental disability and the prevention and control of disease;

(5) promote or provide for programs for the prevention and control of disease and for the prevention, diagnosis, care, treatment, social and vocational rehabilitation, special education and training of the mentally disabled;

(6) promote or provide diagnostic and therapeutic services for maternity and child health, family planning, communicable disease, medical rehabilitation and other diseases and conditions affecting public health;

(7) promote or provide medical and health services for school children and the ambulant sick and needy persons of the city;

(8) promote or provide medical and health services for the inmates of prisons maintained and operated by the city;

(9) within the amounts appropriated therefor, enter into contracts for the rendition or operation of services and facilities for the mentally disabled on a per capita basis or otherwise, including contracts executed pursuant to subdivision e of section 41.19 of the mental hygiene law;

(10) within the amounts appropriated therefor, execute such programs and maintain such facilities for the mentally disabled as may be authorized under such appropriations; and

(11) use the services and facilities of public or private voluntary institutions whenever practical, and encourage all providers of services to cooperate with or participate in the program of services for the mentally disabled, whether by contract or otherwise.

e. Other functions. (1) Prior to the sale, closing, abandonment of a city hospital or transfer of a city hospital to any other hospital or facility, hold a public hearing with reference to such proposed sale, closing, abandonment or transfer; publish notice of such public hearing in the City Record and in such daily newspaper or newspapers published in the city of New York as shall be selected by the commissioner, such publication to take place not less than ten days nor more than thirty days prior to the date fixed for the hearing; and adjourn such hearing from time to time, if necessary, in order to allow persons interested to attend or express their views;

(2) submit all materials required by the mental hygiene law for purposes of state reimbursement;

(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) 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.

§7. Paragraph 1 of subdivision a of section 568 of the New York city charter is amended to read as follows:

(1) There shall be a mental hygiene advisory board which shall be advisory to the commissioner and the deputy commissioner for mental hygiene services in the development of community mental health, [mental retardation] *developmental disability*, alcoholism and substance abuse facilities and services and programs related thereto. The board shall have separate subcommittees for mental health, for [mental retardation and] developmental disabilities, and for alcoholism and substance abuse. The board and its subcommittees shall be constituted and their appointive members appointed and removed in the manner prescribed for a community services board by the provisions of the mental hygiene law. Pursuant to the provisions of such law, such members may be reappointed without limitation on the number of consecutive terms which they may serve.

§8. Subdivision m of section 17-306 of the administrative code of the City of New York is amended to read as follows:

m. "Disabled person". Any person who has or had a physical or mental impairment that substantially limits one or more major life activities and has a record of such an impairment. For the purposes of this subdivision, "physical impairment" means a physiological disorder or condition, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; genitourinary; hemic and lymphatic; or skin and endocrine. It includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis. For the purposes of this subdivision, "mental impairment" means any mental or psychological disorder such as [mental retardation] *developmental disability*, organic brain syndrome, emotional or mental illness, and specific learning disabilities. For the purposes of this subdivision, "major life activities" means functions such as walking, seeing, hearing and speaking. For the purposes of this subdivision, a record of such an impairment shall be established by submission to the commissioner of either:

(a) A letter or certificate describing the physical or mental impairment of the applicant which must include the notarized signature of one of the following:

(i) A licensed physician, opthamologist, optometrist or psychologist; or

(ii) An authorized representative of a social agency that conducts programs for the disabled in cooperation with an official agency of the state and from which the applicant is receiving services such as, but not limited to, the state office of vocational rehabilitation; or

(b) A previous certification not more than one year old establishing the physical or mental impairment of the applicant such as, but not limited to, verification of an income tax exemption or social security benefits on the basis of physical or mental impairment.

§9. Subdivision cc of section 17-502 of the administrative code of the city of New York is amended to read as follows:

cc. "Day treatment program" means a facility which is (i) licensed by the*New York* state [department of health or the office of alcoholism and substance abuse services, the office of mental health, or the office of mental retardation and developmental disabilities within the state department of mental hygiene] *office for people with developmental disabilities* to provide treatment to aid in the rehabilitation or recovery of its patients based on a structured environment requiring patient participation for no less than three hours each day; or (ii) which is authorized by the state commissioner of health to conduct a program pursuant to section 80.135 of title ten of the New York code of rules and regulations.

§10. For the purposes of rules adopted to carry out a provision amended by this local law, a reference in a rule to mental retardation shall be considered a reference to intellectual disability, and a reference to mentally retarded individuals shall be considered a reference to individuals with intellectual disabilities. In amending a rule which carries out a provision amended by this local law, the rulemaking entity shall ensure that the rule clearly states that an intellectual disability was formerly termed mental retardation, and that individuals with intellectual disabilities were formerly termed individuals who are mentally retarded.

§11. This local law is not intended to change the coverage, eligibility, rights, or responsibilities referred to in any amended provision.

§12. This local law shall take effect immediately.

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Preconsidered Res. No. 231

Resolution calling upon the New York State Legislature to pass, and the Governor to sign A.6597/S.4609, legislation which would repeal provisions of law granting a real property tax exemption to Madison Square Garden.

By Council Members Johnson, Ferreras, Gentile, Van Bramer, Barron, Chin, Levine, Reynoso and Rosenthal.

Whereas, Madison Square Garden ("MSG") is a facility located in the City of New York used for sports, entertainment, expositions, conventions and trade shows; and

Whereas, MSG and its owner, Madison Square Garden, L.P., claim to host over 500 events annually, including concerts, theatrical productions, ice shows, the circus and much more in its arena and theater and, according to the Independent Budget Office ("IBO"), collects both rent and concession revenue and cable broadcast advertising; and

Whereas, MSG was granted a full real property tax exemption by the State of New York in 1982, pursuant to section 429 of the New York State Real Property Tax Law to help ensure that MSG would continue to be the home of the City's major league hockey and professional major league basketball teams and thereby bring economic benefits to the City of New York; and

Whereas, Section 429 of the Real Property Tax Law ('Tax Exemption") specifically states that the Tax Exemption "shall continue with respect to such property as long as both of said teams play their home games therein" and "[i]f one of or both of said teams shall cease to play their home games in said property at any time, the tax exemption shall cease immediately and such property shall immediately be restored to the tax rolls and thereupon become subject to taxation"; and

Whereas, Madison Square Garden, LP, as the owner of the New York Knicks, the New York Rangers, Fox Sports New York, and the Madison Square Garden Network, receives game-related revenue from tickets, concession, and cable broadcast advertising; and

Whereas, According to MSG's annual report for Fiscal Year 2013, MSG reported revenue of $1.3 billion, a 4% increase compared to prior year, for the fiscal

year ending June 30, 2013; and

Whereas, The Knicks and Rangers are two of the most recognized franchises in professional sports, and are owned and operated by MSG and are major occupants of the Garden; and

Whereas, According to Forbes, the Knicks and Rangers are the highest valued franchise in the National Basketball Association (NBA) at $1.4 billion and the second highest value franchise in National Hockey League (NHL) at $850 million, respectively, and are valued four times more than the Newark-based Devils and Brooklyn-based Islanders; and

Whereas, Additionally, MSG hosts many events, including concerts and circus shows from which it collects rent and concession revenue; and

Whereas, According to the IBO, other privately owned sports arenas built in recent years in other major cities generally do pay real property taxes - as did MSG from 1968 when it opened until 1982; and

Whereas, According to the IBO, for Fiscal Year 2014, the cost of the current MSG property tax exemption, or amount of foregone taxes to the City, for Fiscal 2008 is nearly $17.3 million; and

Whereas, The $17.3 million generated by returning MSG to the City's property tax rolls can be used to help fund important services or to offer tax relief for City residents; and

Whereas, It is only fair that a large profitable institution such as MSG contribute its fair share, especially when ordinary New Yorkers are called on to do the same and in times of economic hardship are prevailed upon to bear an even greater burden; and

Whereas, On January 8, 2014, New York State Assembly Member David Weprin and New York Senator James Sanders introduced A.6597/S.4609 ("State legislation"), respectively, legislation which would repeal section 429 of the Real Property Tax law, which provides a real property tax exemption to Madison Square Garden; and

Whereas, According to the Memorandum in Support for the State legislation, "the purpose of this bill is to eliminate a property tax exemption for a $4.4 billion dollar corporation"; now, therefore, be it

Resolved, That the Council of the City of New York calls upon theNew York State Legislature to pass, and the Governor to sign A.6597/S.4609, legislation which would repeal provisions of law granting a real property tax exemption to Madison Square Garden.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Finance).

Int. No. 328

By Council Members Kallos, Vacca, Arroyo, Cabrera, Constantinides, Crowley, Gentile, Koo, Lancman, Mendez, Dromm, Menchaca, Rosenthal, Johnson, and Lander (at the request of the Manhattan Borough President).

A Local Law to amend the New York city charter, in relation to the creation of a centralized FOIL website.

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. The office of operations shall develop reporting and performance guidelines in connection with the statistical information required to be available pursuant to paragraph 10 ofsubdivision c of section 1076 of the charter at the portal developed and maintained pursuant to subdivision b of such section and in the mayor's management report, and may establish requirements for additional freedom of information law-related statistics to be reported on such portal and in such report if it determines that such additional reporting would be useful to the public.

§2. Chapter 48 of the New York city charter is amended by adding a new section 1076 to read as follows:

§1076 Online, centralized freedom of information system. a. For the purposes of this section, the following terms shall have the following meanings:

(1) "agency" means any governmental entity of the city of New York subject to the requirements of article six of the public officers law;

(2) "department" means the department of information technology and telecommunications, or any successor agency;

(3) "office" means the mayor's office of operations, or any successor office;

(4) "record" means any information kept, held, filed, produced or reproduced by, with or for an agency or the city council, in any physical or digital form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, physical files, computer files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes; and

(5) "request" means a freedom of information law request for records made pursuant to article six of the public officers law and received by an agency.

b. The department, in consultation with the office, shall develop and maintain a software system to process all requests for agency records. Such system shall make available to the public, at no charge and without any registration requirement, a portal on the city's website, to be developed and maintained by the department, that provides information documenting each step of the freedom of information law process for each request received, including, but not limited to, the following information, which shall be in a machine readable and externally searchable format:

(1) a unique identification number for each request;

(2) the content of each request;

(3) the date each request was received by the applicable agency;

(4) the date and content of such agency's acknowledgement of receipt of the request;

(5) the date and content of any determination made in response to the request; and

(6) a downloadable copy of the records released for the request, in a machine readable format if one exists for the type of records released.

c. The software system developed and maintained pursuant to subdivision b of this section shall allow:

(1) agencies to receive and respond to requests for records from within such system;

(2) for the uploading by agencies of digital files in multiple formats, including open and machine-readable formats, of requested records;

(3) for the redaction of uploaded documents by agencies without the need to download or re-upload documents;

(4) agencies and the public to track the progress of each request;

(5) members of the public to file requests on the portal developed and maintained pursuant to this section;

(6) for the full text search of the content of all requests on the portal developed and maintained pursuant to this section;

(7) for the full text search of all machine-readable records made available in response to a request on the portal developed and maintained pursuant to this section;

(8) for access to electronic copies of all records, regardless of form or format, sent in response to a request on the portal developed and maintained pursuant to this section. Such copies shall also be published to the open data web portal developed and maintained pursuant to chapter five of title 23 of the administrative code, and such copies that are data, as defined in section 23-501 of the administrative code, shall include the complete data set from which such records were produced on such open data web portal;

(9) for programmatic access to the data within the site through an Application Programming Interface;

(10) members of the public to request and receive automated notifications of any determination or other action involving information required to be reported on the portal relating to any request on such portal;

(11) members of the public to access a directory, which shall be prominently displayed on the portal, that includes the name, title, and contact information for each records access officer at each agency; and

(12) the public to access statistics on requests by agency on the portal developed and maintained pursuant to this section, including the aggregate monthly, yearly, and year-to-date (i) number of requests received, (ii) number of requests for which some or all of such request is outstanding, (iii) number of requests for which some or all of the request has been outstanding for more than thirty business days, (iv) number of requests for which the agency supplied all requested information, (iv) number of determinations made to deny access to requested records, and (v) average resolution time for requests. These statistics shall also be included in the mayor's management report for each agency for the applicable fiscal year.

d. The information required to be posted on the portal developed and maintained pursuant to subdivision b of this section shall be posted with respect to each request as soon as practicable, but in no case more than ten business days after the occurrence of any of the following: the receipt of a request, any determination regarding the release of records, and any other action involving information required to be reported on such portal relating to a request. The machine-readable information required by subdivision c of this section shall be considered a public data set for the purposes of chapter five of title 23 of the administrative code.

e. The home page and, to the extent one exists, the "contact us" or "freedom of information request" page of the website of every agency shall include a link to the portal developed and maintained pursuant to subdivision b of this section.

f. Every agency shall use the portal developed and maintained pursuant to subdivision b of this section to receive and respond to requests unless otherwise requested by an individual or entity making a request. Upon receipt of any request by means other than the portal, the receiving agency shall enter the request into such portal, and shall track the progress of such request as required by subdivision c of this section.

§3. This local law shall take effect one year after its enactment, provided, however, that the department of information technology and telecommunications, and the office of operations, shall take such actions prior to such time as are necessary for timely implementation of this local law, and further provided that within ninety days of the enactment of this local law, the office shall submit an implementation plan and implementation manual to the council describing to the council and agencies the steps necessary to implement this law, and providing guidance to agencies on the standards for the tracking of, and filing of, requests and responses to such requests, pursuant to the requirements of this local law, including the creation of a citywide identifier for each such request.

Referred to the Committee on Technology.

Int. No. 329

By Council Members Kallos, Lander, Espinal, Constantinides, Johnson, King, Koo, Levin, Mendez and Ulrich.

A Local Law to amend the New York city charter, in relation to an office of food policy.

Be it enacted by the Council as follows:

Section 1. Chapter one of the New York city charter is amended by adding a new section 21 to read as follows:

§ 21. Office of Food Policy. a. There shall be an office of food policy. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or by the head of such department. The director shall hire staff for such office as needed. For the purposes of this section only "director" shall mean the director of the office of food.

b. Powers and duties. The director shall have the power and duty to:

1. develop and coordinate initiatives to promote access to healthy food for all residents of the city of New York;

2. increase access to and utilization of food support programs for those who cannot afford to purchase food;

3. coordinate with the office of long term planning and sustainability on the development of the annual food metrics report as established by section 3-120 of the code; and

4. work with the commissioner of health and mental hygiene to update the city agency food standards for all meals or food supplies that are purchased, prepared or served in agency programs or other relevant settings.

c. New York city food analysis. No later than June 1 2015, and annually thereafter, the director shall prepare and submit a report to the mayor and the speaker on the food systems in the city. Such report shall be posted online. Such report shall include, at a minimum:

1. an analysis of the food system in the city, including the identification of areas that need improvement or expansion, and recommendations for city action including timelines for implementation;

2. a discussion of the following issues including, but not limited to: hunger and food insecurity; nutritional well-being and food health; the prevention of food and diet-related illnesses; food waste; energy use, climate and environmental impact; infrastructure related to the production, processing, and distribution of food and food products; food procurement; the regional food shed; and the economic vitality and sustainability of the food industry and related workers.

d. There shall be a food policy council to make recommendations on food policies and to advise the director and mayoral agencies on issues that affect food policies in the city.

1. Such food policy council shall consist of seventeen members as follows:

i. Three members shall be appointed by the mayor, provided that members shall have expertise in one or more of the following areas: architecture and design; community gardening; environmental sustainability and natural resource conservation; food retail including farmers' markets, large scale and small scale; food wholesale; land use and planning; regional and urban agriculture; and waste management.

ii. Three members shall be appointed by the speaker, provided that members shall have expertise in one or more of the following areas: academia; consumer advocacy; anti-hunger and food insecurity; economic development; emergency food; the faith community; food and nutrition education; nutrition; philanthropy; public health; and school food.

iii. Each borough president shall appoint one member from each of the five boroughs, provided that the members shall have expertise in one or more of the following areas: finance; food business development; food chain labor including unions and workers' centers; food distribution including food co-ops, community supported agriculture, and large scale distribution; food justice and community organizers; food marketing; food processing and manufacturing; mobile food vending; private institutions including schools, hospitals and colleges; and restaurants.

iv. One member shall be appointed by the public advocate.

v. Upon the completion of all other appointments, the food policy council shall appoint five additional members by a majority vote.

vi. The mayor shall select the chairperson of the food policy council from among its members.

2. Each member shall serve for a term of three years to commence after the final member of the food policy council is appointed. Any vacancies in the membership of the food policy council shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

3. No member of the food policy council shall be removed except for cause and upon notice and hearing by the appropriate appointing official or by a majority vote of the food policy council for such members appointed by the food policy council.

4. The food policy council shall meet at least quarterly and hold at least one public hearing at the citywide level and one public hearing in each borough annually.Meeting dates, times, and agendas for such hearings shall be posted online prior to such hearings. The food policy council shall convene information sessions that are open to the public as needed.

5. Membership on food policy council shall not constitute the holding of a public office, and members of such food policy council shall not be required to take and file oaths of office before serving. All members shall serve without compensation.

6. The food policy council shall:

i. in conjunction with the director, assist in the creation, development and continued evaluation of the New York city food analysis pursuant to subdivision c of this section;

ii. produce an annual state of food addendum to the New York city food analysis pursuant to subdivision c of this section;

iii. suggest revisions to the annual food metrics report as established by section 3-120 of the code;

iv. advise on food-related federal, state, and local legislation, regulations, budget proposals, spending plans, program operations, and other governmental activities;

v. conduct policy research and guide theproduction and provision of food-related data;

vi. make recommendations on food related pilot programs;

vii. designate at least one member to attend the meetings of the interagency food policy pursuant to subdivision e of this section; and

viii. convene issue-focused working groups as needed.

e. The director shall convene an interagency food policy task force, which shall have representation including, but not limited to, the department of health and mental hygiene, the department of education, the human resources administration, the speaker and/or one or more designees of the speaker and any other agencies that the director may designate. Such interagency task force shall meet and provide recommendations to the director as necessary.

§2.This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Res. No. 232

Resolution calling upon the New York State Legislature to pass and the Governor to sign into law A.8198 and S.6204, which would amend the election law to consolidate New York's federal, state, and local primaries into one primary which would take place on the fourth Tuesday of June.

By Council Members Kallos, Arroyo, Constantinides, Dickens, Johnson, Levine, Mendez, Rosenthal, Vallone and Ulrich.

Whereas, This year, the State of New York is set to put voters through another unnecessary and expensive election year by having two primaries: one for federal offices in June and another for state and local offices in September; and

Whereas, According to the New York Times, the cost of putting on each statewide election is approximately $50 million; and

Whereas, Last year, U.S. District Court Judge Gary Sharpe designated the fourth Tuesday in June as the date to hold congressional primaries in New York; and

Whereas, The reason for this designation was to ensure that the State was compliant with the Military and Overseas Voter Empowerment Act, a 2009 federal law which requires election authorities to ensure that Americans stationed abroad get absentee ballots with enough time to vote and mail them back for an election; and

Whereas, Although Judge Sharpe's decision only applies to federal elections, military personnel should receive the same consideration for state and local elections, and taxpayer money should not be wasted on staging two separate primaries when a single primary could be held instead; and

Whereas, Voter turnout in the State of New York, and especially in the City of New York, is already very low; and

Whereas, Asking voters to go to the polls for two primaries months apart is both confusing and further depresses turnout; and

Whereas, A.8198, introduced by Assembly Speaker Sheldon Silver, would create a consolidated primary on the fourth Tuesday of June and was passed overwhelmingly by the New York State Assembly; and

Whereas, S.6204, introduced by State Senate Minority Leader Andrea Stewart-Counsins, which is the accompanying bill in the New York State Senate, has yet to be voted upon; 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 A.8198 and S.6204, which would amend the election law to consolidate New York's federal, state, and local primaries into one primary which would take place on the fourth Tuesday of June.

Referred to the Committee on Governmental Operations.

Int. No. 330

By Council Members Koo and Deutsch.

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 provide certain security measures for nonpublic schools.

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 by adding a new section 14-118.3 to read as follows:

§14-118.3.Provision of security services to nonpublic schools.

a. Definitions.For the purposes of this section, "nonpublic school" shall mean any nonprofit elementary or secondary school in the city of New York, other than a public school, which is providing instruction in accordance with the education law of the state of New York.

b. The New York city police department shall, upon request of the authorities of a nonpublic school, provide children who attend such school with any or all of the security services which are made available by the department of education to or for children attending the department's public schools.Such security measures may include, but are not limited to, an assessment of the security needs of the nonpublic school, placement of school safety officers at the nonpublic school and the use of video cameras or metal detectors.The Department shall have discretion with regard to whether school safety officers are deployed.

§2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Education.

Int. No. 331

By Council Members Koo and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to door to door commercial solicitations.

Be it enacted by the Council as follows:

Section 1. Chapter five of title 20 of the administrative code is amended by adding new a subchapter 19 to read as follows:

SUBCHAPTER 19

DOOR TO DOOR COMMERCIAL SOLICITATIONS

§ 20-824. Definitions.

§ 20-825. Prohibited activity.

§ 20-826. Penalties.

§ 20-824. Definitions. For the purposes of this subchapter the following definitions shall apply:

a. "Door to door commercial solicitation" shall mean to go upon, ring the doorbell affixed to, knock on the door of or attempt to gain admission to any private or multiple dwelling for the purpose of advertising a business or soliciting business.

b. "Multiple dwelling" shall have the same meaning as defined in paragraph seven of section four of article one of the state multiple dwelling law.

c. "Person" shall mean any natural person, firm, partnership, joint venture, corporation or association.

c. "Private dwelling" shall have the same meaning as defined in paragraph six of section four of article one of the state multiple dwelling law.

§ 20-825. Prohibited activity.a. No person shall engage in door to door commercial solicitation at any private or multiple dwelling where, in a conspicuous location at the entrance to such private or multiple dwelling, a sign is posted stating that door to door commercial solicitation is prohibited.

b. 1. In a private dwelling that is entirely owner-occupied and is designed for and occupied exclusively by no more than two families, any owner of such property shall have the authority to post such sign.

2. In all other private and multiple dwellings, the property owner shall only post such sign if the owner or lessee of each separate dwelling unit on such property or within such building indicates a desire to prohibit door to door commercial solicitations.Where one or more of such owners or lessees do not consent to the prohibition of door to door commercial solicitations, the property owner may post a sign prohibiting door to door commercial solicitation as long as the sign indicates those units where door to door commercial solicitation is permitted.

3. The signs permitted by this section shall be in a size and style to be determined by the commissioner.

§ 20-826. Penalties. A civil penalty of not less than two hundred and fifty dollars nor more than one thousand dollars shall be imposed for each violation of the provisions of this subchapter.

§ 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.

Int. No. 332

By Council Members Koo, Mendez and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to fines for failures to comply with commercial waste disposal policies.

Be it enacted by the Council as follows:

Section 1. Paragraph i of subdivision d of section 16-116 of the administrative code of the city of New York is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of [not less than fifty nor more than one hundred] *two hundred* dollars *for the first violation in any twelve-month period, five hundred dollars for the second violation in any twelve-month period, and six hundred dollars for the third and any subsequent violations in any twelve-month period*. Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty herein provided. *No civil penalty shall be imposed for a first violation of subdivision b of this section upon a satisfactory showing before the environmental control board that the respondent was in compliance with subdivision a of this section on the date that the notice of violation, appearance ticket or summons was issued, except that such a violation shall count for the purposes of determining second and subsequent violations of this section.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 333

By Council Members Lander, Johnson, King, Levine, Mendez, Reynoso and Richards.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to tax benefits pursuant to section four hundred twenty-one-a of the real property tax law and the affordable housing trust fund.

Be it enacted by the Council as follows:

Section 1. Subdivision 3 of section 1805 of the New York city charter, as added by local law number 58 for the year 2006, is amended to read as follows:

3. The sole purpose of the fund established pursuant to subdivision one of this section shall be to fund affordable housing [outside of the areas set forth in paragraphs two through four of subdivision (a) of section 11-245 of the administrative code of the city of New York].

§2. Subdivision 5 of section 1805 of the New York city charter, as added by local law number 58 for the year 2006, is amended to read as follows:

5. On or before February first, two thousand eight, and each year thereafter, the commissioner shall report to the council on the payments from the fund. Such report shall include a description of each project funded, including location, number of units, affordability requirements, status of the project and amount of funding for each project. [Within forty-five days of receipt of such report the council shall conduct a hearing on such report and such fund created pursuant to this section.] *The commissioner shall make such report available to the public online.*

§3. Subdivision a of section 11-245 of the administrative code of the city of New York, as amended by local law number 8 for the year 2006, is amended to read as follows:

(a)*(1)* No benefits under section four hundred twenty-one-a of the real property tax law shall be conferred for any construction commenced on or after November twenty-ninth, nineteen hundred eighty-five and prior to December thirty-first, two thousand seven for any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Manhattan bounded and described as follows: BEGINNING at the intersection of the bulkhead line in the Hudson River and 96th street extended; thence easterly to 96th street and continuing along 96th street to its easterly terminus; thence easterly to the intersection of 96th street extended and the bulkhead line in the East River; thence southerly along said bulkhead line to the intersection of said bulkhead line and 14th street extended; thence westerly to 14th street and continuing along 14th street to Broadway; thence southerly along Broadway to Houston street; thence westerly along Houston street to Thompson street; thence southerly along Thompson street to Spring street; thence westerly along Spring street to Avenue of the Americas; thence northerly along Avenue of the Americas to Vandam street; thence westerly along Vandam street to Varick street; thence northerly along Varick street to Houston street; thence westerly along Houston street and continuing to its westerly terminus; thence westerly to the intersection of Houston street extended and the bulkhead line in the Hudson River; thence northerly along said bulkhead line to the intersection of said bulkhead line and 30th street extended; thence easterly along 30th street to 11th avenue; thence northerly along 11th avenue to 41st street; thence westerly along 41st street and continuing to its westerly terminus; thence westerly to the intersection of 41st street extended and the bulkhead line in the Hudson River; thence northerly along said bulkhead line to the place of beginning.

(2) No benefits under section four hundred twenty-one-a of the real property tax law shall be conferred for any construction commenced on or after July first, two thousand fifteen for any tax lots now existing or hereafter created within the city of New York.

§4. The first sentence of subdivision b of section 11-245 of the administrative code of the city of New York, as added by local law number 97 for the year 1989, is amended to read as follows:

(b) The limitations contained in *paragraph one of* subdivision a of this section shall not be applicable to:

§5. Section 11-245 of the administrative code of the city of New York is amended by adding a new subdivision (b-1) to read as follows:

(b-1) The limitations contained in paragraph two of subdivision a of this section shall not be applicable to construction that satisfies the requirements of subdivision seven of section four hundred twenty-one-a of the real property tax law except that:

(1) construction shall not be deemed to be in compliance with item A of subparagraph (ii) of paragraph (c) of such subdivision unless (i) not less than twenty percent of the dwelling units in the multiple dwelling are, upon the initial rental of the units and upon all subsequent rentals of the units after a vacancy, affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed sixty percent of the area median income adjusted for family size or (ii) the department of housing preservation and development has promulgated rules and regulations requiring that more than twenty percent of the dwelling units in the multiple dwelling be, upon the initial rental of the units and upon all subsequent rentals of the units after a vacancy, affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed an amount set forth in such rules and regulations but not to exceed either one hundred twenty percent of the area median income adjusted for family size or, where the multiple dwelling contains more than twenty-five dwelling units, an average of ninety percent of the area median income adjusted for family size;

(2) construction shall not be deemed to be in compliance with item B of subparagraph (ii) of paragraph (c) of such subdivision unless (i) not less than twenty percent of the dwelling units in the multiple dwelling are, upon the initial sale of the units, affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed sixty percent of the area median income adjusted for family size or (ii) the department of housing preservation and development has promulgated rules and regulations requiring that more than twenty percent of the dwelling units in the multiple dwelling be, upon the initial sale of the units, affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed an amount set forth in such rules and regulations but not to exceed one hundred twenty-five percent of the area median income adjusted for family size; and

(3) an affordable housing unit contained within a generating site, as such terms are defined within section 23-911 of the New York city zoning resolution, shall only count fractionally, in a manner that the department of housing preservation and development shall establish by rule, toward satisfaction of any law, rule or regulation requiring that dwelling units within a multiple dwelling be restricted based on the income of the occupant or intended occupant in order for such multiple dwelling to be eligible for benefits under section four hundred twenty-one-a of the real property tax law.

§6. This local law shall take effect July 1, 2015 except that the commissioner of housing preservation and development shall take such actions 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. 334

By Council Members Lander, Reynoso, Van Bramer, Johnson, Koo and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to creating an interagency task force on electric assisted bicycle safety.

Be it enacted by the Council as follows:

Section 1. Findings and Intent. The City of New York is a unique urban environment and factors such as limited parking, traffic congestion and the availability of public transportation discourage car use. Consequently, many New Yorkers ride bicycles to work and other destinations. Bicyclists also ride for recreation and to improve health and fitness. Bicycling reduces road congestion and motor vehicle related pollution. The Council recognizes that the increase of bicycling in New York City creates health and environmental benefits. The Council also recognizes that there has been a recent increase in the use of electric assisted bicycles on the streets of the City of New York, especially by delivery personnel employed by commercial establishments like restaurants and messenger services. The Council recognizes that a safe environment for bicyclists and pedestrians can prevent injuries and fatalities. The Council finds that by establishing a mechanism for comprehensive review of the use of and the legal framework for electric assisted bicycles, we will better understand how to improve the safety of pedestrians and riders and also encourage safe bicycling practices with respect to electric assisted bicycles. Accordingly, the Council finds it necessary to examine the legal framework related to electric assisted bicycles.

§2. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

§19-190 Electric assisted bicycle safety task force. a. The department shall establish an electric assisted bicycle safety task force to examine the city's transportation needs and plans with respect to electric assisted bicycles. Such task force shall develop safety recommendations in light of the increased use of electric assisted bicycles. Such recommendations shall include, but not be limited to, the creation of rules and proposals for new legislation regarding electric assisted bicycles; infrastructure components for lanes and parking regarding electric assisted bicycles; and educational campaigns and other measures to promote lawful bicycling while ensuring the safety of bicyclists and pedestrians.

b. Such task force shall consist of the commissioner of transportation, the chair of city planning, and the commissioner of parks and recreation, or the respective designee of such commissioner or chair. The mayor shall appoint two additional members, including one transportation specialist and one bicycle use specialist. The speaker of the city council shall appoint four additional members, including one transportation specialist and one bicycle use specialist.

c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision f of this section.

d. Such task force shall serve for a term of one year. Any vacancy shall be filled in the same manner as the original appointment.

e. All members of such task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city expenses.

f. Such task force shall meet at least five times a year and shall convene a public hearing in each of the five boroughs. The commissioner of transportation shall serve as the chair of such task force and shall convene the first meeting of such task force within ninety days after the effective date of the local law that added this section. Such task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than twelve months after the effective date of the local law that added this section.

g. The task force shall terminate upon the issuance of its final report.

§3. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 335

By Council Members Lander, Torres, Arroyo, Chin, Johnson, Levin, Levine, Mendez and Rosenthal.

A Local Law to amend the administrative code of New York City, in relation to creating a land bank.

Be it enacted by the Council as follows:

Section 1.Title 25 of the administrative code of the city of New York is amended to add a new chapter 7 to read as follows:

CHAPTER 7

NEW YORK CITY LAND CORPORATION

§ 25-701 Definitions.

§ 25-702 Land corporation established; purpose.

§ 25-703 Members.

§ 25-704 Incorporators; board of directors.

§ 25-705 Disposition of real property.

§ 25-706 Review by urban development corporation; incorporation; adoption of initial bylaws.

Appendix A Initial Certificate of Incorporation of New York City Land Corporation.

Appendix B Initial Bylaws of the New York City Land Corporation.

§ 25-701 Definitions.For the purposes of this chapter, the following terms shall be defined as follows:

AFFORDABLE HOUSING UNIT. A dwelling unit that (1) is or will be permanently restricted by a restrictive covenant, possibility of reverter or other similar deed restriction or by an agreement made with or approved and enforceable by the land corporation, to occupancy by households whose incomes at the time of initial occupancy do not exceed a certain amount, provided that such amount does not exceed 80 percent of the area median income, and (2) contains floor area equal to or greater than the average non-affordable unit floor area for the zoning lot containing the dwelling unit.

AREA MEDIAN INCOME. The New York city metropolitan area median income, adjusted for family size, as determined by the United States department of housing and urban development.

AVERAGE NON-AFFORDABLE UNIT FLOOR AREA. The number obtained for a particular zoning lot by dividing the total floor area contained within dwelling units, other than affordable housing units, by the total number of dwelling units, other than affordable housing units.

DIRECTOR. A "director" as defined by section 102(a)(6) of the not-for-profit corporation law. "Director" shall refer herein to directors of the land corporation.

DWELLING UNIT. A "dwelling unit" as defined in section 27-2004 of the housing maintenance code.

FLOOR AREA. "Floor area" as defined in section 12-10 of the New York city zoning resolution.

HOUSEHOLD. Prior to initial occupancy of an affordable housing unit, a household is, collectively, all of the persons intending to occupy the affordable housing unit at initial occupancy. After initial occupancy of an affordable housing unit, a household is, collectively, all of the persons occupying the affordable housing unit.

INCORPORATOR. A person identified in section 25-704(a).

INITIAL OCCUPANCY. The first date upon which a particular household lawfully occupies a particular affordable housing unit.

LAND CORPORATION. The New York city land corporation established under this chapter.

MEMBER. A "member," as defined by section 102(a)(9) of the not-for-profit corporation law. "Member" shall refer herein to members of the land corporation.

REAL PROPERTY. "Real property" as defined by section 1602(f) of the not-for-profit corporation law.

ZONING LOT. A "zoning lot" as defined in section 12-10 of the New York city zoning resolution.

§ 25-702 Land corporation established; purpose. a. There is hereby created a "New York City land corporation," which shall be a type C not-for-profit corporation and, upon approval of the local law that added this chapter by the urban development corporation under section 1603(g) of the not-for-profit corporation law, a land bank under article 16 of the not-for-profit corporation law.

b. The purpose of the land corporation shall be to efficiently acquire, warehouse and transfer real property to expedite the development, rehabilitation and preservation of affordable housing and to encourage property uses that best serve the interests of the community but which are not sufficiently provided for by the free market, including industrial, manufacturing and maritime activities; fresh food stores; public and open spaces; and wildlife conservation areas.

§ 25-703 Members. The mayor and the speaker of the council shall be the members of the land corporation.

§ 25-704 Incorporators; board of directors. a. The following persons shall serve as the incorporators of the land corporation and shall serve as the initial directors until new directors are appointed under subdivision b:

(1) the president of the New York city economic development corporation;

(2) the commissioner of housing preservation and development;

(3) the chair of the city planning commission;

(4) the director of the land use division of the council; and

(5) the director of the finance division of the council.

b. No later than three months after the filing of the certificate of incorporation of the land corporation under section 25-706, the mayor shall appoint a number of directors equal to one half the total number of directors, rounded up to the nearest whole number, and the speaker of the council shall appoint a number of directors equal to one half the total number of directors, rounded down to the nearest whole number.

c. A person may not serve or continue serving as a director unless he or she:

(1) is a person of ability and integrity;

(2) has appropriate experience in real estate, finance, property management, community planning and development, organized community-based activities or other relevant field of endeavor; and

(3) is a registered voter of the city throughout his or her service on the board of directors.

d. The total number of directors shall be as set forth in the bylaws of the land corporation.

§ 25-705 Disposition of real property. a. Except as provided in subdivision b, the land corporation may only convey, lease as lessor or otherwise dispose of real property for one or more of the following:

(1) uses that would result in the creation or preservation of affordable housing units;

(2) if the property to be disposed of is located in an industrial business zone established under section 22-626 of this code, uses related to industrial, manufacturing or maritime activities;

(3) if the property to be disposed of is located within a FRESH food store designated area, as described in section 63-02 of the New York city zoning resolution, use as a FRESH food store, as defined by section 63-01 of the New York city zoning resolution;

(4) use as a public space or place; or

(5) use as a wildlife conservation area.

b. The land corporation may convey, lease as lessor or otherwise dispose of property for a use other than a use described in subdivision a only if:

(1) no less than 180 days and no more than one year before the disposition, the land corporation holds a public hearing, solicits public comment with respect to the disposition and considers the results of such public hearing and comments;

(2) no more than 90 days after the public hearing described in paragraph one, the land corporation finds that the disposition will best serve the interests of the community and prepares and makes publicly available online a report, signed by at least two thirds of the directors, setting forth all information supporting the finding including:

(A) all benefits that the disposition will provide for the community;

(B) all negative impacts that the disposition will have on the community

(C) a description of each public comment received and how the comment has been or will be addressed;

(D) how the disposition will better serve the community than the disposition for a use described in subdivision a;

(3) no more than 60 days and no less than 30 days after publication of the report described in paragraph two, the land corporation holds a public hearing with respect to the report, solicits public comment and considers the results of the public hearing and comments;

(4) no more than 20 days after the public hearing described in paragraph three, at least two thirds of the directors vote to approve the disposition; and

(5) no more than seven days after the disposition, the land corporation prepares and makes publicly available online the following information, in addition to the information required by section 1609(b) of the not-for-profit corporation law:

(A) the address of the property disposed of;

(B) the name, address and telephone number of the person to whom the property was conveyed, leased or otherwise disposed of; and

(C) the proposed use of the property.

c. When conveying, leasing as lessor or otherwise disposing of real property for a use that would result in the creation or preservation of affordable housing units, the land corporation shall prioritize disposition to a community land trust, as defined by section 12773(b) of title 42 of the United States code, a community housing development organization, as defined by section 12704(6) of title 42 of the United States code, or a nonprofit organization, as defined by section 12704(5) of title 42 of the United States code, and shall prioritize disposition for a proposed use that will maximize the number of affordable housing units at the zoning lot containing the property and the affordability of such units.

d. When conveying, leasing as lessor or otherwise disposing of real property, the land corporation shall prioritize disposition for a proposed use that will maximize the creation of living wage jobs pursuant to the bylaws of the land corporation.

§ 25-706 Review by urban development corporation; incorporation; adoption of initial bylaws. a. No later than 30 days after the effective date of this chapter, the mayor shall amend the certificate of incorporation for the land corporation, as set forth in appendix A, to include the names and addresses of the initial directors identified in section 25-704(a) and shall prepare and forward the following information to the urban development corporation for review and approval under section 1603(g) of the not-for-profit corporation law:

(1) a copy of the local law that added this chapter, amended as provided in this subdivision; and

(2) all other materials and information required by the urban development corporation.

b. No later than 30 days after approval of this chapter by the urban development corporation under section 1603(g) of the not-for-profit corporation law, the incorporators shall execute the certificate of incorporation for the land corporation, as set forth in appendix A and amended under subdivision a, and file the amended certificate with the department of state in accordance with article one of the not-for-profit corporation law.

c. No later than 30 days after filing the amended certificate under subdivision b, the directors shall adopt the bylaws set forth in appendix B of this chapter as the initial bylaws for the land corporation.

Appendix A Initial Certificate of Incorporation of New York City Land Corporation. The initial certificate of incorporation of the land corporation shall read as follows:

CERTIFICATE OF INCORPORATION
OF
NEW YORK CITY LAND CORPORATION

(Under section 402 of the Not-for-Profit Corporation Law)

1. Name. The name of the corporation is NEW YORK CITY LAND CORPORATION (hereafter referred to as the Corporation).

2. Type of Corporation. The Corporation is a "corporation" as defined by Section 102(a)(5) of the Not-for-Profit Corporation Law and is a Type C corporation under Section 201 of said law. The Corporation is also a "land bank" pursuant to Section 1602 of the Not-for-Profit Corporation Law.

3. Purposes. The Corporation is formed for the following purposes and to achieve the following lawful public or quasi-public objectives:

a. to perform the functions of a land bank as described in Article 16 of the Not-for-Profit Corporation Law;

b. to efficiently acquire and transfer properties to expedite the development, rehabilitation and preservation of affordable housing and to encourage property uses that best serve the interests of the community but which are not sufficiently provided for by the free market, which uses include industrial, manufacturing, and maritime activities; fresh food stores; public and open spaces; and wildlife conservation areas;

c. to conduct regular inventories of vacant properties and provide the public with efficient access to a listing of these inventories;

d. to aggregate and responsibly hold properties for future productive use;

e. to eliminate blight by the removal of barriers to returning vacant properties to productive use;

f. to effectively market and strategically convey, lease as lessor or otherwise dispose of properties of the Corporation; and

g. notwithstanding any other provision of this Certificate, the Corporation is organized exclusively for charitable, educational, and nonprofit purposes, and not for pecuniary or financial gain, as specified in Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code.

4. Powers. In furtherance of the purposes and objectives set forth in Article 3, the Corporation shall have all of the powers now or hereafter set forth in Section 1607 of the Not-for-Profit Corporation Law.

5. Office. The office of the Corporation is to be located in the County of New York, State of New York.

6. Registered Agent. The Secretary of the State of New York is hereby designated the agent of the Corporation upon whom process against it may be served. The Secretary of State shall mail a copy of any process against the Corporation served upon the Secretary of State as agent of the Corporation to the Mayor of the City of New York at City Hall, New York City, New York 10007.

Appendix B Initial Bylaws of New York City Land Corporation. The initial bylaws of the land corporation shall read as follows:

BYLAWS

OF
NEW YORK CITY LAND CORPORATION

1. Members. a. The members of the New York City Land Corporation (hereafter referred to as the Corporation) shall be the Mayor of the City of New York (Mayor) and the Speaker of the Council of the City of New York (Speaker), pursuant to Section 25-703 of the Administrative Code of the City of New York.

b. Annual meeting. The first annual meeting of the members shall, pursuant to Section 25-704(b) of the Administrative Code of the City of New York, be held within three months of the date on which the Corporation's Certificate of Incorporation (hereafter referred to as the Certificate) is filed with the Department of State. Annual meetings shall be held each year thereafter on the anniversary date of such filing except that if such anniversary date falls on a Saturday, Sunday, or holiday, the annual meeting shall be held on the first business day occurring thereafter.

2. Directors. a. The powers of the Corporation shall be exercised by a board of directors.

b. Number of directors. The Corporation shall have five (5) initial directors and thereafter shall have eleven (11) directors.

c. Appointment. The directors, other than the initial directors, shall be appointed by the Mayor and the Speaker pursuant to Section 25-704(b) of the Administrative Code of the City of New York. Two of the directors appointed by the Mayor and two of the directors appointed by the Speaker shall be employees, members or directors of entities that are (i) not-for-profit corporations, advocacy organizations, civic associations, community-based organizations or other similar entities and (ii) working in the field of housing, planning or community development.

d. Term. Each director shall serve a term of two years.

e. Amendments to Certificate of Incorporation and Bylaws; Selling Substantially All Assets. The board of directors may amend the Certificate and these Bylaws without approval of the members, except that approval of all of the members shall be required for any proposed amendment to Article 1, 2 or 3 of these Bylaws. In the event that the Corporation undertakes to sell or otherwise dispose of substantially all of its assets, such action must be approved by the members in accordance with Section 510 of the Not-for-Profit Corporation Law.

3. Encouraging the creation of living wage jobs. a. Except as provided in Subdivision e of this Article, the Corporation may only convey, lease as lessor or otherwise dispose of real property for use as a living wage property.

b. For the purposes of this Article, the term "living wage property" means real property where, pursuant to a restrictive covenant, possibility of reverter or other similar deed restriction for the property or an agreement made with or approved and enforceable by the Corporation, all natural persons performing work of any kind, other than construction work, at the property for a covered owner or occupant of the property, including work of any kind, other than construction work, performed at the property pursuant to an agreement made between such covered owner or occupant and a third party, are paid no less than a living wage.

c. (i) For the purposes of this Article, a "covered owner or occupant" means an owner or occupant of real property, other than real property in which more than seventy-five percent (75%) of the floor area is comprised of affordable housing units, as such terms are defined by Section 25-701 of the Administrative Code of the City of New York; provided, however, that such affordable housing units may be permanently affordable to households whose incomes at the time of initial occupancy do not exceed one hundred twenty-five percent (125%) of the area median income, as such terms are defined by Section 25-701 of the Administrative Code of the City of New York.

(ii) Notwithstanding Paragraph i of this Subdivision, the term "covered owner or occupant" shall not include an owner or occupant that:

(A) Has annual gross revenues of less than five million dollars ($5,000,000.00) when such revenues are aggregated with the revenues of each parent entity of such owner or occupant, each subsidiary entity of such owner or occupant and each entity owned or controlled by a parent entity of such owner or occupant;

(B) Is a not-for-profit corporation, as defined by Section 102(a)(10) of the Not-For-Profit Corporation Law;

(C) Is using the property primarily for industrial, manufacturing or maritime activities; or

(D) Is using the property primarily to operate a FRESH food store, as defined by Section 63-01 of the New York City Zoning Resolution.

d. (i) The living wage shall be an hourly compensation package that is no less than the sum of the living wage rate and the health benefits supplement rate for each hour worked. As of the effective date of the local law that added Chapter 7 of Title 25 of the Administrative Code of the City of New York, the living wage rate shall be ten dollars and 20 cents ($10.20) per hour and the health benefits supplement rate, which may be provided in the form of cash wages, health benefits or any combination of the two, shall be one dollar and 55 cents ($1.55) per hour. The value of health benefits shall be determined based on the prorated hourly cost to the person paying for the health benefits.

(ii) In 2015 and each year thereafter:

(A) On January 1, the living wage rate and the health benefits supplement rate shall be adjusted based on the 12-month percentage increases, if any, in the Consumer Price Index for All Urban Consumers for All Items and the Consumer Price Index for All Urban Consumers for Medical Care, respectively, or their successor indexes, if any, as published by the Bureau of Labor Statistics of the United States Department of Labor, based on the most recent 12-month period for which data is available. The adjusted living wage rate and health benefits supplement rate shall each then be rounded to the nearest five cents.

(B) On April 1, the adjusted living wage rate and health benefits supplement rate shall become effective as the new living wage rate and health benefits supplement rate, respectively.

(iii) For persons who customarily and regularly receive tips, any tips received and retained by the person may be credited towards the living wage rate if, for each pay period that the sum of the person's cash wages and tips received is less than the living wage rate multiplied by the number of hours worked, the person receives the difference in additional cash wages.

e. The Corporation may convey, lease as lessor or otherwise dispose of real property for a use other than use as a living wage property only where the Corporation complies with Section 25-705(b) of the Administrative Code of the City of New York; provided further that, in the report required by Section 25-705(b)(2) of such code, the Corporation shall specify the reason that disposition of the property for use a living wage property is impracticable or undesirable.

4. Strategic Plan. The Corporation shall develop a strategic plan to address the purposes for which it has been formed and shall update such plan from time to time as needed. The Corporation shall provide a copy of such plan, and any updates thereto, to each member.

5. Nondiscrimination and Affirmative Action Policy. The Corporation shall have a nondiscrimination and affirmative action policy which shall read as follows:

"NEW YORK CITY LAND CORPORATION
NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY

The New York City Land Corporation (NYCLC) shall not discriminate against any person upon the basis of race, color, religion, national origin, sex, disability, sexual orientation, gender identity, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, or stalking. This policy also prohibits retaliation.

NYCLC shall also ensure that any transferee or purchaser of any property from NYCLC, and any successor in interest thereto, abides by this policy in the sale, lease or rental, or in the use or occupancy of the property or improvements erected or to be erected thereon or any part thereof."

§2.This local law shall take effect immediately. This local law shall expire one year after enactment unless the urban development corporation approves this local law under subdivision g of section sixteen hundred three of the not-for-profit corporation law within one year after enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 336

By Council Members Lander, Arroyo, Chin, Gentile, Gibson, Johnson, Levin, Levine, Mendez, Reynoso and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to periodically report on the inclusionary housing program and any similar successor programs.

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11
PERIODIC REPORTS ON INCLUSIONARY HOUSING PROGRAMS

§ 26-1101 Definitions. For the purposes of this chapter, the following terms shall mean as follows:

ADMINISTERING AGENT. (1) An administering agent, as such term is defined by section 23-911 of the New York City Zoning Resolution, and (2) an individual or entity responsible for ensuring that (i) income-restricted housing units at a generating site are occupied in accordance with the income restrictions for such units or (ii) sleeping quarters for persons with special needs at a generating site are used as sleeping quarters for persons with special needs.

COMPENSATED DEVELOPMENT. (1) A compensated development, as such term is defined by section 23-911 of the New York City Zoning Resolution, and (2) a development, enlargement of the floor area of an existing building or a conversion of a building, or portion thereof, from non-residential use to dwelling units, as such terms are defined by section 12-10 of the New York City Zoning Resolution, that is located within a compensated zoning lot.

COMPENSATED ZONING LOT. (1) A compensated zoning lot, as such term is defined by section 23-911 of the New York City Zoning Resolution, and (2) a zoning lot that receives an increased floor area ratio, as such terms are defined by section 12-10 of the New York City Zoning Resolution, as a result of (i) income-restricted housing units being provided at a generating site or (ii) sleeping quarters for persons with special needs being provided at a generating site.

DEPARTMENT. The department of housing preservation and development.

GENERATING SITE. (1) A generating site, as such term is defined by section 23-911 of the New York City Zoning Resolution, and (2) a building or building segment, as such terms are defined by section 12-10 of the New York City Zoning Resolution, containing income-restricted housing units or sleeping quarters for persons with special needs.

INCOME-RESTRICTED HOUSING UNIT. A dwelling unit or rooming unit, as such terms are defined by section 12-10 of the New York City Zoning Resolution, the occupancy of which is or will be restricted based on the income of the occupant or intended occupant.

§ 26-1102 Annual report. No later than June 1 of each year, the department, in consultation with the department of buildings and the department of city planning, shall report to the council, and make available on the department's website, the following information for each compensated development:

(1) the address, block and lot number;

(2) the source and type of all financial assistance, including but not limited to grants, loans, subsidies, tax credits and tax exemptions or abatements, provided for the compensated development by any federal, state or local agency or instrumentality for the purpose of promoting the creation, preservation or rehabilitation of income-restricted housing units or sleeping quarters for persons with special needs;

(3) the following information for each generating site related to the compensated zoning lot:

(i) the address, block and lot number;

(ii) the number of income-restricted housing units located at the generating site, disaggregated by income restriction; and

(iii) the administering agent.

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 337

By Council Members Lander, Chin, Van Bramer, Deutsch, Rose, Williams, Rosenthal, Cornegy, Maisel, Crowley, Arroyo, Eugene, Gentile, Gibson, Johnson, Levin, Levine, Mendez, Reynoso, Vallone, Koslowitz, Vacca and Ulrich.

A Local Law to create a senior housing task force.

Be it enacted by the Council as follows:

Section 1. a. There is hereby established a senior housing task force that shall develop and recommend changes to the laws, rules, regulations and policies related to the building code, housing development, housing maintenance, taxation and zoning in order to increase the availability and affordability of safe, appropriate housing for older New Yorkers both present and future.

b. The senior housing task force shall perform the following actions and propose changes to the laws, rules, regulations and policies where appropriate:

(i) identify and evaluate the public and private financing sources available for the construction or rehabilitation of housing for older New Yorkers;

(ii) identify and evaluate options for converting, rehabilitating or altering existing structures to better accommodate older New Yorkers;

(iii) identify and evaluate the public and private financing sources available to promote independent living, shared or communal housing, supportive housing or assisted living among older New Yorkers;

(iv) identify and evaluate the policies related to encouraging healthy aging behaviors or aging in place;

(v) identify and evaluate the public and private financing sources available for the maintenance and repair of housing for older New Yorkers;

(vi) identify and evaluate the policies related to older New Yorkers' access to home improvement contractors and other means of maintenance and repair, including but not limited to weatherization programs;

(vii) identify and evaluate current tax exemptions, tax abatements and other financial programs that would affect the rent, maintenance costs or other housing costs for older New Yorkers;

(viii) identify and evaluate the legal assistance, social services, crisis intervention and financial assistance options available for older New Yorkers facing eviction or at risk of eviction;

(ix) identify and evaluate the current parking requirements for affordable housing and determine whether such requirements create a bar to the construction of affordable housing for older New Yorkers;

(x) identify, evaluate and encourage the coordination of and partnerships among housing unit managers, housing managers, residents and providers of health and social services in naturally occurring retirement communities and other communities with significant populations of older New Yorkers;

(xi) identify and evaluate efforts in other jurisdictions to address the issues described in paragraphs (i) through (x) above in order to identify best practices; and

(xii) consult with senior housing advocacy groups.

c. The senior housing task force shall have nineteen members which shall be:

(i) the commissioner of buildings or his/her representative;

(ii) the commissioner of housing preservation and development or his/her representative;

(iii) the director of city planning or his/her representative;

(iv) the commissioner of aging or his/her representative;

(v) the commissioner of design and construction or his/her representative;

(vi) the commissioner of finance or his/her representative;

(vii) the chairperson of the New York city housing authority or his/her representative;

(viii) the commissioner of health and mental hygiene or his representative;

(ix) the commissioner of the mayor's office for people with disabilities or his/her representative;

(x) nine members appointed by the speaker of the council no later than thirty days after the effective date of this chapter; and

(xi) one additional member appointed by the mayor to serve as chairperson of the senior housing task force no later than thirty days after the effective date of this chapter.

d. The senior housing task force shall have a duration of three years and thirty days.

e. The senior housing task force shall meet at least quarterly and every six months shall issue a report to the mayor and the council detailing its activities and recommendations.

§ 2.This local law shall take effect immediately.

Referred to the Committee on Aging.

Int. No. 338

By Council Members Lander, Williams, Koslowitz, Cornegy, Cumbo, Crowley, Arroyo, Chin, Eugene, Gentile, Gibson, Koo, Mendez, Richards and Ulrich.

A Local Law to amend the New York city charter, in relation to establishing a panel to review regulations related to child day care programs.

Be it enacted by the Council as follows:

Section 1.Chapter 22 of the New York city charter is amended by adding a new subchapter 570 to read as follows:

570. Panel to review child care regulations.a.The department shall establish a temporary panel to review any provisions of the administrative code, the rules of the city of New York, and the New York City health code with which a child day care provider must comply to operate as such a provider, including applicable regulations of the following agencies: the department; the administration for children's services; the department of buildings; and the fire department.Such panel shall include the commissioners of each such agency or their designees. The mayor shall appoint two additional members and the speaker of the council shall appoint three additional members, provided that such members shall have appropriate expertise in the applicable statutory provisions and regulations.For purposes of this subchapter, "child day care provider" shall have the same meaning as it does in section three hundred ninety of state social services law.

b.Such panel shall study and evaluate the extent to which such provisions, rules, and health code should be modified to assist potential child day care providers with meeting regulatory objectives while minimizing the costs and administrative burdens borne by such providers. When conducting such study and evaluation, the panel shall consider the following issues: duplicative permitting; fragmented authority for inspection; communication and coordination between relevant agencies; communication between relevant agencies and applicants; consistency of enforcement of applicable codes; and delays in the application and inspection process.

c.Such panel shall report its findings and recommendations for any such modifications in writing to the speaker of the council and the mayor no later than one hundred eighty days after the effective date of the local law that added this subchapter.

§2.This local law shall take effect immediately after its enactment.

Referred to the Committee on Health.

Int. No. 339

By Council Members Lander, Arroyo, Cohen and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax.

Be it enacted by the Council as follows:

Section 1.Paragraph four of subdivision b of section 17-309 of subchapter two of chapter three of title 17 of the administrative code of the city of New York is amended to read as follows:

4.Proof that the applicant has obtained a certificate of authority to collect sales taxes pursuant to section eleven hundred thirty-four of the tax law and has a tax clearance certificate from the state tax commission of the state of New York[.], *except that only applicants applying for a permit shall be required to present such proof.*

§ 2. This local law shall take effect ninety days after its enactment, provided, however that the commissioner may promulgate any rules and take such actions as are necessary prior to such effective date.

Referred to the Committee on Health.

Int. No. 340

By Council Members Lander and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to the temporary closing of sidewalks.

Be it enacted by the Council as follows:

Section 1. Section 19-103 of the administrative code of the city of New York is amended by adding a new subsection j to read as follows:

j. When a permit to temporarily close a sidewalk expires, and the permitee has not requested a new permit, the department shall communicate with the department of buildings in order to determine whether all construction permits issued by the department of buildings associated with the sidewalk obstruction have expired. If all such department of buildings construction permits associated with the sidewalk obstruction have expired and the removal of such obstruction would not create an unsafe condition, the department shall order the removal of the obstruction associated with the expired permit to temporarily close a sidewalk.

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

Referred to the Committee on Transportation.

Int. No. 341

By Council Members Lander, Cumbo, Johnson and Levin.

A Local Law to amend the New York city charter, in relation to the creation of the department of early childhood development, and to repeal paragraph 4 of subdivision a of section 617 of such charter in relation thereto.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of section 617 of the New York city charter is REPEALED.

§ 2. Paragraph 5 of subdivision a of section 617 of the New York city charter is renumbered paragraph 4.

§ 3. The New York city charter is amended by adding a new chapter 23 to read as follows:

Chapter 23.

Department of Early Childhood Development.

§ 580. Administration; commissioner. There shall be a department for early childhood development, the head of which shall be the commissioner of early childhood development.

§ 581. Deputies. The commissioner shall appoint at least one deputy.

§ 582. Powers and duties. a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this section. The commissioner shall have the power to perform functions related to providing appropriate daycare, Head Start and other child-care services.

b. Wherever the powers and duties of an agency other than the department of early childhood development as set forth in the charter or administrative code confer any authority over the areas of daycare, Head Start or other child-care services within the jurisdiction of the commissioner of early childhood development pursuant to this section, such powers and duties shall be deemed to be within the jurisdiction of the department of early childhood development and shall be exercised by such department; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

§ 583. Additional functions. a. For purposes of this section, "child day care provider" shall have the same meaning as it does in section three hundred ninety of the social services law.

b. Except as otherwise provided in state or federal law, the commissioner may, in addition:

1. create education goals and quality standards for children from birth to five years of age enrolled in day care, Head Start and other child-care services;

2. facilitate regulatory alignment among relevant agencies, including but not limited to the department of buildings, the department of health and mental hygiene, and the fire department, in order to minimize costs and administrative burdens borne by new and existing child day care providers;

3. facilitate communication between relevant agencies and potential child day care providers in order to assist such providers in completing the regulatory inspection process in an efficient and timely manner;

4. facilitate communication between families and child day care providers;

5. facilitate the professional development of early childhood education teachers; and

6. explore plans to expand capacity for subsidized child care.

§ 4. Subdivision b of section 617 of the New York city charter is amended to read as follows:

b. Wherever the powers and duties of an agency other than the administration for children's services as set forth in the charter or administrative code confer any authority over the areas of child welfare, child development or child support enforcement within the jurisdiction of the commissioner or children's services pursuant to section six hundred seventeen of this chapter, *except if such areas relate to daycare, Head Start and other child-care services within the jurisdiction of the commissioner of early childhood development pursuant to section five hundred eighty-two of chapter twenty-three of the charter,* such powers and duties shall be deemed to be within the jurisdiction of the administration for children's services and shall be exercised by such administration; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to child support enforcement or determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

§ 5. This local law shall take effect one hundred eighty days after its enactment into law.

Referred to the Committee on Governmental Operations.

Res. No. 233

Resolution calling on the United States Congress to pass and the President to sign into law the Kosher and Halal Food Act of 2013 (S.811/H.R.1794), which would provide for the increased availability of Kosher and Halal food at food banks and modify the labeling of the commodities list to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks.

By Council Members Lander, Deutsch, Gentile, Levine, Chin, Eugene, King, Mendez, Richards, Koslowitz, Kallos, Miller and Ulrich.

Whereas, According to the Metropolitan Council on Jewish Poverty and the Council of Peoples Organization, an estimated 330,000 Jewish households in New York City and 300,000 Muslim households in the tri-state area live in poverty; and

Whereas, Due to the dietary requirements of their faith, many families are unable to rely on food pantries participating in the United Stated Department of Agriculture's Emergency Food Assistance Program to feed their families; and

Whereas, After Hurricane Sandy, nonprofits had to step in to ensure Kosher and Halal options were available in the hardest-hit communities; and

Whereas, Senator Kirsten Gillibrand (D-NY) and Representative Joseph Crowley (D-NY) introduced the Kosher and Halal Food Act of 2013 (S.811/H.R.1794) to address this shortage of food options; and

Whereas, The legislation amends the Emergency Food Assistance Act of 1983 by requiring the United States Secretary of Agriculture to finalize and implement a plan to increase the purchase of food from manufacturers with a Kosher or Halal certification if the Kosher and Halal food purchased is cost neutral as compared to food that is not from food manufacturers with such certification; and

Whereas, The Kosher and Halal Food Act also requires the implementation of a plan to modify the labeling of the commodities list used to carry out the Emergency Food Assistance Program in a manner that enables Kosher and Halal food bank operators to identify which commodities to obtain from local food banks; and

Whereas, This legislation would increase the supply of Kosher and Halal food for food pantries to ensure families do not have to choose between sacrificing their faith or going hungry; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law the Kosher and Halal Food Act of 2013 (S.811/H.R.1794), which would provide for the increased availability of Kosher and Halal food at food banks and modify the labeling of the commodities list to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks.

Referred to the Committee on General Welfare.

Res. No. 234

Resolution calling upon the New York State Legislature to seal housing court records until the case has been decided and to permanently seal such records if the tenant prevails.

By Council Members Levine, Rosenthal, Chin, Gentile, Gibson, Johnson and Reynoso.

Whereas, In 2011, in New York City, two-thirds of the population, or 5,309,000 persons, lived in renter households; and

Whereas, Every year there are over 200,000 Housing Court filings in New York City; and

Whereas, Until recently, the Office of Court Administration (OCA) sold Housing Court data to tenant screening companies, including the names and addresses of tenants involved in Housing Court proceedings; and

Whereas, In 2012, OCA agreed to stop including the names of tenants in data sold to tenant screening companies, but continued to make tenants names available through the Unified Civil Courts' eCourts website and through the Housing Court clerk's office; and

Whereas, The tenant screening companies offer access to the list of Housing Court involved tenants to landlords for a fee, and landlords use the information to decide whether to rent to tenants; and

Whereas, These lists are often full of inaccuracies and are traded between the approximately 650 tenant screening companies across the United States; and

Whereas, Because many landlords will not rent to a tenant who has ever been in Housing Court, regardless of the outcome of the case, the tenants screening company list has become known as the "tenant blacklist"; and

Whereas, Many of the tenants currently on the tenant blacklist were in Housing Court to advocate for their legal rights, and received favorable case outcomes; and

Whereas, The threat of inclusion on the tenant blacklist discourages tenants from taking their landlords to Court, even when their rights have been violated; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to seal housing court records until the case has been decided and to permanently seal such records if the tenant prevails.

Referred to the Committee on Housing and Buildings.

Int. No. 342

By Council Members Matteo, Ulrich, Ignizio, Eugene, Gentile, Koo, Cohen, Levine, Deutsch, Vacca, Richards, Koslowitz, Rosenthal, Rose, and Mendez (by the request of the Staten Island Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a remediation of unsafe flooded homes program.

Be it enacted by the Council as follows:

Section 1.Legislative findings and intent. Hurricane Sandy hit New York City on October 29, 2012, causing heavy flooding, severe winds, power outages, and widespread damage to buildings and homes across the City. The Council finds that homes that were affected by Hurricane Sandy but which have been vacant with no evidence of pursuit of remediation by the owner may be unsafe and unsound due to conditions including, but not limited to, scour and erosion undermining foundations and/or floor slabs, breakage or collapse of parts of foundation piers or walls, corroded electrical gear posing a fire risk, destabilization in connectors or retaining walls and foundations, and problems arising from sitting salty water and mold. Failing to remedy such conditions can have impact on the long-term structural integrity and habitability of a building and pose serious danger to the health and safety of residents.

The Remediation of Unsafe Flooded Homes Program is designed to address the risks posed by homes that may be structurally unsafe or unsound due to flooding and other damage inflicted by Hurricane Sandy. The Program focuses on homes which may be vacant, abandoned or in foreclosure proceedings, and in which there is indicia of structural damage and/or lack of remediation since the storm.

The goals of the Program are to make these homes livable, habitable and safe and to give the Department of Housing Preservation and Development and the Department of Buildings the power to take appropriate action to remediate and to correct the conditions of these homes.

§ 2.Subchapter 5 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 11 to read as follows:

ARTICLE 11

REMEDIATION OF UNSAFE FLOODED HOMES PROGRAM

§ 27-2154 Remediation of Unsafe Flooded Homes Program. *a. For the purposes of this section, "Private dwelling" shall have the same meaning as it does in paragraph 6 of subdivision a of section 27-2004 of this code.*

b. The department, in consultation with the department of buildings, shall within sixty days of the effective date of this article, identify no fewer than one hundred private dwellings for participation in the remediation of unsafe flooded homes program, including private dwellings identified pursuant to subdivision c of this section, provided however that a private dwelling shall not be included in the program if it is undergoing or has undergone repair work performed or funded by the build it back program. The criteria used to identify such dwelling shall be:

1. Evidence that the private dwelling experienced flooding due to Hurricane Sandy. Such evidence may include, but is not limited to, maps or other materials provided by the office of emergency management, the federal emergency management agency or other government agencies which indicate that such private dwelling is within the geographic areas exposed to flooding during Hurricane Sandy; and

2. Evidence, visible or demonstrable from the exterior of the private dwelling, indicating one or more of the following:

(i) damage related to Hurricane Sandy, including, but not limited to, erosion or scour at the foundation and/or floor slabs, cracks in the façade or foundation, breakage or collapse of parts of foundation piers or walls, or any other damage to the foundation, partial collapse of brick siding or loss of walls and floors, the presence of one or more sinkholes on the property, visible signs of mold and/or flooding or water damage, evidence of disrepair, or the presence of debris;

(ii) a condition or conditions constituting a public nuisance pursuant to section 27-2114 of this title or section 28-207.3 of title 28 of the administrative code of the city of New York;

(iii) a condition or conditions constituting an unsafe building or structure, pursuant to article 216 of chapter 2 of title 28 of the administrative code of the city of New York;

(iv) a hazardous or immediately hazardous violation relating to articles 2, 4, 5 or 7 of subchapter 2 of chapter 2 of this title; or

(v) a major or immediately hazardous violation, as such terms are used in title 28 of the administrative code of the city of New York, relating to articles 302 or 305 of chapter 3 of title 28 of the administrative code of the city of New York, or chapters 14, 15 or 18 of the New York city building code; and

3. Evidence that the private dwelling is vacant or abandoned.

c. The borough presidents and members of the council of the city of New York are authorized to provide the department with information in writing concerning one or more private dwellings within their respective borough or district for participation in the remediation of unsafe flooded homes program.The department, in consultation with the department of buildings, shall include such private dwelling in this program if such private dwelling identified satisfies the criteria provided pursuant to subdivision b of this section.

d. The department shall within thirty days of identifying private dwellings pursuant to subdivisions b and c of this section provide written notification to the owner and mortgagee of record of any such private dwelling identified for participation in the remediation of unsafe flooded homes program, the occupants of such private dwelling and the council member in whose district such private dwelling is located, and the borough president in whose borough such private dwelling is located, that such private dwelling is subject to the requirements of this article. The department shall simultaneously provide to such owner information about programs that may be available to such private dwelling for the purpose of remediating damage caused by flooding. The department shall provide such owner an opportunity to contest inclusion of such private dwelling in such program at a hearing held pursuant to section 27-2092 of this title within thirty days of such written notification. Upon receiving sufficient evidence that (i) the private dwelling does not satisfy one or more of the criteria set forth in subdivision b of this section, (ii) the conditions alleged to satisfy the criteria set forth in paragraph 2 of subdivision b are not related to or caused by Hurricane Sandy, (iii) the private dwelling is currently undergoing repair work performed or funded by a government program or service providing remediation or assistance to private dwellings affected by Hurricane Sandy, or is undergoing or has undergone repair work performed or funded by the build it back program, or (iv) that the owner has applied or is in the process of applying for assistance or remediation from the build it back program for such dwelling, the department shall remove such dwelling from the remediation of unsafe flooded homes program.

e. 1.Notwithstanding any other provision of law, the department, together with the department of buildings, shall perform a building-wide inspection of any private dwelling that is identified pursuant to subdivisions b and c of this section. Such building-wide inspection shall be commenced no later than thirty days after the period to contest inclusion in the remediation of unsafe flooded homes program pursuant to subdivision d of this section or, if contested, thirty days from the date of a final determination by the department that such private dwelling shall be included in such program pursuant to subdivision d of this section.After such building-wide inspection is completed, the department, in consultation with the department of buildings, shall issue an order to such owner and mortgagee of record to correct violations of this title, title 28 of the administrative code of the city of New York, the multiple dwelling law, and any other law, rule or regulation which relates to the maintenance, use, occupancy, safety or sanitary condition of any building or portion thereof which is occupied, arranged or intended to be occupied as a home, residence or dwelling place, and repair the related underlying conditions as shall be specified in such order.Such building-wide inspection shall be completed and such order issued within ninety days of commencement of the building-wide inspection. Such order shall be filed in the office of the county clerk in the county in which the private dwelling is located. For purposes of this article, a "related underlying condition" shall mean a physical defect or failure of a building system that is causing or has caused a violation, such as, but not limited to, a structural defect, or failure of a heating or plumbing system.

2. The department, in consultation with the department of buildings, shall: (i) within thirty days of the filing of such order prepare a scope of work necessary to correct the violations and repair the related underlying conditions as are specified in such order; (ii) cause repair work to be commenced and expeditiously completed unless there are circumstances beyond the control of the department or the department of buildings to commence such repair work, such as the inability to obtain access to the building or any part thereof necessary for the making of such repairs, in which case the repairs related to the portion of the building to which access could not be obtained may be delayed until access is obtained; or the inability to obtain necessary legal approvals, materials or labor; or where there is ongoing litigation with respect to the building that prevents such work from being performed by the department or the department of buildings; or where the owner or the mortgagee of record undertakes the repair work in a manner that is satisfactory to the department; or where commencement or completion of the work is not practicable because a vacate or similar order has been issued by the department or any city agency and/or the cost of performing work necessary for restoring the building pursuant to the order is economically infeasible; and (3) monitor repair work as it is performed.For the purposes of this section, "economically infeasible" shall mean a determination by the department or department of buildings that the cost of repairing a particular building would exceed the anticipated market value of such building after all repairs have been completed.However, any determination by the department or the department of buildings that, for the purposes of this section, repairs to a particular building would be economically infeasible for the department or any city agency to undertake, shall not take into consideration the owner's conduct with respect to the building.

3. If the department or the department of buildings determines that the cost of performing work necessary for restoring the building pursuant to the order is economically infeasible, the department, in consultation with the department of

buildings, shall make a determination as to the disposition of the building, which may include, but not be limited to, issuing and enforcing a vacate order pursuant to the authority and procedural requirements set forth in article 207 of chapter 2 of title 28 of the administrative code of the city of New York or pursuant to the authority and procedural requirements set forth in article 7 of subchapter 5 of chapter 2 of title 27 of the administrative code of the city of New York, demolishing or removing an unsafe building or structure pursuant to the authority and procedural requirements set forth in article 216 of chapter 2 of title 28 of the administrative code of the city of New York, or causing the city of New York to acquire the property according to law by purchase.

f. The department, in consultation with the department of buildings, may discharge from the remediation of unsafe flooded homes program a building for which an order to correct has been issued pursuant to subdivision e of this section upon: (1) substantial compliance, (2) payment of fees provided for in subdivision i of this section, (3) payment to the department of all outstanding emergency repair charges, including liens, or entry into an agreement with the department of finance to pay such charges and liens, provided however that the terms of such discharge have been satisfied within thirty days of the filing of an order pursuant to subdivision e, and (4) registration of such building in accordance with article 2 of subchapter 4 of chapter 2 of this title where applicable.Where the department determines to discharge a building from such program, it shall provide a written determination to the owner, the mortgagee of record, the occupants of such building, the council member in whose district such building is located, and the borough president in whose borough such building is located, and shall file in the office of the county clerk in the county in which such building is located, a rescission of the order issued pursuant to subdivision e of this section, where such order has been issued. For the purposes of this section, "substantial compliance" shall mean that at the time of reinspection by the department, all violations relating directly to the underlying conditions that make the building unsafe, dangerous to human life or safety or detrimental to health, have been determined by the department to have been corrected.

g.The department and the department of buildings shall enforce the provisions of this section.

h. In the event the owner, mortgagee of record or occupant of such private dwelling does not permit access for inspection pursuant to subdivision c of this section, the department shall apply for an order of access in accordance with the provisions of section 27-2123 of this code.For purposes of satisfying the requirement to submit an application by the department to a judge of a civil court of competent jurisdiction pursuant to subdivision a of section 27-2123 of this code, the application shall be accompanied by an affidavit affirming that the criteria provided in subdivision b of this section are satisfied.If the court grants an order of access, but the person to whom the order is directed does not provide or refuses access, the department and the department of buildings shall have recourse to remedies provided by law to secure entry.Any time period set forth in this section within which the department is required to act shall be tolled during the period in which the department is making such efforts to obtain access or is seeking an order of access.

i. An owner of a private dwelling who has been notified of participation in the remediation of unsafe flooded homes program pursuant to subdivision d of this section shall be subject to fees for any inspection, reinspection or any other action taken by the department or department of buildings in relation to such private dwelling during the time period that the private dwelling is in such program, provided, however, that such dwelling has not been removed from such program pursuant to such subdivision. A schedule of fees for this purpose shall be prescribed in rules promulgated by the department.

j. All amounts for expenses incurred and fees imposed by the department or the department of buildings pursuant to this article that remain unpaid by an owner, shall constitute a debt recoverable from the owner or mortgagee of record and a lien upon the private dwelling and lot, and upon the rents and other income thereof. The provisions of article 8 of this subchapter shall govern the effect and enforcement of such debt and lien. The department in consultation with the department of buildings may serve a statement of account upon an owner for such amounts pursuant to section 27-2129 of this subchapter.

k. Any failure by the department or the department of buildings to provide notification to occupants of a building that is participating in the remediation of unsafe flooded homes program or borough presidents or council members as required by this article shall not prevent the department or department of buildings from taking any actions under or enforcing the provisions of this article, except that the department in consultation with the department of buildings shall attempt to remedy any such failure immediately upon its discovery.

l. On or before March first of each year, the department together with the department of buildings shall prepare and submit to the council a report on the results of the remediation of unsafe flooded homes program. Such report shall be cumulative and shall include the following: (i) the address and owner of each private dwelling that has been or is currently in the program; (ii) the council member in whose district such private dwelling is located; (iii) for each such private dwelling, the number of open hazardous and immediately hazardous violations, and open major or immediately hazardous violations as such terms are used in title 28 of the administrative code of the city of New York at the time the remediation of unsafe flooded homes program was used as an enforcement mechanism, whether or not the department or the department of buildings has sought a remedy under paragraph 3 of subdivision e of this section, and the remedial course taken, whether or not such private dwelling has been discharged from the program and the reason for such status; and (iv) the number of private dwellings for which substantial compliance has not been achieved within twelve months from the start of their participation in the program. Such report shall be posted on the department's website within ten days of its submission to the council.

m. Nothing in this section shall prevent the department or the department of buildings from enforcing the provisions of this code, title 28 of the administrative code of the city of New York, the multiple dwelling law or any other law or rule. Nothing in this article shall be deemed to affect the duties of an owner, a tenant or the department or department of buildings under any other article of this code, title 28 of the administrative code of the city of New York, the multiple dwelling law or other law or rule.

n.Any notifications or information required by this section to be provided to an owner or occupant of a private dwelling shall be in English, the languages set forth in subdivision j of section 8-1002 of the administrative code of the city of New York and in such other languages as the department deems appropriate.

o. No later than July thirty-first, two thousand fifteen and every two years thereafter the department shall conduct a study to evaluate the effectiveness of the remediation of unsafe flooded homes program. Such study shall examine, but shall not be limited to examining, the following:

1. the program's cost effectiveness, including the amount of fees collected;

2. whether the criteria established pursuant to subdivisions b of this section are appropriate and if not, how they should be adjusted;

3. whether the monitoring undertaken by the department or department of buildings is appropriate and if not, what modifications should be made; and

4. recommendations as to whether the program should be continued or modified in any way and the reasons therefore.

§ 3.This local law shall take effect one hundred and twenty days after its enactment into law, provided that the commissioner of the department and the commissioner of the department of buildings may take such actions as are necessary for the implementation of this local law, including promulgation of rules, on and after the date of enactment.

Referred to the Committee on Health.

Res. No. 235

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow New York City's speed cameras to operate at all times.

By Council Members Menchaca, Arroyo, Chin, Johnson, Levin, Mendez and Koslowitz.

Whereas, Speeding is a leading cause of traffic collisions, which are too common on the streets of New York City; and

Whereas, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City in 2013 and "unsafe speed" was cited as a contributing factor in over 3,000 collisions that resulted in injuries or fatalities, according to Police Department data; and

Whereas, Many studies have concluded that the chances of a pedestrian surviving a motor vehicle collision decrease dramatically as the speed of the vehicle increases; and

Whereas, Slower speeds also decrease stopping distance, giving drivers a better chance to take action to prevent collisions from occurring in the first place; and

Whereas, In Washington D.C., at intersections where speed cameras are in use the number of crashes and injuries has gone down by 20%, according to the Vision Zero Action Plan; and

Whereas, In 2013, the State Legislature passed, and the Governor signed, legislation authorizing New York City to implement a demonstration program in which it can use cameras to automatically enforce speeding laws at no more than 20 locations near schools, during school hours, for five years; and

Whereas, In a four-month period at the beginning of 2014, the five speed cameras in operation in the City caught 14,500 drivers going at least 40 miles per hour; and

Whereas, The State Legislature recently passed legislation which would allow speed cameras at up to 140 locations, but the restrictions on operation only near schools during school hours would not be changed; and

Whereas, Three-quarters of all traffic fatalities in New York City occur during the time between 6 PM and 6 AM, when State law prevents speed cameras from operating; and

Whereas, In the interest of safety, the City's speed cameras should operate at all times; 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 that would allow New York City's speed cameras to operate at all times.

Referred to the Committee on Transportation.

Int. No. 343

By Council Members Mendez, Chin, Eugene, Gentile and Koo.

A Local Law to amend the New York city charter, in relation to creating a uniform citywide record locator system.

Be it enacted by the Council as follows:

Section 1. Paragraphs 14 and 15 of subdivision a of section 814 of the New York city charter are amended and paragraph 16 is added to read as follows:

(14) To develop, in conjunction with other city agencies, a clearinghouse for information on employment and educational programs and services for minority group members and women; [and]

(15) To provide assistance to minority group members and women employed by, or interested in being employed by, city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs[.]*; and*

(16) To develop and implement a uniform record identifier to be utilized by all city agencies in the preparation of agency records. Such record identifier will be in the form of a unique alphanumeric code for each case or record maintained by a city agency. Cases or records maintained or accessible by more than one city agency shall utilize the same record identifier. This system shall apply to all city agencies and borough presidents' offices.

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

Referred to the Committee on Technology.

Int. No. 344

By The Public Advocate (Ms. James) and Council Members Kallos, Arroyo, Cabrera, Chin, Cohen, Constantinides, Dickens, Johnson and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a division of LGBT youth services within the department of health and mental hygiene.

Be it enacted by the Council as follows:

Section 1.Chapter 1 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 Division of LGBT Youth Services. There shall be a division within the department tailored to the unique needs of lesbian, gay, bisexual and transgender (LGBT) youth up to age 24.This division shall address the physical and mental health needs of the LGBT youth community.The division shall also research and develop programs and initiatives including, but not limited to, the prevention of suicide, depression, violence, and the spread of sexually transmitted diseases within the LGBT youth community of the city.

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

Referred to the Committee on Youth Services.

Int. No. 345

By Council Members Reynoso, Garodnick, Barron, Chin, Dromm, Espinal, Gentile, Gibson, Johnson, Kallos, King, Levin, Maisel, Mendez, Richards, Rodriguez, Rosenthal, Treyger and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to the department of housing preservation and development's alternative enforcement program.

Be it enacted by the Council as follows:

Section 1. Section 27-2115 of the administrative code of the city of New York is amended by amending subdivision n, as added by local law number 7 for the year 2008, and by adding a new subdivision o to read as follows:

[n.] *(n)* The provisions of subdivision d of section 27-2005 of this chapter, subdivision m of this section and subdivision b of section 27-2120 of this chapter shall not apply where a shareholder of record on a proprietary lease for a dwelling unit, the owner of record of a dwelling unit owned as a condominium, or those lawfully entitled to reside with such shareholder or record owner, resides in the dwelling unit for which the proprietary lease authorizes residency or in such condominium unit, as is applicable, or to private dwellings.

(o) Notwithstanding any other provision of law, a person who violates paragraph ii of subdivision g of section 27-2153 of this chapter shall be subject to a civil penalty of one hundred dollars per day for each violation from and including the date notice of the violation is served pursuant to subdivision b of this section until the date the violation is corrected.

§2. Subdivision c of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding the provisions of paragraphs one and two of this subdivision, in the eighth year of such program, and for each succeeding year, the department shall identify no fewer than four hundred different distressed buildings for participation in the alternative enforcement program and may by rule revise criteria related to the ratio of open hazardous and immediately hazardous violations per dwelling unit and the amount or ratio per dwelling unit of paid and unpaid emergency repair charges which must exist for a building to qualify for participation in the program.

§3. Subdivision g of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended to read as follows:

g. *(i)* The department shall within thirty days of identifying *a* distressed [buildings] *building* for participation in the alternative enforcement program provide written notification to the owner of [any] *such* building [identified for participation in the alternative enforcement program], the occupants of such building and the council member in whose district the building is located, that such building is subject to the requirements of such program and the requirements of this article. *Such notice to the owner shall inform such owner of his or her duty to post a notice in accordance with paragraph ii of this subdivision.* The department shall simultaneously provide to such owner information about correcting violations related to mold and vermin, when such violations are applicable to such multiple dwelling, as set forth in paragraphs ii and iii of subdivision i of this section.

(ii) Within fifteen days of receiving notice in accordance with paragraph i of this subdivision, the owner of a building identified for participation in the alternative enforcement program shall post a sign in the main entrance area of such building or on the exterior of such building, in a conspicuous place visible to the public, indicating, in English, Spanish and such other languages that the department may prescribe, that the building has been identified for participation in the alternative enforcement program and that building occupants may call 311 to make complaints concerning the building. Such signs shall be in a form approved by the department and shall indicate the name, telephone number and address of the owner and, where such building or the premises containing such building is subject to a mortgage, the name, telephone number and address of the senior mortgage holder. The owner shall keep such sign posted and shall maintain such sign until he or she receives written notice from the department that the building has been discharged from the alternative enforcement program.

§4. This local law shall take effect ninety days after its enactment except that the commissioner of housing preservation and development 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. 346

By Council Members Rodriguez, Chin, Gentile, Koo, Levin, Levine, Reynoso, Koslowitz and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to reporting multiple dwellings with numerous code violations.

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 27-2096.1 to read as follows:

§ 27-2096.1 Notice to council. The department shall give notice of any multiple dwelling that has fifty or more open violations, issued by the department, of this code, the multiple dwelling law, and any other state or local law that regulates multiple dwellings or multiple dwelling owners, to the council and to the council member in whose council district such multiple dwelling is located. Such notice shall include the owner and address of such multiple dwelling and the number and types of open violations.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 347

By Council Members Rosenthal, Williams, Arroyo, Chin, Johnson, Levine and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to remedies for the breach of the duty of an owner to refrain from harassment of tenants.

Be it enacted by the Council as follows:

Section 1.Paragraph 4 of subdivision m of section 27-2115 of the administrative code of the city of New York is REPEALED and paragraph 5 is renumbered as paragraph 4 and amended to read as follows:

(4) Nothing in paragraph[s] three [or four] of this subdivision shall be construed to affect or limit any other claims or rights of the parties.

§2. Section 27-2115 of the administrative code of the city of New York is amended by adding a new subdivision o to read as follows:

(o) In any action brought under subdivision h of this section, for a violation of subdivision d of section 27-2005 of this chapter, the housing part may award any or all of the following relief to the tenant or group of tenants: (i) compensatory and punitive damages; (ii) attorneys' fees and costs; and (iii) such other relief as the court may deem appropriate.

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

Referred to the Committee on Housing and Buildings.

Int. No. 348

By Council Members Torres, Reynoso, Chin, Johnson, Levin, Levine, Mendez and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to inspections, reinspections and penalties concerning violations of the housing maintenance code.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 27-2115 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) Where no certification of correction of a violation has been filed within the time set by paragraph one of this subdivision, the department may perform reinspections to determine whether such violation has been corrected. If at the time of reinspection such violation has not been corrected, the department may, in addition to any other penalties, assess a reinspection fee, which the department shall establish by rule. All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien upon the premises, and upon the rents and other income thereof. The provisions of article eight of subchapter five of this chapter shall govern the effect and enforcement of such debt and lien.

§2. Subparagraph i of paragraph one of subdivision k of section 27-2115 of the administrative code of the city of New York, as amended by local law number 65 for the year 2011, is amended to read as follows:

(i) Notwithstanding any other provision of law, a person who violations section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of this chapter shall be subject to a civil penalty of not less than [two hundred fifty] *five hundred* nor more than [five hundred] *one thousand* dollars per day for each violation from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected and not less than [five hundred] *one thousand* nor more than [one] *two* thousand dollars per day for each subsequent violation of such sections at the same dwelling or multiple dwelling that occurs within two consecutive calendar years or, in the case of subdivision a of section 27-2029, during two consecutive periods of October first through May thirty-first. A person who violates subdivision b of section 27-2029 of this chapter shall be subject to a civil penalty of [twenty-five] *fifty* dollars per day from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected but not less than [one] *two* thousand dollars. There shall be a presumption that the condition constituting a violation continues after the affixing of the notice.

§3. Subparagraph iv of paragraph one of subdivision k of section 27-2115 of the administrative code of the city of New York is REPEALED.

§4. Section 27-2115 of the administrative code of the city of New York is amended by amending subdivision n, as added by local law number 7 for the year 2008, and by adding a new subdivision o to read as follows:

[n.] *(n)* The provisions of subdivision d of section 27-2005 of this chapter, subdivision m of this section and subdivision b of section 27-2120 of this chapter shall not apply where a shareholder of record on a proprietary lease for a dwelling unit, the owner of record of a dwelling unit owned as a condominium, or those lawfully entitled to reside with such shareholder or record owner, resides in the dwelling unit for which the proprietary lease authorizes residency or in such condominium unit, as is applicable, or to private dwellings.

(o) Notwithstanding any other provision of law, a person who is issued an immediately hazardous violation and who, after a subsequent inspection by the department, is issued a second or subsequent immediately hazardous violation of any kind within the same year for the same dwelling shall be subject to a fee, which the department shall establish by rule, for each such inspection, as well as any civil penalties that may be due and payable for the violation; provided, however, that such fee shall not be applicable to inspections performed in a multiple dwelling that is included in the alternative enforcement program pursuant to article ten of subchapter five of this chapter. All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien upon the premises, and upon the rents and other income thereof. The provisions of article eight of subchapter five of this chapter shall govern the effect and enforcement of such debt and lien.

§5. This local law shall take effect one hundred eighty days after its enactment except that the commissioner of housing preservation and development 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. 349

By Council Members Vacca, Gentile, Koo, Koslowitz and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to notice for the removal of trees.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of 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 Notification of tree removal. Not less than sixty days prior to the commencement of any project that may require the removal of five or more trees by any city agency or any entity acting pursuant to a contract with a city agency, such city agency shall notify of such removal all community boards and the district offices of all council members in which such trees to be removed are located. Such notification shall be by electronic or regular mail and shall include, but need not be limited to, the estimated number of trees to be removed and the dates of the expected removal of such trees.

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

Referred to the Committee on Parks and Recreation.

Int. No. 350

By Council Members Vacca, Chin, Cohen, Eugene, Gentile and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of advance notice of certain construction-related disruptions.

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 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 Advance notification of certain interruptions required. a. If a construction project overseen by the department of design and construction or any other city agency requires an interruption of vehicular traffic or parking, pedestrian traffic or access, or sewer, telephone or electrical service, not less than seventy-two hours prior to such interruption the agency overseeing the construction project shall provide written notification to each of the following:

1. The council member in the district where such interruption will occur. Notification under this paragraph may be made by e-mail or facsimile.

2. The community board in the district where such interruption will occur. Notification under this paragraph may be made by e-mail or facsimile.

3. The 311 customer service center. Notification under this paragraph may be made by e-mail or facsimile.

4. Residents who live within three blocks of an interruption of vehicular traffic or parking or pedestrian traffic or access. Notification under this paragraph may be made by placing notices on nearby public property or by any other lawful means reasonably calculated to notify nearby residents of the interruption.

5. Residents who live in buildings that will be directly affected by an interruption of sewer, telephone or electrical service. Notification under this paragraph shall be made by personal delivery to all residents who will be affected, except that if the department is unable to make contact with any such resident in order to make personal delivery, notification may be made by placing a notice for such resident at the main entrance to the building.

b. Such notification shall include all of the following information, as applicable:

1. The project identification number.

2. The nature of the interruption.

3. The scheduled start date and anticipated end date of the interruption.

4. The contact information of the community construction liaison for the project.

c. This section does not apply to any interruption described in subdivision a that must be implemented immediately to preserve public health or safety.

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

Referred to the Committee on Transportation.

Int. No. 351

By Council Members Vacca, Eugene, Gentile, Koo and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to integrating all interactive agency maps.

Be it enacted by the Council as follows:

Section 1.Title 23 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

CHAPTER 8

INTERACTIVE AGENCY MAPS

§23-801Interactive city maps.No later than January first, two thousand fifteen, the department of information technology and telecommunications shall consolidate all of the data in interactive digital city maps that appear on city agency websites on to one comprehensive interactive digital city map.Agencies may continue to provide interactive digital city maps on their respective websites provided that the data contained therein shall also be available on the comprehensive interactive digital city map.

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

Referred to the Committee on Technology.

Int. No. 352

By Council Members Vacca, Chin, Constantinides, Koo, Levin and Mendez.

A Local Law to amend the New York city charter, in relation to requiring certain documents to be made available on the open data portal.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 1133 of the New York city charter is amended to read as follows:

a. The head of each agency shall transmit to the municipal reference and research center at least four copies of each report, document, study or publication of such agency immediately after the same shall have been published or issued. The head of each agency shall also transmit to the department of records and information services or its successor agency, in electronic format, each report, document, study and publication required by local law, executive order, or mayoral directive to be published, issued, or transmitted to the council or mayor, within ten business days of such publication, issuance or transmittal to the council or mayor, which materials shall be made available to the public on or through the department's website, or its successor's website*, and on the city's open data portal*, within ten business days of such publication, issuance or transmittal to the council or mayor. The agency shall further transmit to the municipal reference and research center four copies of each report, document, study or publication prepared by consultants, or other independent contractors, as soon as such report or study is released, and shall further transmit within ten business days of release by the agency, in electronic format, to the department of records and information services each such report, document, study or publication. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of release by the agency. Where practicable, each agency shall also transmit, in electronic format, to the department of records and information services or its successor agency any report, document, study and publication required to be published by any state or federal law, rule or regulation within ten business days of publication. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of such publication.

§2. This local law shall take effect one hundred eighty days after enactment.

Referred to the Committee on Technology.

Res. No. 236

Resolution calling upon the New York State Legislature to pass and the Governor to sign into law legislation, which would amend the New York State Criminal Procedure Law to allow prosecutors and defense attorneys to apply for a conditional examination of witnesses who are of advanced age.

By Council Members Vallone, Chin, Constantinides and Ulrich.

Whereas, According to the Manhattan District Attorney's Office, every year approximately four million elderly Americans are victims of some kind of elder abuse, including physical abuse, fraud and other forms of financial exploitation; and

Whereas, MetLife Mature Market Institute estimated that in 2010, financial exploitation cost elderly Americans approximately $3 billion; and

Whereas, Under the current New York State Criminal Procedure Law, a conditional examination of a witness can only occur when the witness will not be available at the time his or her testimony is sought because he or she is: (i) leaving the state for a substantial period of time or (ii) is physically ill or incapacitated; and

Whereas, A person may have to wait years before he or she is called to testify at trial; and

Whereas, This has resulted in cases in which elderly witnesses and victims have died or become incapacitated before their cases reached trial, resulting in perpetrators having their cases dismissed or prosecutors allowing the perpetrators to plead to lesser offenses with lighter sentences because these witnesses were not able to present their testimony; and

Whereas, This problem should be addressed by amending section 660.20 of the Criminal Procedure Law to allow prosecutors and defense attorneys to conduct conditional examinations of witnesses aged 75 years or older on the basis of their age, thereby preserving their testimony for trial in the event they pass away or are unable to testify due to a degenerative condition or other health issues; 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, which would amend the New York State Criminal Procedure Law to allow prosecutors and defense attorneys to apply for a conditional examination of witnesses who are of advanced age.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 353

By Council Members Van Bramer, Cohen, Dickens, Gentile, Koo, Mendez and Richards.

A Local Law to amend the New York city charter, in relation to requiring the department of design and construction to provide notice to residents prior to the scheduled interruption of water service.

Be it enacted by the Council as follows:

Section 1. Chapter 55 of the New York city charter is amended by adding a new section 1206 to read as follows:

§1206. Notice of water service shut off. When, as the result of non-emergency planned work, the department schedules a water shut off that affects residential property, notice of the shut off must be provided to all occupants of such property at least seventy-two hours before the scheduled water shut off is to take place. Such notice shall be delivered to occupants of each residential unit and shall include information relating to the duration of the planned work.

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

Referred to the Committee on Environmental Protection.

Int. No. 354

By Council Members Van Bramer and Mendez.

A Local Law to amend the New York city charter, in relation to the creation of a community advisory review panel for zoning variance and special permit applications.

Be it enacted by the Council as follows:

Section 1.Paragraph 4 of subdivision a of Section 668 of the New York city charter is amended to read as follows:

4. *(i)* The receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, shall constitute an authorization to the board of standards and appeals to review the application and to make a decision[.], *unless such application is referred to the community advisory review panel.*

(ii) No later than three days after an application to vary the zoning resolution or application for a special permit first appears on the board's published hearing calendar, any person or persons residing within the affected community district may file a petition to have the matter referred to the community advisory review panel. The petition shall be signed and notarized, and shall state the basis for referral. The board shall then refer the matter to the community advisory review panel, except that the board may decline to refer a matter to the community advisory review panel if it finds that a petition was filed in bad faith.

(iii) A matter referred to the community advisory review panel shall be reviewed by a panel that consists of three members, including a representative of the city planning commission, a representative of the community board for the affected community district, and a representative of the council member for the affected council district. Within thirty days of the date on which a matter is referred to the panel, the panel may hold a public hearing on the matter and submit a recommendation to the board. In the event the panel does not convene within such period, the matter shall be returned to the board with no recommendation.

(iv) Upon receipt of a recommendation from the panel, the board shall proceed with its review of the application before it. In rendering a decision, the board shall consider the panel's recommendation and explain its basis for adopting or rejecting the panel's recommendation.

(v) For purposes of this paragraph, the term "affected community district" shall mean the community district in which land at issue in an application is located, and the term "affected council district" shall mean the council district in which land at issue in an application is located.

§ 2. This local law shall become effective ninety days after its enactment; provided, however, that the board of standards and appeals 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 Governmental Operations.

Int. No. 355

By Council Members Van Bramer and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to below ground work near flammable materials.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-233 to read as follows:

§15-233 Underground work near flammable materials. a. In addition to all other permits required by law, it shall be unlawful for any person to drill, dig or perform any other work below ground unless the department has been notified at least twenty days prior to such drilling or digging or other below ground work, where such drilling, digging or other below ground work would occur within one

hundred feet of any pipe or other such instrument that carries oil, gas or any other similar such flammable substance. Such notification shall be in writing and hand delivered to the department.

b. The permitting agency shall have a representative present at all times when such drilling, digging or other below ground work is occurring, when such work is located within one hundred feet of such pipeline or other such instrument that carries gas, oil of other similar such flammable substance.

c. Any person who violates the provisions of subdivision a of this section shall be liable for a civil penalty of not less than one thousand nor more then five thousand dollars for each day on which such violation exists.

§2.This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 356

By Council Members Williams, Constantinides, Levine and Mendez.

A Local Law to amend the New York city charter, in relation to improving compliance with the city's pro-voter law.

Be it enacted by the Council as follows:

Section 1. Subdivision 3 of section 1057-A of chapter forty-six of the New York city charter is amended to read as follows:

3. Participating agencies shall also:

a. at the earliest practicable or next regularly scheduled printing of their forms, physically incorporate the voter registration forms with their own application forms in a manner that permits the voter registration portion to be detached therefrom. Until such time when the agency amends its form, each agency should affix or include a postage paid board of elections for the city of New York voter registration form to or with its application, renewal, recertification and change of address forms;

b. use the board of elections of the city of New York coded voter registration forms *assigned to each participating agency. Each participating agency* [which] *shall be assigned a code that* [designate] *designates* such forms as originating from *such* [participating agencies] *agency*; and

c. transmit any completed forms collected in their discretion to the board of elections of the city of New York within two weeks of the receipt of such completed forms at the participating agency. If a completed form is accepted within five days before the last day for registration to vote in a citywide election, such completed form shall be transmitted by the participating agency to the board of elections of the city of New York not later than five days after the date of acceptance.

§ 2. Section 1057-A of chapter forty-six of the New York city charter is amended by adding a new subdivision eight to read as follows:

8. Consistent with subsection four of section 3-212 of the state election law requiring the board of elections in the city of New York to, in its annual report of its affairs and proceedings to the local legislature, include a detailed description of existing programs to enhance voter registration, the board shall provide a listing of the number of coded voter registration forms distributed to and returned by each agency designated as a participating agency pursuant to this section.

§ 3. This local law shall take effect sixty days following enactment.

Referred to the Committee on Governmental Operations.

Preconsidered L.U. No. 60

By Council Member Ferreras:

Mixed Income Program, 810 River Avenue, Bronx, Community District No. 4, Council District 8.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 61

By Council Member Greenfield:

Application no. 20085578 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 7 Washington Lane Corp., d/b/a Xai Xai, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 369 West 51st Street, Borough of Manhattan, Community District 4, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

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

L.U. No. 62

By Council Member Greenfield:

Application No. C 140181 ZMM submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8 District to an R8A District, changing from an R8A District to an R9 District, changing from an M1-5 District to an R9 District, in an area generally bounded by West 51st and West 53rd Streets and 10th and 11th Avenues, Borough of Manhattan, Community District 4, Council District 3.

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

L.U. No. 63

By Council Member Greenfield:

Application No. N 140182 ZRM submitted by NYC Department of Housing Preservation and Development 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 Western Subarea C2 and Inclusionary Housing designated areas within Community District 4, Borough of Manhattan, Community Board 4, Council District 3.

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

L.U. No. 64

By Council Member Greenfield:

Application No. C 140183 ZSM submitted by NYC Department of Housing Preservation and Development and 525 West 52nd Street Property Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant Zoning Resolution Section 74-743(a)(1) and Section 74-743(a)(2), in connection with a proposed mixed use development on property bounded by West 53rd Street, 10th Avenue, West 52nd Street, and 11th Avenue, within a Large-Scale General Development, within the Special Clinton District, Borough of Manhattan, Community District 4, Council District 3. 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.

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

L.U. No. 65

By Council Member Greenfield:

Application No. C 140185 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project for property located at 543-549 West 52nd Street (Block 1080, Part of Lot 103) and 530-548 West 53rd Street (Block 1081, Part of Lot 1, 560) and pursuant to Section 197-c of the New York City Charter for the approval of disposition of such properties, in the Borough of Manhattan, Community District 4, Council District 3.

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

L.U. No. 66

By Council Member Greenfield:

Application No. C 140207 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of Urban Development Action Area and Project for property located at 260 West 153rd Street (Block 2038, Lots p/o 1, 55 and 57) and pursuant to Section 197-c of the New York City Charter for the approval of disposition of such property (Block 2038, Lots 55 and 57), in the Borough of Manhattan, Community District 10, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.

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

L.U. No. 67

By Council Member Greenfield:

Application No. C 130313 MMQ submitted by Yeshiva Har Torah and NYC Department of Parks and Recreation Section 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination, discontinuance and closed of a portion of 87th Avenue between 235th Court and Gettysburg Street and the establishment of parkland, Borough of Queens, Community Board 13, Council District 23. 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.

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

L.U. No. 68

By Council Member Greenfield:

Application No. C 130314 MMQ submitted by Yeshiva Har Torah and NYC Department of Parks and Recreation Section 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination, discontinuance and closed of a portion of the Grand Central Parkway, Borough of Queens, Community Board 13, Council District 23. 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.

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

L.U. No. 69

By Council Member Greenfield:

Application No. C 140203 ZMQ submitted by Yeshiva Har Torah and NYC Department of Parks and Recreation Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 11d, by establishing within a former park an R3-2 District as shown on a diagram (for illustrative purposes only), dated December 16, 2013, Borough of Queens, Community Board 13, Council District 23.

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

L.U. No. 70

By Council Member Greenfield:

Application No. 20145542 HAK by the New York City Housing Department of Housing Preservation and Development for a modification to a previously approved project to grant a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located on Tax Block 1435, Lots 26, 42, 47; Tax Block 1444, Lots 1, 29 and 49; Tax Block 1468, Lot 9, Borough of Brooklyn, Community Board 16, Council Districts 37 and 41.

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

L.U. No. 71

By Council Member Greenfield:

Application No. 20145543 HAM by the New York City Housing Department of Housing Preservation and Development for a modification to a previously approved project to grant a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 51 East 122nd Street (Block 1748, Lot 1), Borough of Manhattan, Community District 11, Council District 9.

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

L.U. No. 72

By Council Member Greenfield:

Application No. 20145539 HAK, by the Department of Housing Preservation and Development for approval of an Urban Development Action Area and Project and related tax exemption for properties located at 2425, 2427 and 3216 Mermaid Avenue, 2816 West 16th Street and 3566 Canal Avenue , Borough of Brooklyn, Community District 13, Council District 47.

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

L.U. No. 73

By Council Member Greenfield:

Application No. 20145540 HAK, by the Department of Housing Preservation and Development for approval of an Urban Development Action Area and Project for properties located at 7 Stagg Street and 198 Montrose Avenue, Borough of Brooklyn, Community District 1, Council District 34. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.

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

L.U. No. 74

By Council Member Greenfield:

Application No. 20145541 HAK, by the Department of Housing Preservation and Development for approval of an Urban Development Action Area and Project for properties located at 568 Graham Avenue and 235 Driggs Avenue, Borough of Brooklyn, Community District 1, Council District 33. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.

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

L.U. No. 75

By Council Member Greenfield:

Application No. C 140233 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project for property located at 492 St. Nicholas Avenue (Block 1959, Lot 54) and pursuant to Section 197-c of the New York City Charter for the approval of disposition of such properties, in the Borough of Manhattan, Community District 10, Council District 9.

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

L.U. No. 76

By Council Member Greenfield:

Application No. C 140238 PQM submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54), in the Borough of Manhattan, Community District 10, Council District 9. 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.

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

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

NEW YORK CITY COUNCIL FISCAL YEAR 2015 EXECUTIVE BUDGET HEARINGS

Please be advised of the following scheduled Council Agency Hearings relative to the ***Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XL & CD-XLI Programs for the Fiscal Year 2015*** to be held in the Council Chambers, City Hall as follows:

Thursday, May 15, 2014

★ ***Note Deferred Agency***

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 10:30	Transportation (Expense)	Transportation
10:30 – 11:30	Transportation (Capital)	Transportation
11:30 – 12:00	MTA NYC Transit (Capital)	Transportation
12:00 – 12:30	MTA NYC Transit (Expense)	Transportation
12:30 – 1:15	Taxi & Limousine Commission	Transportation
1:15 – 3:15	Sanitation	Sanitation and Solid Waste Management
~~★ 3:15 – 3:45~~	~~Business Integrity Commission~~	~~Sanitation and Solid Waste Management~~

Friday, May 16, 2014

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	City University of New York	Higher Education
11:30 – 1:00	Youth and Community Development	Youth Services & Community Development
1:00 – 2:00	Consumer Affairs	Consumer Affairs

Monday, May 19, 2014

★ ***Note Committee Deferral***

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	Human Resources Administration / Social Services	General Welfare
★ 11:30 – 2:00	Administration for Children's Services (Center for Child Development and Juvenile Justice Issues)	General Welfare and Women's Issues ~~Juvenile Justice~~
2:00 – 4:00	Homeless Services	General Welfare

Tuesday, May 20, 2014

★ ***Note Time Changes***

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Police	Public Safety
12:00 – 2:00	District Attorney / Special Narcotics Prosecutor	Public Safety
★ 2:00 – 2:30	Criminal Justice Coordinator	Public Safety
★ 2:30 – 3:30	Civilian Complaint Review Board	Public Safety

Wednesday, May 21, 2014

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 10:30	Housing Preservation & Development (Expense)	Housing & Buildings
10:30 – 12:00	Housing Preservation & Development (Capital)	Housing & Buildings
12:00 – 1:00	Buildings	Housing & Buildings
1:00 – 3:00	Small Business Services / Economic Development Corporation	Economic Development and Small Business

Thursday, May 22, 2014

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 – 12:00	Aging	Aging and Subcommittee on Senior Centers
12:00 – 1:00	City Planning	Land Use
1:00 – 2:00	Landmarks	Land Use
2:00 – 3:00	Information and Technology and Telecommunication	Land Use and Technology
3:00 – 3:30	Investigation	Oversight and Investigation
3:30 – 4:00	Conflicts of Interest	Standards and Ethics

Tuesday, May 27, 2014

★ ***Note Subcommittee Deferral***

Time	Agency Testifying	Finance Committee jointly with Council Committee ~~and Subcommittee~~
10:00 – 11:00	Medical Examiner	Health
11:00 – 12:30	Health and Hospitals Corporation	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services ★ ~~and Subcommittee on Drug Abuse~~
12:30 – 2:30	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services ★ ~~and Subcommittee on Drug Abuse~~

Wednesday, May 28, 2014

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 1:00	Education (Expense)	Education
1:00 – 2:30	Parks and Recreation	Parks and Recreation
2:30 – 3:45	Environmental Protection (Capital)	Environmental Protection
3:45 – 5:00	Environmental Protection (Expense)	Environmental Protection

Friday, May 30, 2014

★ ***Note Agency Addition***

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:00	Citywide Administrative Services	Governmental Operations
11:00 – 12:00	Board of Elections	Governmental Operations
12:00 – 12:30	Office of Administrative Trials and Hearings	Governmental Operations
12:30 – 1:15	Law Department	Governmental Operations
1:15 – 1:45	Campaign Finance Board	Governmental Operations
★ 1:45 – 2:15	Financial Information Services Agency (FISA)	Governmental Operations

Monday, June 2, 2014

★ ***Note Agency and Committee Deferrals***
★★ ***Note Agency Time Change***

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ ~~10:00 – 11:00~~	~~Probation~~	~~Fire & Criminal Justice Svcs.~~
11:00 – 1:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
1:00 – 2:00	Correction	Fire & Criminal Justice Svcs.
★ ~~2:00 – 2:45~~	~~Emergency Management~~	~~Fire & Criminal Justice Svcs.~~
★★ 2:00 – 2:30	Legal Aid (Indigent Defense Services)	Fire & Criminal Justice Svcs.
★ ~~3:30 – 4:00~~	~~Human Rights Commission~~	~~Civil Rights~~
★ ~~4:00 – 4:30~~	~~Equal Employment Practice Commission~~	~~Civil Rights~~

Tuesday, June 3, 2014

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 – 11:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Subcommittee on Libraries
11:30 – 1:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
1:00 – 3:00	Education and School Construction Authority (Capital)	Education
3:00 – 5:00	NYCHA	Public Housing

Friday, June 6, 2014

Time	Agency Testifying	Finance Committee
10:00 – 12:45	Office of Management & Budget – Overview of Budgets – Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
12:45 – 1:15	OMB – Contracts Budget	Finance jointly with Contracts
1:15 – 2:30	Finance	Finance
2:30 – 3:00	Design & Construction	Finance
3:00 – 3:30	Comptroller	Finance
3:30 – 4:00	Independent Budget Office	Finance
4:00	Public	

ANNOUNCEMENTS:

NEW YORK CITY COUNCIL FISCAL YEAR 2015 EXECUTIVE BUDGET HEARINGS

Please be advised of the following scheduled Council Agency Hearings relative to the ***Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XL & CD-XLI Programs for the Fiscal Year 2015*** to be held in the Council Chambers, City Hall as follows:

Thursday, May 15, 2014

★ ***Note Deferred Agency***

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 10:30	Transportation (Expense)	Transportation
10:30 – 11:30	Transportation (Capital)	Transportation
11:30 – 12:00	MTA NYC Transit (Capital)	Transportation
12:00 – 12:30	MTA NYC Transit (Expense)	Transportation
12:30 – 1:15	Taxi & Limousine Commission	Transportation
1:15 – 3:15	Sanitation	Sanitation and Solid Waste Management
~~★ 3:15 – 3:45~~	~~Business Integrity Commission~~	~~Sanitation and Solid Waste Management~~

Friday, May 16, 2014

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	City University of New York	Higher Education
11:30 – 1:00	Youth and Community Development	Youth Services & Community Development
1:00 – 2:00	Consumer Affairs	Consumer Affairs

Monday, May 19, 2014

★ ***Note Committee Deferral***

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	Human Resources Administration / Social Services	General Welfare
★ 11:30 – 2:00	Administration for Children's Services (Center for Child Development and Juvenile Justice Issues)	General Welfare and Women's Issues ~~Juvenile Justice~~
2:00 – 4:00	Homeless Services	General Welfare

Tuesday, May 20, 2014

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor .....Mark Weprin, Chairperson

★ ***Note Time Changes***

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Police	Public Safety
12:00 – 2:00	District Attorney / Special Narcotics Prosecutor	Public Safety
★ 2:00 – 2:30	Criminal Justice Coordinator	Public Safety
★ 2:30 – 3:30	Civilian Complaint Review Board	Public Safety

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 21, 2014

★ ***Addition***
Committee on **WATERFRONTS**.....**10:00 A.M.**
Oversight - An Update on Governor's Island
Committee Room – City Hall .....Deborah Rose, Chairperson

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 10:30	Housing Preservation & Development (Expense)	Housing & Buildings
10:30 – 12:00	Housing Preservation & Development (Capital)	Housing & Buildings
12:00 – 1:00	Buildings	Housing & Buildings
1:00 – 3:00	Small Business Services / Economic Development Corporation	Economic Development and Small Business

Thursday, May 22, 2014

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

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 – 12:00	Aging	Aging and Subcommittee on Senior Centers
12:00 – 1:00	City Planning	Land Use
1:00 – 2:00	Landmarks	Land Use
2:00 – 3:00	Information and Technology and Telecommunication	Land Use and Technology
3:00 – 3:30	Investigation	Oversight and Investigation
3:30 – 4:00	Conflicts of Interest	Standards and Ethics

Friday, May 23, 2014

★ ***Addition***
Committee on **VETERANS** ..... **1:00 P.M.**
Res 79 - By Council Members Williams, Ulrich, Gentile and Vallone - **Resolution** in support of the creation and presentation of a ticker-tape parade to honor the veterans of the Iraq and Afghanistan wars.
Res 103 - By The Speaker (Council Member Mark-Viverito) and Council Members Arroyo, Barron, Chin, Constantinides, Dickens, Ferreras, Palma, Reynoso, Rose and Mendez - **Resolution** urging Congress to pass and the President to sign H.R.1726 and S.1174, to award a Congressional Gold Medal to the 65th Infantry Regiment, known as Borinqueneers.
Res 200 - By Council Members Ulrich, Dickens, Gentile, Gibson and Rose - **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.
Committee Room – City Hall .....Eric Ulrich, Chairperson

★ ***Addition***
Committee on **PUBLIC HOUSING** .....**1:00 P.M.**
Tour: ..... District Council 9's Training Center
Location: ..... 45-15 36th Street
..... Long Island City, NY 11101
Details Attached.....Ritchie Torres, Chairperson

Monday, May 26, 2014

Memorial Day Observed

Tuesday, May 27, 2014

★ ***Note Subcommittee Deferral***

Time	Agency Testifying	Finance Committee jointly with Council Committee ~~and Subcommittee~~
10:00 – 11:00	Medical Examiner	Health
11:00 – 12:30	Health and Hospitals Corporation	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services ★ ~~and Subcommittee on Drug Abuse~~
12:30 – 2:30	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services ★ ~~and Subcommittee on Drug Abuse~~

Wednesday, May 28, 2014

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 1:00	Education (Expense)	Education
1:00 – 2:30	Parks and Recreation	Parks and Recreation
2:30 – 3:45	Environmental Protection (Capital)	Environmental Protection
3:45 – 5:00	Environmental Protection (Expense)	Environmental Protection

Thursday, May 29, 2014

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*

M E M O R A N D U M

May 13, 2014

TO: ALL COUNCIL MEMBERS

RE: **TOUR BY THE COMMITTEE ON PUBLIC HOUSING**

Please be advised that all Council Members are invited to attend a tour to:

District Council 9's Training Center
45-15 36th Street
Long Island City, NY 11101

The tour will be on **Friday, May 23, 2014 beginning at 1:00 p.m.** A van will be leaving City Hall at **12:30 p.m.**

Council Members interested in attending should call Guillermo Patino at 212-788-9056.

Hon. Ritchie Torres, Chairperson
Committee on Public Housing

Hon. Melissa Mark-Viverito
Speaker of the Council

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 Thursday, May 29, 2014.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council