

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF

## THURSDAY, SEPTEMBER 8, 2011

THE COUNCIL

Minutes of the Proceedings of the  
STATED MEETING  
of

Thursday, September 8, 2011, 2:30 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Cabrera, Mealy, Palma (Medical) and Recchia.

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

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

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

INVOCATION

The Invocation was delivered by Rabbi Michael Miller, Executive Director, Jewish Community Relations Council, 711 Third Avenue, NY, NY 10017.

In the 18th Chapter of the Book of Genesis, we find the patriarch, Abraham, negotiating with God in an effort to save the wicked city of Sodom and its inhabitants.

Abraham says, “If there are 50 righteous Within the city, will you destroy and not forgive the place for the 50 righteous who dwell there?” And God answers, “If I find in Sodom 50 righteous within the city, I will forgive the entire place for their sake.” Why doesn’t God just say if he finds in Sodom the 50, he’ll forgive the entire place? Why does God add within the city? Why the need for those three seemingly superfluous words? The great 19th Century Hasidic Master, Rabbi Simcha Bunam, gave the following explanation: God was saying that it’s not enough that there be righteous sitting on the benches of the study hall. Yes, they are important, but God was seeking the righteous who were within the city intermingled with their fellow creations, engaged in the realities of the world; and yet nonetheless, remained righteous. Only then would God forgive the entire place for their sake. In contemporary time is to ensure the future of our city, we too need the bench sitters in the study halls, our scholars and clergy, but to ensure a secure tomorrow, we must also produce righteous on another level —within the city, fully enmeshed, interwoven, coalesced with the other diverse inhabitants wrestling with, delving into, addressing and remedying the difficult challenges of today that we collectively face in our world within our cities. The members of this Council indeed are our righteous within the city, protecting, defending and legislating toward the improvement of the people’s quality of life and their future and your mission is at times aided by committed, dedicated altruistic individuals such as the late Sally Goodgold, who labored all her life to selflessly act for the benefit of others and toward the advancement of this great city. May God confer his blessing upon the Speaker and all the members of this Council and the holy work in which you are engaged and with Sally at his side, provide you with divine guidance and wisdom to continue to better the lives of the people of the City of New York. Amen.

The Speaker (Council Member Quinn) moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence for the following individual: Sally Goodgold, 82, long time New York City civic activist, died on August 18, 2011. Born in 1929, she grew up in the Theatre District, graduated Hunter College High School and Bucknell University, and first

became active in civic service during the Lindsay Administration in the 1960s. Ms. Goodgold was a strong voice on land use issues affecting her community. She served as the first woman president of the City Club, became Chair of Manhattan Community Board 7, and was a member of the Jewish Community Relations Council.

At this point, the Speaker (Council Member Quinn) yielded the floor to Council Members Jackson and Brewer who both also spoke in fond memory of Ms. Goodgold.

ADOPTION OF MINUTES

Council Member Jackson moved that the Minutes of the Stated Meeting of June 28, 2011 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-630

**Communication from the Mayor - Withdrawing the nomination of Pamela Brier (M-622) from the City Council for its advice and consent regarding her reappointment to the Board of Health.**

August 31, 2011

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

Dear Speaker Quinn:

I hereby request the name of Pamela Brier, sent to the City Council for advice and consent prior to her reappointment to the Board of Health, be withdrawn from consideration at this time.

Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg  
Mayor

Received, Ordered, Printed and Filed.

M-631

**Communication from the Mayor - Withdrawing the nomination of Dr. Deepthiman Gowda (M-623) from the City Council for its advice and consent regarding his appointment to the Board of Health.**

August 31, 2011

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

Dear Speaker Quinn:

I hereby request the name of Dr. Deepthiman K. Gowda, sent to the City Council for advice and consent prior to her reappointment to the Board of Health, be withdrawn from consideration at this time.

Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg  
Mayor

Received, Ordered, Printed and Filed.

M-632

**Communication from the Mayor - Withdrawing the nomination of Dr. Susan Klitzman (M-624) from the City Council for its advice and consent regarding her reappointment to the Board of Health.**

August 31, 2011

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

Dear Speaker Quinn:

I hereby request the name of Dr. Susan Klitzman, sent to the City Council for advice and consent prior to her reappointment to the Board of Health, be withdrawn from consideration at this time.

Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg  
Mayor

Received, Ordered, Printed and Filed.

M-633

**Communication from the Mayor - Submitting the name of Paula Berry to the Council for its advice and consent regarding her appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

September 1, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Paula Berry to the City Council for advice and consent prior to his appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Ms. Berry will serve for a term of one year. Thank you for reviewing this appointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-634

**Communication from the Mayor - Submitting the name of Edward Kelly to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

September 1, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Edward Kelly to the City Council for advice and consent prior to his appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Mr. Kelly will serve for a term of two years. Thank you for reviewing this appointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-635

**Communication from the Mayor - Submitting the name of Roland Lewis to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

September 1, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Roland Lewis to the City Council for advice and consent prior to his appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Mr. Lewis will serve for a term of three years. Thank you for reviewing this appointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-636

**Communication from the Mayor - Submitting the name of Andrew McGovern to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

September 1, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Andrew McGovern to the City Council for advice and consent prior to his appointment to the Waterfront Management Advisory Board

When first appointed to the advisory board, Capt. McGovern will serve for a term of three years. Thank you for reviewing this appointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-637

**Communication from the Mayor - Submitting the name of Peggy Shepard to the Council for its advice and consent regarding her appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

September 1, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Peggy Shepard to the City Council for advice and consent prior to her appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Ms. Shepard will serve for a term of three years. Thank you for reviewing this appointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M 638

**Communication from the Staten Island Borough President -- Submitting the name of Rayann Besser to the Council for its advice and consent regarding her re- appointment to the New York City Planning Commission, pursuant to Section 192(a) of the City Charter**

August 17, 2011

Honorable Christine Quinn  
Speaker  
New York City Council  
City Hall  
New York, New York 10007

BY TELEPHONE FACSIMILE &  
FIRST CLASS MAIL

Dear Speaker Quinn:

Please accept this letter as my request to restore my submission of Ms. Rayann Besser as my appointee to the City Planning Commission pursuant to §192 of the City Charter. I request that Ms. Besser’s appointment be scheduled for the advice and consent of the Council at your earliest convenience.

Once again, thank you for your attention and consideration.

Sincerely,

James P. Molinaro

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL UPS

M-639

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 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 183 West 10<sup>th</sup> Street, Council District no. 2 Application no. 20115790 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-640

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 110048 ZSK, C 110049 ZSK, C 110050 ZSK, C 110051 ZSK, C 110052 ZAK special permits, and N 1100252 ZAK, an authorization shall be subject to Council review. This application is related to application no. C 110047 ZMK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-641

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 100064 ZSK, a special permit, shall be subject to Council review. This application is related to application no. C 100063 ZMM-that is subject to Council review pursuant to Section 197-d of the New York City Charter

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

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

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

Report for Int. No. 518

**Report of the Committee on Finance in favor of approving a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Atlantic Avenue business improvement district.**

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

REPORTS:

ANALYSIS:

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts.

Business Improvement Districts (BIDs) are specifically defined areas of designated properties. They use the City's real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID's additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by Chapter 4 of Title 25 of the Administrative Code, the City Council has already adopted Proposed Resolution 714-A, which set the hearing date for the Atlantic Avenue BID Plan and its enacting legislation for Thursday, April 28, 2011. Geographically, the proposed BID generally includes properties along both sides of Atlantic Avenue from the Brooklyn-Queens Expressway to 4<sup>th</sup> Avenue, and contiguous commercial properties on the side streets.

Prior to the Council’s action, the Community Boards for the district in which the proposed BID is located, Community Board 2 and Community Board 3 of Brooklyn voted to approve the Plan on November 2, 2010 and November 10, 2010, respectively. The City Planning Commission (“CPC”) reviewed the Plan and held a public hearing on the Plan on December 1, 2010 (Calendar No. 9). The CPC approved a resolution on January 5, 2011 (Calendar No. 21), which certified the CPC’s unqualified approval.

Proposed Resolution 714-A, approved by the Finance Committee and adopted by the Council on April 6, 2011, set the date for the initial hearing as April 28, 2011, and directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record not less than ten nor more than thirty days before the April 28<sup>th</sup> Public Hearing. and the Atlantic Avenue District Management Association, Inc. was directed to mail the Resolution or its summary to each owner of real property within the proposed BID, to such other persons as are registered with the City to receive tax bills for property within the proposed BID and to occupants of each building within the proposed

BID, also not less than ten nor more than thirty days before the April 28th Public Hearing.

The proposed first year budget of the BID is \$240,000. The proposed expenditures include:

<u>Services</u>	<u>Total Funds</u>
Sanitation/Security	\$40,000
Marketing/Promotions	\$73,000
Streetscape/Beautification	\$14,400
<u>Administration</u>	\$112,600
<b>TOTAL FIRST YEAR BUDGET</b>	<b>\$240,000</b>

The total assessed valuation within the proposed BID is \$164, 859,022. The total number of property owners within the BID is 576, which account for 734 properties located within the proposed BID.

The April 28<sup>th</sup> hearing to consider both the plan itself and the enacting legislation, according to the provisions of the law, was closed without a vote. By law, the Committee had to wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period began immediately after the Public Hearing and served as an objection period. During this time period, any property owner was able to formally object to the BID Plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners (293) or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district (\$84 million) object to the plan, then the City Council is prohibited, by law, from approving such plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after all requirements contained in chapter four of title 25 of the administrative code, which requires review of the BID legislation by the State Comptroller, are complied with.

ATLANTIC AVENUE BID DETAILS

For details on the management structure and district profile of the Atlantic Avenue BID, along with the services provided by, and properties located within, the BID please see the appended District Plan.

UPDATE: SEPTEMBER 8<sup>TH</sup> HEARINGS

After the April 28<sup>th</sup> Public Hearing, the Finance Committee adjourned the hearing without a vote, and the objection period began the day after such Public Hearing. The objection period for the creation of this BID ended on May 27<sup>th</sup> at 5p.m. According to the City Clerk, out of the 576 property owners located in the proposed BID, not one owner filed an objection.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, if the Committee finds in the affirmative on the four questions noted above, then the legislation can be adopted, and the BID will be established.

(The following is the text of the Fiscal Impact Statement for Int. No. 518:)



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

Int.: 518

COMMITTEE: Finance

TITLE: To amend the administrative code of the city of New York, in relation to the establishment of the Atlantic Avenue Business Improvement District.

SPONSORS: Council Members Recchia, James, Vann, and Levin (by Request of the Mayor).

SUMMARY OF LEGISLATION: Intro 518 establishes a business improvement district in the borough of Brooklyn to be known as the Atlantic Avenue Business Improvement District (the "District").

EFFECTIVE DATE: This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires review of the BID legislation by the State Comptroller.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2012

FISCAL IMPACT STATEMENT:

	Effective FY 2012	Succeeding Effective FY: FY 2013	Full Fiscal Impact FY 2012
Revenues (+)	\$0	\$ 0	\$ 0
Expenditures (-)	\$0	\$ 0	\$ 0
Net	\$0	\$ 0	\$ 0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The Atlantic Avenue Business Improvement District will be funded through an additional self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2012 will be \$240,000. This amount will cover the BID's expenses as proposed by its first year budget. The District proposes to expend the \$240,000 in revenues in its first year's budget for security/sanitation, marketing/promotion, streetscape/ beautification, and administration costs. Subsequent budgets will be determined on a yearly basis.

Source of Funds To Cover Estimated Costs: Not applicable

SOURCE OF INFORMATION: Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel, Finance Division

DATE SUBMITTED TO COUNCIL: March 23, 2011

HISTORY: The Committee on Finance held a hearing on Intro 518 on April 28, 2011, and the legislation was laid over to allow for the statutory 30-day objection period. Intro 518 will be considered again by the Committee on September 8, 2011, on which date the legislation is scheduled to be voted out of Committee and the Full Council.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 518:)

Int. No. 518

By Council Members Recchia, James, Vann, Levin, Lander and Williams (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Atlantic Avenue business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-481 to read as follows:

§25- 481 Atlantic Avenue business improvement district.

a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Brooklyn, the Atlantic Avenue business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Atlantic Avenue business improvement district is based.

c. The district plan shall not be amended except in accordance with chapter four of this title.

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, September 8, 2011.

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

Report of the Committee on Housing and Buildings

Report for Int. No. 531-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the installation of window guards.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on April 6, 2011 (Minutes, page 1079), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On September 8, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 531-A, A Local Law to amend the administrative code of the city of New York, in relation to the installation of window guards. Currently, New York City's Department of Health and Mental Hygiene (DOHMH) is the city agency responsible for ensuring that property owners install and maintain window guards in their rental apartments pursuant to section 17-123 of the City's Administrative Code (Ad. Code). Property owners are required to inform tenants of their obligation to install window guards. The penalties for failure to install window guards or for a property owner's failure to provide the required notice is a misdemeanor punishable by a fine of up to five hundred dollars or imprisonment for up to six months or both. In addition, a violation is subject to a civil penalty of not more than five hundred dollars per violation.

Proposed Int. No. 531-A would add window guard installation requirements to the Housing Maintenance Code (HMC) and allow the Department of Housing Preservation and Development (HPD) to enforce such requirements. HPD is the local agency responsible for ensuring that tenants have decent, safe and sanitary housing.

On April 14, 2011, the Committee heard an earlier version of this legislation and received testimony from representatives of the Department of Housing Preservation and others interested in this legislative item. Amendments to the bill before the Committee today were made following this initial hearing.

Proposed Int. No. 531-A

Bill section one adds a new section 27-2043.1 to Article 11 of subchapter two of the Housing Maintenance Code of the City of New York, (Chapter 2 of Title 27), of the Ad. Code. Subdivision (a) of new section 27-2043.1 requires an owner of a multiple dwelling and an owner of a dwelling unit in a multiple dwelling owned as a condominium to provide, install and maintain a window guard in accordance with specifications established by DOHMH on each window of each dwelling unit in



which a child age ten or younger resides, and on the windows, if any, in the public areas of a multiple dwelling in which such a child resides.

Pursuant to subdivision (b) of new section 27-2043.1, the requirements for the installation of window guards would not apply to a window that gives access to a fire escape or to a window that is a required means of egress from a dwelling unit on the first floor of a multiple dwelling.

In accordance with the provisions of subdivision (c) of new section 27-2043.1, no tenant or occupant of a multiple dwelling unit, or any other person shall obstruct or interfere with the installation or maintenance of a window guard as required by subdivision (a) or remove the window guard.

Pursuant to subdivision (d) of new section 27-2043.1, no owner of a multiple dwelling and no owner of a dwelling unit in a multiple dwelling owned as a condominium shall refuse a written request of a tenant or occupant of a dwelling unit to provide, install and maintain a window guard in accordance with specifications established by DOHMH, regardless of whether such provision, installation and maintenance is required pursuant to subdivision (a). However, subdivision (d) would not apply to a fire escape access window or to a window that is a required means of egress from a dwelling unit on the first floor of a multiple dwelling.

Subdivision (e) of new section 27-2043.1 provides that any owner who fails to provide, install or maintain a window guard pursuant to subdivisions (a) or (d) will be issued a Class C immediately hazardous violation. However, unlike most other Class C violations which must be corrected within 24 hours, an owner would have 21 days after the service of the notice of violation to correct the condition.

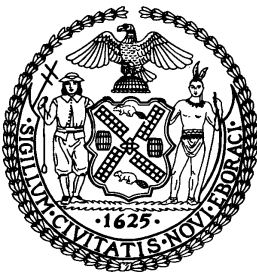
Pursuant to subdivision (f) of new section 27-2043.1, HPD will be the sole agency of the City authorized to seek a monetary penalty from an owner who fails to provide, install or maintain a required window guard. Subdivision (f) also provides that section 27-2043.1 is not intended to limit the authority of the DOHMH to investigate a fall from any window or to issue an order to correct any condition that the DOHMH determines contributed to such fall.

Bill section two provides that the provisions of this local law would take effect thirty days from enactment.

Amendments to Int. No. 531

- Technical changes were made throughout the bill for the purposes of clarity and to revise the organization of the text.
- Bill section one was amended by adding a new subdivision (f) which clarifies that HPD is the sole agency responsible for seeking a monetary penalty from a property owner who fails to comply with the requirements governing the installation and maintenance of window guards. However, the DOHMH will continue to investigate a fall from any window or issue an order to correct any conditions that the DOHMH believes has contributed to a fall.

(The following is the text of the Fiscal Impact Statement for Int. No. 531-A:)



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

PROPOSED INTRO. NO. 531-A

COMMITTEE:  
Housing and Buildings

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the installation of window guards.

**SPONSORS:** By Council Members Dilan, Barron, Cabrera, Chin, Comrie, Gonzalez, Koppell, Mealy, Mendez, Vann, Williams, Mark-Viverito, Brewer, Recchia Jr., Gennaro, Van Bramer and Nelson

**SUMMARY OF LEGISLATION:** The legislation would allow the Department of Housing Preservation and Development (HPD) to issue a Class C (immediately hazardous) violation to property owners who fail to install window guards and enforce such requirements. In addition, the legislation would allow property owners twenty-one days after service of the notice of violation to correct the condition. Property owners who fail to correct the violation may be liable for a civil penalty of \$50 per day where the violation occurs in a multiple dwelling with five or fewer dwelling units and \$50-\$150 and \$125 per day for a violation that occurs in a multiple dwelling with more than five dwelling units. HPD will be the City agency with the authority to seek a monetary penalty for the failure to comply with this new section of the Housing Maintenance Code. The City’s Department of Health and Mental Hygiene (DOHMH) would be responsible for establishing specifications for window guards and to investigate any incidents of a fall from a window. The DOHMH would be able to issue an order to correct a condition that the agency determines contributed to the fall.

**EFFECTIVE DATE:** This local law shall take effect thirty days after its enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures as the goals of this legislation can be achieved using existing resources.

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

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

**ESTIMATE PREPARED BY:** Anthony Brito, Senior Legislative Financial Analyst  
Latonia McKinney, Deputy Director

**HISTORY:** Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 531 on April 6, 2011. Hearing held by Committee on April 14, 2011, and the bill was laid over. This legislation will be voted by the Committee on September 8, 2011 as Proposed Int. No. 531-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 531-A:)

Int. No. 531-A

By Council Members Dilan, Barron, Cabrera, Chin, Comrie, Gonzalez, Koppell, Mealy, Mendez, Vann, Williams, Mark-Viverito, Brewer, Recchia, Gennaro, Van Bramer, Nelson, Jackson, Arroyo, Eugene, Crowley, Lander, Weprin and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of window guards.**

*Be it enacted by the Council as follows:*

Section 1. Article 11 of subchapter two of chapter two of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2043.1 to read as follows:

§27-2043.1 Window guards. a. An owner of a multiple dwelling and an owner of a dwelling unit in a multiple dwelling owned as a condominium shall provide, install and maintain a window guard, in accordance with specifications established by the department of health and mental hygiene, on each window of each dwelling unit in which a child ten years of age or under resides, and on the windows, if any, in the public areas of a multiple dwelling in which such a child resides.

b. Subdivision a of this section shall not apply to a window that gives access to a fire escape or to a window that is a required means of egress from a dwelling unit on the first floor of a multiple dwelling.

c. No tenant or occupant of a dwelling unit, or other person, shall obstruct or interfere with the installation or maintenance of a window guard as required by subdivision a of this section nor shall any person remove such window guard.

d. No owner of a multiple dwelling and no owner of a dwelling unit in a multiple dwelling owned as a condominium shall refuse a written request of a tenant or occupant of a dwelling unit to provide, install and maintain a window guard, in accordance with specifications established by the department of health and mental hygiene, regardless of whether such provision, installation and maintenance is required pursuant to subdivision a of this section, except that this subdivision shall not apply to a window that gives access to a fire escape or to a window that is a required means of egress from a dwelling unit on the first floor of a multiple dwelling.

e. Any owner required to provide, install and maintain a window guard pursuant to subdivision a or d of this section who fails to provide, install or maintain a window guard shall be liable for a class C immediately hazardous violation.

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

Report for L.U. No. 450  
**Report of the Committee on Land Use in favor of approving Application no. 20115769 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Super Noodle, Inc., d/b/a Old Town Hot Pot, to establish, maintain and operate an unenclosed sidewalk café located at 70 Seventh Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3963), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4                      20115769 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Super Noodle Inc. d/b/a Old Town Hot Pot, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 70 Seventh Avenue.

INTENT

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

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: One    Witnesses      Against:  
None

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Cont’d		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1010  
**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 70 Seventh Avenue, Borough of Manhattan (20115769 TCM; L.U. No. 450).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on August 11, 2011 its approval dated August 11, 2011 of the petition of Super Noodle, Inc., d/b/a Old Town Hot Pot, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 70 Seventh Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on September 6, 2011; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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



Report for L.U. No. 451

**Report of the Committee on Land Use in favor of approving Application no. C 110058 ZMK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an R6A District to an R7-3 District and establishing within a proposed R7-3 District a C2-4 District., Section No. 28b and28d, Council District no. 47.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3964), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13C 110058 ZMK

City Planning Commission decision approving an application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 28b and 28d:

1. changing from an R6A District to an R7-3 District property bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, and a line 140 feet westerly of West 36th Street; and
2. establishing within a proposed R7-3 District an C2-4 District bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, West 36th Street, a line 100 feet southerly of Surf Avenue, and a line 140 feet westerly of West 36th Street;

as shown on a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-274.

INTENT

To facilitate a mixed-use development with 415 units of housing and 418 parking spaces on two blocks in the Coney Island neighborhood of Brooklyn.

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: One  
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	
None		
Rivera		
Reyna		
Barron		
Jackson		
Cont’d		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1011

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110058 ZMK, a Zoning Map amendment (L.U. No. 451).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 12, 2011 its decision dated August 10, 2011 (the "Decision"), on the application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change an R6A District to an R7-3 and R7-3/C2-4 District on property generally bounded by West 35<sup>th</sup> Street, The Riegelmann Boardwalk, West 37<sup>th</sup> Street and Surf Avenue, in the Coney Island section of Brooklyn. To facilitate Ocean Dreams, a mixed-use development with 415 units of market-rate housing, up to 24,750 square feet of commercial floor area and 418 parking spaces on two blocks within the rezoning area (ULURP No. C 110058 ZMK), Community District 13 (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110059 ZSK (L.U. No. 452), special permit pursuant to Section 62-836 of the Zoning Resolution (ZR) to modify the lot coverage requirements of Section 62-322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110060(A) ZSK (L.U. No. 453), special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62- 322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110061 ZSK (L.U. No. 454), special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 within a Large-Scale General Development; C 110062(A) ZSK (L.U. No. 455), special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use requirements of Section 32-42 1 to allow commercial uses on portions of the 2<sup>nd</sup> and 3<sup>rd</sup> floor of a proposed mixed-use development within a Large-Scale General Development;

**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 September 6, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Technical Memorandum which concluded that the modified action would not

alter the conditions and a Revised Conditional Negative Declaration was issued on August 8, 2011 (CEQR No. 10DCP038K);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to the applicant executing the revised conditional negative declaration as described in City Planning Commission’s Report C 110058 ZMK.

The applicant agrees via a restrictive declaration recorded against the subject property on April 14, 2005 (CRFN 2005000214806) in connection with the previously-approved Surf Avenue Rezoning (CEQR No. 03DCP065K) to prepare a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the New York City Department of Environmental Protection (DEP) for approval. The declaration establishes a covenant that runs with the land to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous materials remediation plan including a health and safety plan to DEP for approval, prior to any ground disturbance (i.e., site grading, excavation, demolition, or building construction). If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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 110058 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 28b and 28d:

1.

changing from an R6A District to an R7-3 District property bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, and a line 140 feet westerly of West 36th Street; and
2.

establishing within a proposed R7-3 District an C2-4 District bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, West 36th Street, a line 100 feet southerly of Surf Avenue, and a line 140 feet westerly of West 36th Street;

as shown on a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-274.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

Report for L.U. No. 452

**Report of the Committee on Land Use in favor of approving Application no. C 110059 ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9, and R10 Districts), the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Developments on land and platforms), and the rear yard requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), in connection with a proposed mixed-use development on property located at 3602-3616 Surf Avenue (Zoning Lot A, Block 7065, Lots 6 & 12), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3964), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 110059 ZSK

City Planning Commission decision approving an application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts), the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Development on land and on platforms), and the rear yard requirements of Section 23-44 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents), in connection with a proposed mixed-use development on property located at 3602-3616 Surf Avenue (Zoning Lot A, Block 7065, Lots 6 and 12), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25).

INTENT

To facilitate a mixed-use development with 415 units of housing and 418 parking spaces on two blocks in the Coney Island neighborhood of Brooklyn.

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		

Garodnick  
Lappin  
Mendez  
**Cont’d**  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1012

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110059 ZSK (L.U. No. 452), for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts), the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Development on land and on platforms), and the rear yard requirements of Section 23-44 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents), in connection with a proposed mixed-use development on property located at 3602-3616 Surf Avenue (Zoning Lot A, Block 7065, Lots 6 and 12), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25), Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 12, 2011 its decision dated August 10, 2011 (the "Decision"), on the application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to allow the development of a 14-story mixed-use building containing with 104 dwelling units, up to 3,640 square feet of retail floor area and 149 residential parking spaces on a waterfront block on property located at 3602-3616 Surf Avenue (Zoning Lot A, Block 7065, Lots 6 & 12), in R7-3\* and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25), (ULURP No. C 110059 ZSK), Community District 13, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications Nos. C 110058 ZMK (L.U. No. 451), an amendment to the Zoning Map Section Nos. 28b and 28d, changing an R6A District to R7-3 and R7-3/C2-4 Districts; C 110060(A) ZSK (L.U. No. 453), special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62- 322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110061 ZSK (L.U. No. 454), special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 within a Large-Scale General Development; C 110062(A) ZSK (L.U. No. 455), special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use requirements of Section 32-42 1 to allow commercial uses on portions of the 2<sup>nd</sup> and 3<sup>rd</sup> floor of a proposed mixed-use development within a Large-Scale General Development;

**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 62-836 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 September 6, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Technical Memorandum which concluded that the modified action would not alter the conditions and a Revised Conditional Negative Declaration was issued on August 8, 2011 (CEQR No. 10DCP038K);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment subject to the applicant executing the revised conditional negative declaration as described in City Planning Commission’s Report C 110059 ZSK.

The applicant agrees via a restrictive declaration recorded against the subject property on April 14, 2005 (CRFN 2005000214806) in connection with the previously-approved Surf Avenue Rezoning (CEQR No. 03DCP065K) to prepare a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the New York City Department of Environmental Protection (DEP) for approval. The declaration establishes a covenant that runs with the land to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous materials remediation plan including a health and safety plan to DEP for approval, prior to any ground disturbance (i.e., site grading, excavation, demolition, or building construction). If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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 110059 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

Report for L.U. No. 453

**Report of the Committee on Land Use in favor of approving Application no. C 110060 (A) ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9, and R10 Districts), the height and setback, and ground floor streetscape requirements of Section 62-341 (Developments on land and platforms), in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in an R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3964), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 13****C 110060 (A) ZSK**

City Planning Commission decision approving an application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts), and the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Development on land and on platforms), in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in R7-3\* and R7-3/C2-4\* Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25).



LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

Report for L.U. No. 454

**Report of the Committee on Land Use in favor of approving Application no. C 110061 ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 (Permitted Obstructions in Courts) to allow balconies within courts, in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots, 15, 20 & 25), in an R7-3/C2-4 District, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25) , Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3965), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13            C 110061 ZSK

City Planning Commission decision approving an application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 (Permitted Obstructions in Courts) to allow balconies within courts, in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 and 25), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25).

INTENT

To facilitate a mixed-use development with 415 units of housing and 418 parking spaces on two blocks in the Coney Island neighborhood of Brooklyn.

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: One	Witnesses	Against:
None		

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Garodnick		

Lappin  
Vacca  
Ignizio

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Cont’d		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1014

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110061 ZSK (L.U. No. 454), for the grant of a special permit pursuant to Section 62-83 6 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts), and the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-34 1 (Development on land and on platforms), in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 and 25), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25), Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 12, 2011 its decision dated August 10, 2011 (the "Decision"), on the application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the development of a 22-story mixed-use building containing with 311 dwelling units, up to 21,150 square feet of retail floor area and 269 residential parking spaces on a waterfront block on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 and 25), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25), (ULURP No. C 110061 ZSK), Community District 13, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Application Nos. C 110058 ZMK (L.U. No. 451), an amendment to the Zoning Map Section Nos. 28b and 28d, changing an R6A District to R7-3 and R7-3/C2-4 Districts; C 110059 ZSK (L.U. No. 452), special permit pursuant to Section 62-836 of the Zoning Resolution (ZR) to modify the lot coverage requirements of Section 62-322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110060(A) ZSK (L.U. No. 453), special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62- 322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110062(A) ZSK (L.U. No. 455), special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use

requirements of Section 32-42 1 to allow commercial uses on portions of the 2<sup>nd</sup> and 3<sup>rd</sup> floor of a proposed mixed-use development within a Large-Scale General Development;

**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 September 6, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Technical Memorandum which concluded that the modified action would not alter the conditions and a Revised Conditional Negative Declaration was issued on August 8, 2011 (CEQR No. 10DCP038K);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment subject to the applicant executing the revised conditional negative declaration as described in City Planning Commission’s Report C 110058 ZMK.

The applicant agrees via a restrictive declaration recorded against the subject property on April 14, 2005 (CRFN 2005000214806) in connection with the previously-approved Surf Avenue Rezoning (CEQR No. 03DCP065K) to prepare a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the New York City Department of Environmental Protection (DEP) for approval. The declaration establishes a covenant that runs with the land to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous materials remediation plan including a health and safety plan to DEP for approval, prior to any ground disturbance (i.e., site grading, excavation, demolition, or building construction). If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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 110061 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

Report for L.U. No. 455  
**Report of the Committee on Land Use in favor of approving Application no. C 110062 (A) ZSK submitted by R.A. Real Estate, Inc. 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 of the Zoning Resolution to modify the use requirements of Section 32-421 (Limitation on floors occupied by commercial uses) to allow commercial uses listed in Use Group 6, 7, 8, 9 or 14 on portions of the 2nd and 3rd floors of a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in an R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3965), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 13** **C 110062 (A) ZSK**

City Planning Commission decision approving an application submitted by R.A. Real Estate, Inc., 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 of the Zoning Resolution to modify the use requirements of Section 32-421 (Limitation on floors occupied by commercial uses) to allow commercial uses listed in Use Groups 6, 7, 8, 9 or 14 on portions of the 2nd and 3rd floors of a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 and 25), in R7-3\* and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25).

**INTENT**

To facilitate a mixed-use development with 415 units of housing and 418 parking spaces on two blocks in the Coney Island neighborhood of Brooklyn.

**PUBLIC HEARING**

**DATE:** September 6, 2011

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 6, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Garodnick		
Lappin		
Vacca		
Ignizio		

**COMMITTEE ACTION**

**DATE:** September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
<b><u>Cont’d</u></b>		
Lander		



Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1015

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110062 (A) ZSK (L.U. No. 455), for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use requirements of Section 32-421 (Limitation on floors occupied by commercial uses) to allow commercial uses listed in Use Groups 6, 7, 8, 9 or 14 on portions of the 2<sup>nd</sup> and 3<sup>rd</sup> floors of a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 and 25), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25), Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 12, 2011 its decision dated August 10, 2011 (the "Decision"), on the application submitted by R.A. Real Estate, Inc., 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 of the Zoning Resolution to modify the use requirements of Section 32-421 (Limitation on floors occupied by commercial uses) to allow commercial uses listed in Use Groups 6, 7, 8, 9 or 14 on portions of the 2<sup>nd</sup> and 3<sup>rd</sup> floors of a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 and 25), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 and 25), (ULURP No. C 110062 (A) ZSK), Community District 13, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Application Nos. C 110058 ZMK (L.U. No. 451), an amendment to the Zoning Map Section Nos. 28b and 28d, changing an R6A District to R7-3 and R7-3/C2-4 Districts; C 110059 ZSK (L.U. No. 452), special permit pursuant to Section 62-836 of the Zoning Resolution (ZR) to modify the lot coverage requirements of Section 62-322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110060(A) ZSK (L.U. No. 453), special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62- 322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110061 ZSK (L.U. No. 454), special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 within a Large-Scale General Development;

**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 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 September 6, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Technical Memorandum which concluded that the modified action would not alter the conditions and a Revised Conditional Negative Declaration was issued on August 8, 2011 (CEQR No. 10DCP038K);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment subject to the applicant executing the revised conditional negative declaration as described in City Planning Commission's Report C 110058 ZMK.

The applicant agrees via a restrictive declaration recorded against the subject property on April 14, 2005 (CRFN 2005000214806) in connection with the previously-approved Surf

Avenue Rezoning (CEQR No. 03DCP065K) to prepare a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the New York City Department of Environmental Protection (DEP) for approval. The declaration establishes a covenant that runs with the land to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous materials remediation plan including a health and safety plan to DEP for approval, prior to any ground disturbance (i.e., site grading, excavation, demolition, or building construction). If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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 110062 (A) ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

Report for L.U. No. 457

**Report of the Committee on Land Use in favor of approving Application no. N 110307 ZRM submitted by the Century 21 Department Stores, LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning the waiver of accessory off-street loading berths within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, Council District no. 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011 (Minutes, page 3966), respectfully

## REPORTS:

**SUBJECT**

MANHATTAN CB - 1      N 110307 ZRM

City Planning Commission decision approving an application submitted by Century 21 Department Stores, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning the waiver of accessory off-street loading berths within the Special Lower Manhattan District.

## INTENT

To facilitate the expansion of Century 21 Department Store at their 22 Cortlandt Street location in Manhattan.

**PUBLIC HEARING**

**DATE:** September 6, 2011

**Witnesses in Favor: One**

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 6, 2011

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

**In Favor:**  
Weprin  
Rivera

**Against:**  
None

**Abstain:**  
None

Reyna  
Comrie  
Jackson  
Seabrook  
Garodnick  
Lappin  
Vacca  
Ignizio

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Cont’d		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1016

Resolution approving the decision of the City Planning Commission on Application No. N 110307 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning the waiver of accessory off-street loading berths within the Special Lower Manhattan District in Community District 1, Borough of Manhattan (L.U. No. 457).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 12, 2011 its decision dated August 10, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Century 21 Department Stores, LLC, for an amendment to the text of the Zoning Resolution of the City of New York, to allow a waiver of loading berth requirements for buildings that contain both office and department store and are seeking a change of use from office to department store use which would modify the Special Lower Manhattan District (Application No. N 110307 ZRM), Community District 1, Borough of Manhattan (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 6, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 9, 2011 (CEQR No. 11DCP133M);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110307 ZRM, incorporated by reference herein, the Council approves the Decision.

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

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

\* \* \*

Article IX: Special Purpose Districts

Chapter 1: Special Lower Manhattan District (revised 8/5/11)

\* \* \*

91-50  
OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

\* \* \*

91-53  
Waiver of Requirements for Accessory Off-Street Loading Berths

- (a)

For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the conditions in paragraphs (b), (c), (d) and (e) have been met:
- (1)

waiver of #accessory# off-#street# loading berths required for such department store #use#;
- (2)

waiver of existing required #accessory# off-#street# loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and
- (3)

exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section 12-10 when such floor space will be used for such improved goods receiving and in-store transport system.
- (b)

A plan for curb side deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and ~~will~~ shall not interfere with the efficient functioning of nearby public transit facilities;
- (c)

At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;
- (d)

In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section 12-10, such floor space shall be used for the improved goods receiving and in-store transport system; and
- (e)

A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries, and the site plan. Such declaration shall be filed and







The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10            20125029 HHM

Application submitted by New York City Department of Citywide Administrative Services pursuant to Section 7387(1) of the Unconsolidated Laws of the State of New York for the transfer of property located at 264-272 West 118th Street (Block 1923, Lot 53) to the New York City Health and Hospitals Corporation for use by Harlem Hospital Center.

INTENT

To facilitate the relocation of the Sydenham Health Center.

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: One            Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

In Favor:	Against:	Abstain:
Lander	None	None
Sanders, Jr.		
Arroyo		
Mendez		
Halloran		

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1020

Resolution approving the transfer of city-owned property located at 264-72 West 118<sup>th</sup> Street (Block 1923, Lot 53), Borough of Manhattan (20125029 HHM; Preconsidered L.U. No. 461).

By Council Members Comrie and Lander.

WHEREAS, the New York City Department of Citywide Administrative Services (“DCAS”) filed with the Council on July 27, 2011, its request dated July 21, 2011 pursuant to Section 7387(1) of the Unconsolidated Laws of the State of New York regarding the transfer of city-owned property located at 264-72 West 118<sup>th</sup> Street (Block 1923, Lot 53) (the “Transfer”) to the New York City Health and Hospitals Corporation (“HHC”) for use by Harlem Hospital Center according to the June 16, 1970 Operating Agreement between the City of New York and the Health and Hospitals Corporation, Community District 10, Borough of Manhattan;

WHEREAS, the Transfer is subject to review and action by the Council pursuant to Section 7387(1) of the Unconsolidated Laws of the State of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Transfer on September 6, 2011; and

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

RESOLVED:

Pursuant to Section 7387(1) of the Unconsolidated Laws of the State of New York, the Council approves the Transfer upon the terms and conditions set forth in the June 16, 1970 Operating Agreement between the City of New York and the Health and Hospitals Corporation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

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

Report for L.U. No. 462

Report of the Committee on Land Use in favor of approving Application no. 20125031 HAM, an amended Urban Development Action Area Project located at 213 East 99th Street, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11            20125031 HAM

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Article 16 of the General Municipal Law, for a modification to a previously approved Urban Development Action Area Project and Area located at 213 East 99th Street, Borough of Manhattan, Council District No. 8.



INTENT

To facilitate the development of 90 rental units for low-income artists, community facility space and open space.

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: Two                      Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

In Favor:	Against:	Abstain:
Levin	None	None
Barron		
Koo		

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1021

Resolution approving an amended Urban Development Action Area Project located at 213 East 99<sup>th</sup> Street (Block 1649, Lot 9), Borough of Manhattan, and approving the urban development action area designation pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 462; Non- ULURP No. 20125031 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 9, 2011 its request dated July 10, 2011 that the Council take the following actions regarding an amendment to a previously approved Urban Development Action Area Project (the "Project")

located at 213 East 99<sup>th</sup> Street (Block 1649, Lot 9), Community District 11, Borough of Manhattan:

- Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
- Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;
- Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is related to C 090145 HAM; L.U. No. 1016 and Resolution No. 1909 as of April 2, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Project on September 6, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on October 19, 2008 (CEQR No. 09HPD011M).

RESOLVED:

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

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

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

Report for L.U. No. 463

Report of the Committee on Land Use in favor of approving Application no. 20125041 HAK, In Rem Action no. 52, application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions for property located in Community

Boards 3, 4, 8, 12 and 16, Council Districts no. 34, 36, 40 and 41, Borough of Brooklyn.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 3, 4, 8, 12, 16      20125041 HAK

In Rem Action No. 52: Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York and Article 16 of the General Municipal Law for the transfer and disposition of property located in Council Districts 34, 36, 40 and 41, and related tax exemptions pursuant to §696 of the General Municipal Law and §577 of the Private Housing Finance Law.

INTENT

To facilitate the development and preservation of the property.

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: Two                      Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

In Favor:	Against:	Abstain:
Levin	None	None
Barron		
Koo		

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1022

Resolution approving an Urban Development Action Area Project located at 1493 Park Place (Block 1368, Lot 1), 1682 Sterling Place (Block 1381, Lot 36), 518 Decatur Street (Block 1504, Lot 14), 184 Monroe Street (Block 1817, Lot 36); 1725 Sterling Place (Block 1466, Lot 65), 1719 Sterling Place (Block 1466, Lot 67), 1752 Sterling Place (Block 1470, Lot 29), 354 Saratoga Avenue (Block 1452, Lot 51), 163 Suydam Street (Block 3208, Lot 50); 89 Hart Street (Block 1767, Lot 68); and 21 Hinckley Place (Block 5342, Lot 28); Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 463; 20125041 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Finance (“DOF”) and the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 5, 2011 its request dated July 5, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1493 Park Place (Block 1368, Lot 1), 1682 Sterling Place (Block 1381, Lot 36), 518 Decatur Street (Block 1504, Lot 14), 184 Monroe Street (Block 1817, Lot 36); 1725 Sterling Place (Block 1466, Lot 65), 1719 Sterling Place (Block 1466, Lot 67), 1752 Sterling Place (Block 1470, Lot 29), 354 Saratoga Avenue (Block 1452, Lot 51), 163 Suydam Street (Block 3208, Lot 50); 89 Hart Street (Block 1767, Lot 68); and 21 Hinckley Place (Block 5342, Lot 28); Community District Nos. 3, 4, 8, 12, and 16, Borough of Brooklyn, Council District Nos. 34, 36, 40, and 41 (the "Transfer Area"):

1. Find that the present status of the Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve an exemption of the Project from real property taxes pursuant to Sections 577 of Article XI of the Private Housing Finance Law; and Section 696 of the General Municipal Law (the "Tax Exemption");

WHEREAS, upon due notice, the Council held a public hearing on the Project on September 6, 2011;

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

RESOLVED:

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

The Council waives the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;

The Council approves the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

The Council approves an exemption of the Project from real property taxes pursuant to Sections 577 of Article XI of the Private Housing Finance Law; and Section 696 of the General Municipal Law (the "Tax Exemption");

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

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee (“Article XI Commencement Date”) and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance (“Article XI Expiration Date”).
- b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder (“Article XI Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation (“Alternative Tax Benefit”), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
- c. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

2. Pursuant to Section 696 of the General Municipal Law as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date (“UDAAP Commencement Date”); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
- b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder (“UDAAP Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development (“HPD”) determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

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

Report for L.U. No. 464

**Report of the Committee on Land Use in favor of approving Application no. 20125042 HAK, In Rem Action no. 52, application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions for property located in Community Boards 12, 14, 16 and 18, Council Districts no. 37, 40, 46 and 48, Borough of Brooklyn.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12, 14, 16, 18

20125042 HAK

In Rem Action no. 52: Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York and Article 16 of the General Municipal Law for the transfer and disposition of property located in Council Districts 37, 40, 46 and 48, and related tax exemptions pursuant to §696 of the General Municipal Law and §577 of the Private Housing Finance Law.

INTENT

To facilitate the development and preservation of the property.

PUBLIC HEARING

DATE: September 6, 2011

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2011

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

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

COMMITTEE ACTION

DATE: September 7, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1023

**Resolution approving an Urban Development Action Area Project located at 152 Sackman Street (Block 1443, Lot 39), 13 Hinckley Place (Block 5342, Lot 30), 1462 East 105 Street (Block 8307, Lot 69), and 1623 Avenue P (Block 6763, Lot 46), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 464; 20125042 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Finance (“DOF”) and New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 5, 2011 its request dated July 5, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 152 Sackman Street (Block 1443, Lot 39), 13 Hinckley Place (Block 5342, Lot 30), 1462 East 105 Street (Block 8307, Lot 69), and 1623 Avenue P (Block 6763, Lot 46), Community District Nos. 12, 14, 16, and 18, Borough of Brooklyn, Council Districts 37, 40, 46, and 48 (the "Transfer Area"):

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on September 6, 2011;

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

RESOLVED:

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

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:
1. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee (“Article XI Commencement Date”) and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance (“Article XI Expiration Date”).

2. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder (“Article XI Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation (“Alternative Tax Benefit”), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

3. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 7, 2011.

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

Report of the Committee on Waterfronts

Report for Int. No. 53-A

**Report of the Committee on Waterfronts 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 creating a clean waterfront plan.**

The Committee on Waterfronts, to which the annexed amended proposed local law was referred on February 11, 2010 (Minutes, page 339), respectfully

REPORTS:

I. INTRODUCTION

On September 7, 2011, the Committee on Waterfronts, chaired by Council Member Michael C. Nelson, will hold a hearing on Proposed Int. No. 53-A, a Local Law to amend the administrative code of the city of New York, in relation to creating a clean waterfront plan. The proposed legislation requires the Office of Long-Term Planning and Sustainability, the Department of Small Business Services (DSBS), the

Department of Sanitation (DSNY), and the Department of Environmental Protection (DEP) to create and implement a plan to combat illegal dumping into the City’s waterways. On February 22, 2010 the Committee considered an earlier version of this legislation and received testimony from representatives from City agencies and other interested in this legislative item. Amendments to the bill before the Committee today were made following this initial hearing.

2. **BACKGROUND**

For most of its history, New York City’s waterfront has been an industrial hub serving as a home to marine cargo facilities, cruise ships, factories, waste transfer stations, and electric generating facilities. During much of this period, the City’s waterways served as flowing garbage disposals for the bone boilers, ironworkers, printers, potters, and other industrial users that lined the banks of New York’s waterways.

In response to poor water quality in the City and nationwide, environmental advocacy efforts resulted in State and Federal efforts to clean the nation’s waterways, including the passage of the Federal Water Pollution Control Act (“Clean Water Act” or “CWA”) in 1972. Despite significant improvements in water quality since the implementation of the CWA, many waterways in New York City remain badly polluted from a variety of sources including oil spills, toxic leaks, raw sewage, collapsing structures on the waterfront, failing bulkheads, and illegal dumping.

The act of “dumping” can encompass a wide range of illegal activities from abandoning vehicles to depositing construction debris into waterways. While the impact of a single instance of illegal dumping is likely to be less detrimental to water quality than is a catastrophic event like an oil spill or the persistent discharges from combined sewer overflows, the aggregate result of illegal dumping activity can be quite severe. Increased stewardship and monitoring efforts by local community groups and environmental organizations has resulted in increased knowledge of illegal dumping activities particularly along industrial waterways in New York City. For instance, in order to address persistent illegal dumping into the Bronx River, the Bronx River Alliance has trained staff members to monitor and report instances of illegal dumping to the New York State Department of Environmental Conservation (DEC) and the DEP. Additionally, the environmental advocacy organization Riverkeeper has monitored and recorded illegal dumping activities on Newtown Creek and has encouraged known violators to embrace non-polluting business practices.<sup>1</sup>

3. **CURRENT LAWS & ENFORCEMENT**

a. **Federal Rules**

As noted above, the Federal Clean Water Act of 1972 is the nation’s primary water pollution control law. The CWA prohibits the discharge of pollutants, including the dumping of materials, into the waters of the United States without a permit. Penalties can be assessed against violators of up to \$31,500 per violation per day. The United States Environmental Protection Agency (EPA) administers the CWA unless it has delegated the administrative authority to a state. New York is one of the states that has been delegated this authority by the EPA and has implemented the CWA through the DEC and applicable provisions of the state’s Environmental Conservation Law (ECL). In addition to enforcement divisions at the federal, state, and local levels, the CWA and the federal Resource Conservation and Recovery Act<sup>2</sup> enable citizens to sue polluters in the court system.

b. **New York State**

Laws against dumping materials into New York’s waterways are outlined in several sections of both the Laws of New York State and the New York City Administrative Code. Broadly defined laws also exist in the New York State Navigation Law, Vehicle and Traffic Law, and Public Health Law to prohibit littering of the waterways. Specifically, section 33 of the Navigation Law regulates the disposal of sewage and the “littering of waterways.”<sup>3</sup> Section 201 of the Public Health Law empowers the New York State Department of Health to “supervise and regulate the sanitary aspects of water supplies and sewage disposal and control the pollution of waters of the state.”<sup>4</sup>

Furthermore, section 17-701 of the ECL makes unlawful any illegal discharges into the waterways of New York State without a State Pollutant Discharge Elimination System (SPDES) permit. Section 17-801 of the ECL creates the State Pollutant Discharge Elimination System and states that “it shall be unlawful to discharge pollutants to the waters of the state from any outlet or point source without a SPDES permit” and empowers the DEC to issue SPDES permits. While such sections concern sewer pipe discharges into waterways, section 17-503 of the ECL specifically prohibits dumping of materials into the waterways. This section states, “[G]arbage, cinders, ashes, oils, sludge or refuse of any kind shall not be thrown, dumped or permitted to run into the waters of the marine district.”<sup>5</sup> Section 13-103 of the ECL defines “marine district” as the “waters of the Atlantic Ocean within three nautical miles from the coastline and all other tidal waters within the state, including the Hudson River up to the Tappan Zee Bridge.”<sup>6</sup>

In New York State, the Division of Environmental Enforcement (DEE) has jurisdiction over illegal dumping activities. DEE is the enforcement arm of DEC and is responsible for enforcing all of New York’s environmental conservation laws, including those related to illegal dumping, air pollution, pesticide pollution and the regulation of solid waste disposal. Environmental Conservation Officers, called

“ECOs,” are sworn police officers that also enforce the environmental conservation laws by investigating complaints and documenting felonies, misdemeanors and violations to the state and federal conservation laws.<sup>7</sup> There are approximately 300 ECOs and investigators in New York State or about one officer for every 400 square miles of New York State.<sup>8</sup> Given the broad number of responsibilities assigned to each ECO, DEE encourages citizen participation and provides a toll free phone number to compile tips. Of the 300 total ECOs statewide, there are 17 based in New York City to oversee New York City’s five boroughs, including its 587 miles of waterfront.

c. **New York City Administrative Code**

New York City prohibits illegal dumping through section 16-119 of the New York City Administrative (Ad. Code). Dumping into the waterways is specifically outlawed in section 22-112 of the Ad. Code, which prohibits any type of waterway dumping unless done under the supervision of the United States supervisor of the harbor defined as the United States Coast Guard’s “Captain of the Port”. These laws, in part, are implemented through rules promulgated by the City’s Department of Health and Mental Hygiene, the Department of Sanitation, the Department of Environmental Protection, and the Department of Small Business Services.

The City enforces illegal dumping through two City agencies, the Department of Small Business Services and the Department of Sanitation. Both DSBS and DSNY have the power to issue notices of violation to dumpers. Additionally, the Department of Environmental Protection monitors water quality in the region and drinking water throughout the water supply system.

Currently, the DSBS employs three Dockmasters who investigate unsafe conditions on the 587 miles of waterfront including trespassing, failing bulkheads and illegal dumping. Because the Dockmasters do not have a boat, a typical day involves substantial driving to waterfront locations to investigate reports. Dockmasters conduct investigations of alleged wrongdoing and issue compliance notices. If the problem is not corrected within a given period the violator will receive a fine. Section 22-112 of the Ad. Code establishes a penalty of “not more than two hundred fifty dollars nor less than five dollars, or imprisonment for not more than six months nor less than ten days,” for this misdemeanor and permits “one-half of such fine to be paid to the person giving information which shall lead to the conviction of the offender.” Additionally, violators are liable for a civil penalty of not less than \$1,500 nor more than \$10,000 for the first violation, and not less than \$5,000 nor more than \$20,000 for each subsequent violation.

The Department of Sanitation maintains an enforcement unit that issues notices of violations to illegal dumpers. Unlike the DSBS, sanitation officers are responsible for monitoring all dumping that occurs in the City not just on the waterfront.

The Department of Environmental Protection is responsible for protecting New York City’s environment and its watersheds in upstate New York. Although DEP operates a skimmer vessel to remove floatable debris in the waterways and reports on harbor water quality monitoring in its annual *New York Harbor Water Quality Report* the bulk of its environmental water-related enforcement is dedicated to protecting New York City’s watershed.

4. **PROPOSED INT. NO. 53-A**

Proposed Int. No. 53-A would add a new section 3-121 to Subchapter 2 of Chapter 1 of Title 3 of the Administrative Code of the City of New York.

Subdivision (a) of new section 3-121 sets forth three definitions applicable to this section. The term “director” would mean the Director of Long-Term Planning and Sustainability, the term “office” would mean the Office of Long-Term Planning and Sustainability, and the term “illegal dumping” would mean “any violation of subdivision a of section 16-119 of this code that occurs in or upon any wharf, pier, dock, bulkhead, slip or waterway or other area, whether publicly or privately owned, that is adjacent to any wharf, pier, dock, bulkhead, slip or waterway, and any violation of section 22-112 of this code.”

Subdivision (b) of new section 3-121 requires the Director of Long-Term Planning and Sustainability, the Commissioner of Environmental Protection, the Commissioner of Sanitation, the Commissioner of Small Business Services and, where necessary and practicable, the Police Commissioner and the heads of any other agencies or offices that the Mayor shall designate, to devise and prepare a plan to prevent waterfront dumping, littering on any streets or public places located on waterfront property, the abandoning of vehicles, vessels and crafts on waterfront property and the improper handling and storage of merchandise and materials on wharves, piers, docks and bulkheads. The plan must include, at a minimum:

1. A determination as to whether the promulgation of rules is necessary for the implementation of the plan and the nature of such rules;
2. The creation of an accessible and centralized source of information consisting of laws, rules and regulations that relate to the clean waterfront plan;
3. The creation of a protocol for coordination with other governmental entities that have jurisdiction over the port of New York;
4. A protocol to coordinate enforcement by the Department of Small Business Services, the Department of Environmental Protection and the Department of Sanitation, that would include, at a minimum, a waterfront survey to identify dumping sites, periodic inspections of waterfront properties

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

<sup>7</sup> Environmental Conservation Officer. *New York State Department of Environmental Conservation*. <http://www.dec.ny.gov/about/746.html>

<sup>8</sup> Report an Environmental Problem. *New York State Department of Environmental Conservation*. <http://www.dec.ny.gov/regulations/393.html>

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

<sup>1</sup> <http://www.riverkeeper.org/campaigns/stop-polluters/newtown/>

<sup>2</sup> Clean Water Act, 33 U.S.C. § 1355; Resource Conservation and Recovery Act 42 U.S.C. § 6972. Environmental Protection Agency.

<sup>3</sup> New York State Navigation Law

<sup>4</sup> New York State Public Health Law

<sup>5</sup> Laws of New York. Environmental Conservation Law. § 17-503.

<sup>6</sup> Laws of New York. Environmental Conservation Law. § 13-103.

to ensure compliance with all applicable rules, regulations and laws concerning the handling of materials, dumping and abandoning of property, and the posting of signs to discourage dumping and abandoning of property; and

5. A public education and outreach program to increase awareness about the clean waterfront plan.

Subdivision (c) of new section 3-121 requires the Director of Long-Term Planning and Sustainability to submit the plan to the Mayor and the Council, and to make it available on the City’s website by January 1, 2013.

Subdivision (d) of new section 3-121 requires the Director of Long-Term Planning and Sustainability to submit a report to the Mayor and the Council on or before April 1, 2014 and on or before April 1 every other year thereafter. The report must encompass the two year period immediately preceding the report and include at least the following information:

1. The number of complaints received by the City for waterfront dumping;
2. The number of summonses and notices of violation, respectively, issued by each agency for violations of any law, rule or regulation relating to waterfront dumping;
3. The total amount of civil penalties imposed for such notices of violation by the environmental control board;
4. Any changes made to the clean waterfront plan;
5. A summary of any rules promulgated to implement the clean waterfront plan; and
6. Recommendations for appropriate legislation and improved enforcement with respect to the clean waterfront plan.

Subdivision (e) of new section 3-121 requires that a draft of the plan and the required reports be made available to the public three months prior to their submissions and requires a sixty day comment period on such plans and reports. All comments received during such period shall be included as an appendix to the plan or report.

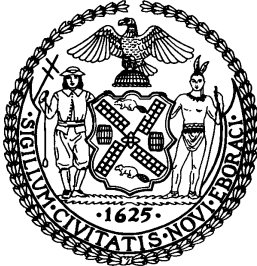
Proposed Int. No. 53-A will become effective immediately upon enactment.

**5. AMENDMENTS TO INT. NO. 53-A**

- Technical changes were made throughout the bill for the purposes of clarity, to correct references and to revise the organization of text. Such changes also include changes to the title of the bill, creating a new section 3-121 of Title 3 rather than creating a new section in Title 22, the renumbering of sections and the merging and renumbering of paragraphs.
- The definitions for “New York City Waterways” and “Commissioner” were removed, definitions for “Director” and “Office” were added, and the definition for “Illegal Dumping” was changed to “Waterfront Dumping” which is now specifically defined as violations of section 16-119 that occur on the waterfront and violations of section 22-112.
- The Director of Long-Term Planning and Sustainability and, where necessary and practicable, the Police Commissioner were added to the list of Commissioners responsible for devising a waterfront plan.
- The Director of Long-Term Planning and Sustainability is now responsible for creating and submitting the plan instead of the Commissioner of Small Business Services as originally proposed.
- The promulgation of rules for the safe handling of materials on the waterfront was revised to allow a determination as to whether rules are necessary. If it is determined that new rules are necessary they will be promulgated according to the City Administrative Procedure Act.
- The role of the Waterfront Task Force to aid in the devising of rules was eliminated.
- The bill no longer requires a centralized contact for reporting dumping on the waterfront.
- The Director of Long-Term Planning and Sustainability, where necessary and practicable, the Police Commissioner and any agencies that the Mayor designates were added to the list of agencies that are included in a protocol to coordinate enforcement of rules on the waterfront.
- The plan must now be submitted to the Mayor and the Council. Such submission must occur by January 1, 2013 which is one year later than originally proposed to allow the relevant agencies adequate time to devise the plan.
- The date for submission of the required reports was moved back one year to April 1, 2014 since the date for the submission of the plan was revised as previously noted.
- The required reports will now include information on fines imposed by the Environmental Control Board due to the difficulty of obtaining such information from non-City entities.

- The required reports must now also include any changes made to the plan, a summary of any rules promulgated to implement the plan, and any recommendations for appropriate legislation.
- The proposed legislation now requires the report due on or before April 1, 2018 by the Director of Long-Term Planning and Sustainability to include a recommendation as to whether future reports are required.
- Finally, the bill was amended to provide that three months prior to the submission of the plan or of any report, the Director of Long-Term Planning and Sustainability shall make a draft of the plan or the report available to the public for a sixty day comment period. All comments received by the director shall be included as an appendix of such plan or report.

(The following is the text of the Fiscal Impact Statement for Int. No. 53-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 53-A

COMMITTEE:  
Waterfronts

**TITLE:** To amend the administrative code of the city of New York, in relation to creating a clean waterfront plan.

**SPONSORS:** By Council Members Nelson, Brewer, Chin, Fidler, Gennaro, Gentile, James, Koppell, Lander, Palma, Recchia Jr., Sanders Jr., Williams, Vallone, Foster, Dromm, Vacca, Van Bramer, Garodnick, Crowley, Gonzalez, Weprin and Ulrich.

**SUMMARY OF LEGISLATION:** This legislation states that the Director of Long-term Planning and Sustainability (the Director), in conjunction with the Commissioners of Environmental Protection, Sanitation, Small Business Services and, where necessary the Police Commissioner, and the heads of such other agencies as the mayor may designate, shall prepare a clean waterfront plan to prevent waterfront dumping, littering on any streets or public places located on waterfront property, the abandoning of vehicles, vessels and crafts on waterfront property and the improper handling and storage of merchandise and materials on wharves, piers, docks and bulkheads.

The Director will submit the clean waterfront plan to the Mayor and the Speaker of the City Council on or before January 1, 2013 and shall post the plan on the city website. Subsequently, the Director will submit a report on the progress of the plan to the Mayor and the Speaker of the City Council on or before April 1, 2014 and on or before April 1 of every other year thereafter.

**EFFECTIVE DATE:** This local law shall take effect immediately.

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

FISCAL IMPACT STATEMENT:			
	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues (+)*	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There will be no impact on revenue as a result of this legislation.

**IMPACT ON EXPENDITURES:** There would be no expenditure impact by the enactment of this legislation

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

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



ESTIMATE PREPARED BY: Nathan Toth, Deputy Director  
New York City Council Finance Division

DATE SUBMITTED TO COUNCIL: Introduced by City Council and referred to Consumer Affairs Committee as Int. No. 53 on February 11, 2010. On February 22, 2010, the Committee held a hearing on the amended version of Proposed Int. No. 53-A, and the bill was laid over. This legislation will be voted by the Committee on September 7, 2011 as Proposed Int. No.53-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 53-A:)

Int. No. 53-A

By Council Members Nelson, Brewer, Chin, Fidler, Gennaro, Gentile, James, Koppell, Lander, Palma, Recchia, Sanders, Williams, Vallone, Jr., Foster, Dromm, Vacca, Van Bramer, Garodnick, Crowley, Gonzalez, Weprin, Ulrich, Jackson, Arroyo, Eugene, Barron, Rodriguez and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to creating a clean waterfront plan.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-121 to read as follows:

§3-121 Clean waterfront plan. a. For purposes of this section, the following terms shall have the following meanings:

1. "Director" shall mean the director of long-term planning and sustainability;  
2. "Office" shall mean the office of long-term planning and sustainability; and  
3. "Waterfront dumping" shall mean any violation of subdivision a of section 16-119 of this code that occurs in or upon any wharf, pier, dock, bulkhead, slip or waterway or other area, whether publicly or privately owned, that is adjacent to any wharf, pier, dock, bulkhead, slip or waterway, and any violation of section 22-112 of this code.

b. The director, in conjunction with the commissioner of environmental protection, the commissioner of sanitation, the commissioner of small business services and, where necessary and practicable, the police commissioner, and the heads of such other agencies as the mayor may designate, shall prepare a clean waterfront plan to prevent waterfront dumping, littering on any streets or public places located on waterfront property, the abandoning of vehicles, vessels and crafts on waterfront property and the improper handling and storage of merchandise and materials on wharves, piers, docks and bulkheads. The plan shall include, but need not be limited to, the following:

1. a determination as to whether the promulgation of rules is necessary to implement the clean waterfront plan and a description of the nature of those rules, if any;

2. the creation of an accessible and centralized source of information consisting of laws, rules and regulations that relate to the clean waterfront plan;

3. a protocol to coordinate with federal, state, and multi-state agencies and authorities that have jurisdiction over the port of New York and waterways in the city of New York in relation to promoting a clean waterfront;

4. a protocol to coordinate the enforcement of all applicable laws, rules and regulations that relate to the clean waterfront plan and the promotion of a clean waterfront by the office, the department of environmental protection, the department of sanitation, the department of small business services and, where necessary and practicable, the police department, and such other agencies as the mayor may designate, that would include, but need not be limited to, a survey to identify sites where waterfront dumping occurs or is likely to occur, periodic inspections of waterfront properties, and the posting of signs to discourage waterfront dumping, littering and the abandonment of vehicles, vessels and crafts on waterfront property; and

5. a public education and outreach program to increase awareness about the clean waterfront plan.

c. The director shall submit the clean waterfront plan to the mayor and the speaker of the city council on or before January 1, 2013 and shall post such plan on the city website.

d. 1. The director shall submit a report to the mayor and the speaker of the city council on or before April 1, 2014 and on or before April 1 of every other year thereafter, which shall include, but need not be limited to, the following information for the immediately preceding two calendar years:

(i) the number of complaints received by the city concerning conduct that constitutes waterfront dumping, littering on any streets or public places located on waterfront property, the abandoning of vehicles, vessels and crafts on waterfront property and the improper handling and storage of merchandise and materials on wharves, piers, docks and bulkheads;

(ii) the number of summonses and notices of violation, respectively, issued by each agency for violations of any law, rule or regulation relating to waterfront dumping, littering on any streets or public places located on waterfront property, the

abandoning of vehicles, vessels and crafts on waterfront property and the improper handling and storage of merchandise and materials on wharves, piers, docks and bulkheads;

(iii) the total amount of civil penalties imposed for such notices of violation by the environmental control board;

(iv) any changes made to the clean waterfront plan;

(v) a summary of any rules promulgated to implement the clean waterfront plan; and

(vi) recommendations for appropriate legislation and improved enforcement with respect to the clean waterfront plan.

2. In the report issued on or before April 1, 2018 the director shall make a recommendation on the necessity of future reports issued pursuant to this subdivision.

e. Three months prior to the submission of the plan or a report as required by subdivisions c and d of this section, respectively, the director shall make a draft of such plan or report available to the public for a sixty-day comment period. All comments received during such period shall be included as an appendix to the plan or report. The director shall provide notice of such opportunity to comment to any property owners and/or tenant organizations, manufacturing and commercial trade groups, community-based organizations, environmental advocacy organizations and members of the general public that have formally requested to be notified of such opportunity or other individuals or organizations that the director deems appropriate.

§2. This local law shall take effect immediately.

MICHAEL C. NELSON, Chairperson; GALE A. BREWER, PETER F. VALLONE, Jr., BRADFORD S. LANDER, ERIC A. ULRICH; Committee on Waterfronts, September 7, 2011.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant’s Report

Name	Address	District Number
Laura Fenimore	333 Pearl Street #7N New York, N.Y. 10038	1
Max Bernstein	215 West 88 <sup>th</sup> Street #3H New York, N.Y. 10024	6
Sadie Rojas	480 Audubon Avenue #B51 New York, N.Y. 10040	10
Marcita A. Cedenó	141-30 Pershing Cresent #1R Queens, N.Y. 11435	24
Lisa O'Hara	51-01 39 <sup>th</sup> Avenue #L42 Queens, N.Y. 11104	26
Debbie C. Haynes	185-01 Galway Avenue #2 Queens, N.Y. 11412	27
Christina Vuong	85-22 67 <sup>th</sup> Drive Rego Park, N.Y. 11374	29
Seabron P. Barefield	60 Hamilton Avenue #6L Staten Island, N.Y. 10301	49
Alisher Salyamov	867 Nugent Avenue Staten Island, N.Y. 10306	50
Megan E. Stair	425 Falcon Avenue Staten Island, N.Y. 10306	50

Approved New Applicants and Reapplicants



ROLL CALL ON GENERAL ORDERS FOR THE DAY  
(Items Coupled on General Order Calendar)

- (1)

Int 53-A -

In relation to creating a clean waterfront plan.
- (2)

Int. 518-A --

In relation to the establishment of the Atlantic Avenue business improvement district.
- (3)

Int 531-A -

In relation to the installation of window guards.
- (4)

L.U. 444 & Res 1009 -

App. **20115678 TCK**, 318 Grand Street, Borough of Brooklyn, Council District no.34.
- (5)

L.U. 450 & Res 1010 -

App. **20115769 TCM**, 70 Seventh Avenue, Borough of Manhattan, Council District no. 3.
- (6)

L.U. 451 & Res 1011 -

App. **C 110058 ZMK** District and establishing within a proposed R7-3 District a C2-4 District., Section No. 28b and28d, Council District no. 47 .
- (7)

L.U. 452 & Res 1012 -

App. **C 110059 ZSK** General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13.
- (8)

L.U. 453 & Res 1013 -

App. **C 110060 (A) ZSK** General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13.
- (9)

L.U. 454 & Res 1014 -

App. **C 110061 ZSK** General Development (Block 7065, Lots 6, 12, 15, 20 & 25) , Borough of Brooklyn, Community District 13.
- (10)

L.U. 455 & Res 1015 -

App. **C 110062 (A) ZSK** General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13.
- (11)

L.U. 457 & Res 1016 -

App. **N 110307 ZRM** waiver of accessory off-street loading berths within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, Council District no. 1.
- (12)

L.U. 458 & Res 1017 -

App. **20115023 HKM (N 110405 HKM)**, 70 Pine Street (List No.443, LP-2442), (Block 41, Lot 1), Council District no.1 .
- (13)

L.U. 459 & Res 1018 -

App. **20115024 HKM (N 110404 HKM)**, 70 Pine Street (List No.443, LP-2441), (Block 41, Lot 1), Council District no. 1.
- (14)

L.U. 460 & Res 1019 -

Uniform app. **C 110235 ZSM**, Zoning Resolution in the Borough of Manhattan, Council District no. 1 to allow retail uses on portions of the ground floor and cellar of an existing 5-story building.
- (15)

L.U. 461 & Res 1020 -

App. **20125029 HHM** 264-272 West 118th Street (Block 1923, Lot 53)
- (16)

L.U. 462 & Res 1021 -

App. **20125031 HAM**, 213 East 99th Street, Council District no. 8, Borough of Manhattan.
- (17)

L.U. 463 & Res 1022 -

App. **20125041 HAK**, Community Boards 3, 4, 8, 12 and 16, Council Districts no. 34, 36, 40 and 41, Borough of Brooklyn.
- (18)

L.U. 464 & Res 1023 -

Application no. **20125042 HAK**, Community Boards 12, 14, 16 and 18, Council Districts no. 37, 40, 46 and 48, Borough of Brooklyn.
- (19)

Resolution approving various persons Commissioners of Deeds.

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

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

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

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 53-A, 518, and 531-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. Res 998  
**Report of the Committee on Housing and Buildings in favor of approving a resolution supporting the New York State Attorney General’s comprehensive investigation into the mortgage packaging practices of several banks and calling upon the 50 State Attorneys General Taskforce to preserve the State Attorney General’s investigatory and prosecutorial powers pursuant to New York’s Martin Act in any settlement with major financial institutions.**

The Committee on Housing and Buildings, to which the annexed resolution was referred on September 8, 2011, respectfully

REPORTS:

BACKGROUND AND INTENT:

Today, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will meet to consider a preconsidered resolution supporting the New York State Attorney General’s comprehensive investigation into the mortgage packaging practices of several banks and calling upon the 50 State Attorneys General Taskforce to preserve the State Attorney General’s investigatory and prosecutorial powers pursuant to New York’s martin Act in any settlement with major financial institutions.

Preconsidered Res. No. 998

Since 2004, the United States (U.S.) has suffered from a mortgage crisis caused by a number of factors prevalent in both the housing and credit markets, including substandard underwriting practices by lenders, the prevalence of non-traditional mortgages with low initial interest rates, and an increase in private label securitization. The resolution acknowledges that since 2006, more than 3 million homes have been repossessed through foreclosure in the United States and that as of 2010 another 2.9 million homes were in foreclosure a 23 percent increase nationwide since 2008. Additionally, it states that according to the New York State Comptroller’s office, between 2006 and 2009 the number of foreclosure filings in New York City rose by 31.7 percent to 22,886.

The resolution also provides that a majority of New York City’s residents are Black or Latino and that communities of color have been disproportionately impacted by the mortgage crisis, and that recent studies indicate that 8 percent of Latinos have lost their homes to foreclosures, compared to 4.5 percent of whites and measured by future risk assessments, 17 percent of Latino homeowners are at imminent risk of losing their homes, compared to 7 percent of non-Hispanic white homeowners. Nationwide, 22.7 percent of residential properties with mortgages are “underwater” or worth less than the mortgage on the property.

Furthermore, following the mortgage collapse the Federal Bureau of Investigation (FBI) increased its investigation into fraudulent activities associated with the mortgage process based on an analysis of suspicious activity reports filed by federally insured financial institutions which increased from 6,936 reports filed in 2003 to 67,190 in 2009. In addition, the FBI ranked New York as one of the top ten states for known or suspected mortgage fraud activity for two consecutive years and ranked New York as one of the top ten states for reports of mortgage fraud across all originations in 2010. The resolution acknowledges that the FBI and other law enforcement entities, such as State Attorneys General across the U.S., have investigated instances of fraud related to the origination of loans, the securitization of mortgage loans by sponsor banks, and the servicing of mortgages.

With respect to the servicing of loans, the resolution states that in October 2010 many major banks heeded the call of attorneys, stakeholders and the judiciary by placing a moratorium on foreclosure proceedings after reports of fraudulent procedural activities surfaced, including the falsification of legal documents used to initiate foreclosures also known as “robo-signing,” the inadequate handling of documents and the use of false titles. Also in October 2010, Attorneys Generals from

all 50 states convened a Taskforce to conduct an inquiry into the robo-signing scandal, which has resulted in a proposed settlement agreement between the Taskforce and major banks that is being negotiated and that would require the banks to pay a sum to be used for homeowner loan modifications.

Further, the resolution states that the 50 State Attorneys General Taskforce was originally convened to analyze the robo-signing fraud associated with the initiation of foreclosure proceedings and not to investigate the bundling of mortgages into securities and the representations and statements made to investors regarding the quality of such securities. The resolution recognizes that in New York State, pursuant to the Martin Act, the Attorney General may investigate and bring suit against financial institutions for actions taken in the course of securities-related transactions.

The resolution also acknowledges that New York City is the financial capital of the U.S. where most of the nation’s top financial institutions are located and that according to published reports New York State Attorney General Eric Schneiderman has already commenced a Martin Act investigation into the packaging of mortgage loans into securities by several major banks. The resolution also recognizes that Attorney General Eric Schneiderman is concerned that the proposed settlement by the 50 State Attorneys General Taskforce would give the major banks a broad release from all future mortgage collapse-related litigation thereby restricting his office from proceeding with its current investigation and impeding future investigations and or legal action taken in the area of mortgage security fraud.

The resolution expresses that the Council of the City of New York supports the New York State Attorney General’s comprehensive investigation into the mortgage packaging practices of several banks and calls upon the 50 State Attorneys General Taskforce to preserve the State Attorney General’s investigatory and prosecutorial powers pursuant to New York’s Martin Act in any settlement with major financial institutions.

Accordingly, this Committee recommends its adoption.

(For text of the resolution, please see the Introduction and Reading of Bills section printed in these Minutes.)

ERIK MARTIN DILAN, Chairperson; LEROY G. COMRIE, LEWIS A, FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, September 8, 2011.

Pursuant to Rule 8.50 of the Rules of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. Gotbaum) declared Res No. 998 to be adopted.

The following 2 Council Members formally objected to the passage of this item: Council Members Ignizio and Oddo.

Adopted by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 998

Resolution supporting the New York State Attorney General's comprehensive investigation into the mortgage packaging practices of several banks and calling upon the 50 State Attorneys General Taskforce to preserve the State Attorney General's investigatory and prosecutorial powers pursuant to New York's Martin Act in any settlement with major financial institutions.

By the Speaker (Council Member Quinn) and Council Members Jackson, Gennaro, Chin, Comrie, James, Koppell, Lander, Mark-Viverito, Mendez, Nelson, Rose, Seabrook, Vann, Williams, Sanders and Halloran.

Whereas, Since 2004 the United States (U.S.) has suffered from a mortgage crisis caused by a number of factors prevalent in both the housing and credit markets, including substandard underwriting practices by lenders, the prevalence of non-traditional mortgages with low initial interest rates, and an increase in private label securitization; and

Whereas, Since 2006 more than 3 million homes have been repossessed through foreclosure in the United States; and

Whereas, Nationwide as of 2010, another 2.9 million homes were in foreclosure, a 23 percent increase since 2008; and

Whereas, According to the New York State Comptroller's office, between 2006 and 2009 the number of foreclosure filings in New York City rose by 31.7 percent to 22,886; and

Whereas, A majority of New York City's residents are Black or Latino and communities of color have been disproportionately impacted by the mortgage crisis, as 8 percent of Latinos have lost their homes to foreclosures, compared to 4.5 percent of whites and measured by future risk assessments, 17 percent of Latino homeowners are at imminent risk of losing their homes, compared to 7 percent of non-Hispanic white homeowners, according to recent studies; and

Whereas, Nationwide 22.7 percent of residential properties with mortgages are "underwater" or worth less than the mortgage on the property; and

Whereas, Following the mortgage collapse the Federal Bureau of Investigation (FBI) increased its investigation into fraudulent activities associated with the mortgage process based on an analysis of suspicious activity reports filed by federally insured financial institutions, which increased from 6,936 reports filed in 2003 to 67,190 in 2009; and

Whereas, The FBI ranked New York as one of the top ten states for known or suspected mortgage fraud activity for two consecutive years and ranked New York as one of the top ten states for reports of mortgage fraud across all originations in 2010; and

Whereas, The FBI investigations and those of other law enforcement entities, such as State Attorneys General across the U.S. investigated instances of fraud related to the origination of loans, the securitization of mortgage loans by sponsor banks, and the servicing of mortgages; and

Whereas, In October 2010 many major banks heeded the call of attorneys, stakeholders and the judiciary by placing a moratorium on foreclosure proceedings after reports of fraudulent procedural activities surfaced, including the falsification of legal documents used to initiate foreclosures also known as "robo-signing," the inadequate handling of documents and the use of false titles; and

Whereas, Also in October 2010, 50 State Attorneys General convened an official inquiry into the robo-signing scandal; and

Whereas, As a result of such inquiry, a proposed settlement agreement between the 50 State Attorneys General Taskforce and major banks is being negotiated which would require the banks to pay a sum to be used for homeowner loan modifications; and

Whereas, The 50 State Attorneys General Taskforce was originally convened to analyze the robo-signing fraud associated with the initiation of foreclosure proceedings and not to investigate the bundling of mortgages into securities and the representations and statements made to investors regarding the quality of such securities; and

Whereas, In New York State, pursuant to the Martin Act, the Attorney General may investigate and bring suit against financial institutions for actions taken in the course of securities-related transactions; and

Whereas, New York City is the financial capital of the U.S. where most of the nation's top financial institutions are located; and

Whereas, Based on published reports, New York State Attorney General Eric Schneiderman commenced a Martin Act investigation into the packaging of mortgage loans into securities by several major banks; and

Whereas, Attorney General Eric Schneiderman is concerned that the proposed settlement by the 50 State Attorneys General Taskforce would give the major banks a broad release from all future mortgage collapse-related litigation thereby restricting his office from proceeding with its current investigation and impede future investigations and or legal action taken in the area of mortgage security fraud; now, therefore, be it

Resolved, That the Council of the City of New York supports the New York State Attorney General's comprehensive investigation into the mortgage packaging practices of several banks and calls upon the 50 State Attorneys General Taskforce to preserve the State Attorney General's investigatory and prosecutorial powers pursuant to New York's Martin Act in any settlement with major financial institutions.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 664

By Council Members Cabrera, Arroyo, Comrie, Foster, James, Rivera, Rose, Seabrook, Van Bramer, Palma, Fidler, Jackson, Lander, Brewer, Koppell, Koo and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to personal information security.

Be it enacted by the Council as follows:

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

Chapter 9 - PERSONAL INFORMATION SECURITY

§10-901 Personal information security

§10-901 Personal information security. a. As used in this chapter, "personal information" shall mean any information concerning an individual which, because of a name, number, symbol, mark or other identifier, can be used to identify that individual.

b. Each agency that maintains a system of records containing personal information shall develop, implement, and maintain a comprehensive security program that contains administrative, technical, and physical safeguards for the protection of such personal information. Such comprehensive security program shall be consistent with federal and state laws and regulations.

c. Where not inconsistent with applicable federal and state laws and regulations, every comprehensive security program shall include, but shall not be limited to, 1. designating one or more employees to maintain the comprehensive information security program;

2. identifying and assessing foreseeable internal and external risks to the security, confidentiality, and/or integrity of any electronic, paper or other records containing personal information, and evaluating and improving, where necessary, the effectiveness of the current safeguards for limiting such risks, including but not limited to, ongoing employee training, employee compliance with policies and procedures, and a means for detecting and preventing security system failures;

3. developing security policies for employees relating to the storage, access and transportation of records containing personal information outside of business premises;

4. imposing disciplinary measures for violations of the comprehensive information security program rules;

5. preventing persons whose employment with the agency has been terminated from the agency from accessing records containing personal information;

6. restrictions upon physical access to records containing personal information, including the storage of such records and data in locked facilities, storage areas or containers;

7. regular monitoring to ensure that the comprehensive information security program is operating in a manner calculated to prevent unauthorized access to or unauthorized use of personal information; and upgrading information safeguards as necessary to limit risks;

8. reviewing the scope of the security measures at least annually or whenever there is a material change in business practices that may implicate the security or integrity of records containing personal information; and

9. documenting any incident involving a breach of security, responsive actions taken in connection with such incident and performing a mandatory post-incident review of events including changes made, if any, to business practices relating to protection of personal information.

d. Where not inconsistent with applicable federal and state laws and regulations, if an agency electronically stores or transmits records containing personal information the comprehensive information security program of such agency shall include, but not be limited to, 1. secure user authentication protocols including control of user identification cards and other record access identifiers; a secure method of assigning and selecting passwords, or use of unique identifier technologies, such as biometrics or token devices; control of data security passwords to ensure that such passwords are kept in a location or format that does not compromise the security of the data they protect; restricting access to active users and active user accounts only; and blocking access to user identification after multiple unsuccessful attempts to gain access or the limitation placed on access for the particular system;

2. secure access control measures that restrict access to records and files containing personal information to those who need such information to perform their job duties and to assign unique identifications and passwords, which are not vendor supplied default passwords, to each person with computer access, that are designed to maintain the integrity of the security of the access controls;

3. encryption of all transmitted records and files containing personal information that will travel across public networks, and encryption of all data containing personal information to be transmitted wirelessly.

4. encryption of all personal information stored on laptops or other portable devices;

5. encryption of all personal information stored on removable media that is transported or stored by third-party service providers;

6. monitoring of systems for unauthorized use of or access to personal information;

7. for files containing personal information on a system that is connected to the Internet, there must be up-to-date firewall protection and operating system security patches, designed to maintain the integrity of the personal information;

8. up-to-date versions of system security agent software which must include malware protection and up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis; and

9. education and training of employees on the proper use of the applicable computer security system and the importance of personal information security.

e. Each agency that maintains a system of records containing personal information shall take steps to select and retain third-party service providers that are capable of maintaining appropriate security measures to protect such personal information consistent with this chapter and any applicable federal and state laws and regulations, and require such third-party service providers to implement and maintain such appropriate security measures for personal information.

§2. This local law shall take effect one year after its enactment, except that the commissioner or director of each agency 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 Technology.

Res. No. 999

**Resolution pursuant to section 104-c of the New York State General Municipal Law, authorizing the New York City Department of Citywide Administrative Services to donate surplus city-owned computers, computer software and computer equipment to public and private institutions for secular educational use and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals.**

By Council Members Cabrera, Jackson, Arroyo, Chin, Comrie, Dickens, Dromm, Eugene, Fidler, Foster, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Nelson, Rose, Seabrook, Vann, Williams, Sanders and Koo.

**Whereas**, Many educational programs and not-for-profit institutions have an insufficient supply of computers and often rely on donations; and

**Whereas**, The City of New York currently transfers equipment and supplies from one City agency to another through the Department of Citywide Administrative Services Office of Surplus Activities but does not currently have a policy for the donation of surplus computer equipment to non-city entities; and

**Whereas**, Donations of computer equipment to institutions operating educational programs and those providing services for persons with disabilities will assist in the disposal of unneeded equipment, is mutually beneficial for the City and the recipients of the donations and is an efficient use of government resources; and

**Whereas**, Section 104-c of the New York State General Municipal Law allows the governing board of a political subdivision to adopt policies by resolution authorizing the donation of spare computer equipment to schools, public libraries, and other public and private educational programs for secular educational use, and to not-for-profit institutions serving persons with disabilities, senior citizens, or low income individuals; and

**Whereas**, Section 2 of the General Municipal Law defines "governing board" to include the "common council of a city"; and

**Whereas**, The New York City Department of Education and the New York Public Library are eligible to receive surplus equipment through the Department of Citywide Administrative Services Office of Surplus Activities; and

**Whereas**, Donations are required to be based on a public notification process and competitive proposals from eligible organizations; and

**Whereas**, Institutions requesting donations must demonstrate need and specific plans for the use of such equipment; and

**Whereas**, No computer software shall be transferred if such transfer would cause a breach of a computer software license agreement or an infringement of a copyright; now, therefore, be it

**Resolved**, That the Council of the City of New York, pursuant to section 104-c of the New York State General Municipal Law, authorizes the New York City Department of Citywide Administrative Services to donate surplus city-owned computers, computer software and computer equipment to public and private institutions for secular educational use and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals.

Referred to the Committee on Technology.

Int. No. 665

By Council Members Crowley, Dromm, Ferreras, Foster, Gonzalez, James, Koslowitz, Rose, Seabrook and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to locating electrical conductors underground.**

*Be it enacted by the Council as follows:*

Section 1. Pursuant to section 24-416 of the administrative code of the city of New York, the council deems it desirable and practicable that all of the electrical conductors located above ground on any street within the area described in section three of this local law shall be placed underground.

§2. The commissioner of transportation shall notify the owners or operators of electrical conductors located above ground on any street within the area described in section three of this local law that such electrical conductors shall be placed underground within a certain time, sufficient for the proper construction of underground conduits or other channels in such street, to be fixed by such commissioner.

§3. The area in which all of the electrical conductors located above ground shall be placed underground pursuant to section one of this law is all of that portion of Queens county bounded and described as follows: beginning at the point of intersection of 57<sup>th</sup> Place and Rust Street, and proceeding northerly along 57<sup>th</sup> Place to Maspeth Avenue, and proceeding easterly along Maspeth Avenue to Maurice Avenue, and proceeding northerly along Maurice Avenue to 53<sup>rd</sup> Drive, and proceeding easterly along 53<sup>rd</sup> Drive to 66<sup>th</sup> Street, and proceeding northerly along 66<sup>th</sup> street to Maurice Avenue, and proceeding easterly along Maurice Avenue to 51<sup>st</sup> Avenue, and proceeding easterly along 51<sup>st</sup> Avenue to New York Central Railroad, and proceeding southerly along New York Central Railroad to I-495, and proceeding



easterly along I-495 to 58<sup>th</sup> Avenue, and proceeding easterly along 58<sup>th</sup> Avenue to 84<sup>th</sup> Street, and proceeding easterly along 84<sup>th</sup> Street to 63<sup>rd</sup> Avenue, and proceeding easterly along 63<sup>rd</sup> Avenue to Woodhaven Boulevard, and proceeding southerly along Woodhaven Boulevard to Long Island Railroad, and proceeding easterly along Long Island Railroad to Union Turnpike, and proceeding easterly along Union Turnpike to Metropolitan Avenue, and proceeding easterly along Metropolitan Avenue to Park Lane South, and proceeding southerly along Park Lane South to 115<sup>th</sup> Street, and proceeding southerly along 115<sup>th</sup> Street to 84<sup>th</sup> Avenue, and proceeding easterly along 84<sup>th</sup> Avenue to 118<sup>th</sup> Street, and proceeding southerly along 118<sup>th</sup> Street to Hillside Avenue, and proceeding southerly along Hillside Avenue to 117<sup>th</sup> Street, and proceeding southerly along 117<sup>th</sup> Street to Jamaica Avenue, and proceeding westerly along Jamaica Avenue to 107<sup>th</sup> Street, and proceeding southerly along 107<sup>th</sup> Street to 92<sup>nd</sup> Avenue, and proceeding westerly along 92<sup>nd</sup> Avenue to New York City Transit Authority, and proceeding southerly along New York Transit Authority to Atlantic Avenue, and proceeding westerly along Atlantic Avenue to Woodhaven Boulevard, and proceeding northerly along Woodhaven Boulevard to Jamaica Avenue, and proceeding westerly along Jamaica Avenue to Forest Parkway, and proceeding northerly along Forest Parkway to Park Lane South, and proceeding westerly along Park Lane South to the Kings/Queens county line, and proceeding northerly along the Kings NY/Queens NY county line to Long Island Railroad, and proceeding easterly along Long Island Railroad to Cooper Avenue, and proceeding northerly along Cooper Avenue to Long Island Railroad, and proceeding northerly along Long Island Railroad to Myrtle Avenue, and proceeding westerly along Myrtle Avenue to Forest Avenue, and proceeding northerly along Forest Avenue to Catalpa Avenue, and proceeding westerly along Catalpa Avenue to Woodward Avenue, and proceeding northerly along Woodward Avenue to Stanhope Street, and proceeding northerly along Stanhope Street to Grandview Avenue, and proceeding westerly along Grandview Avenue to Rene Court, and proceeding northerly along Rene Court to Metropolitan Avenue, and proceeding westerly along Metropolitan Avenue to Arnold Avenue, and proceeding northerly along Arnold Avenue to Long Island Railroad, and proceeding easterly along Long Island Railroad to Flushing Avenue, and proceeding easterly along Flushing Avenue to Rust Street, and proceeding northerly along Rust Street to the point beginning.

§4. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 666

By Council Members Dilan, Chin, Comrie, Jackson, Mark-Viverito, Nelson, Rose, Seabrook and Vann (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for violation of the heat and hot water requirements of the housing maintenance code.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision k of section 27-2115 of the administrative code of the city of New York, as amended by local law number 16 for the year 2011, is amended to read as follows:

(1) (i) Notwithstanding any other provision of law, a person who violates section 27-2028, subdivision a of section 27-2029, section 27-2031 [or], section 27-2032, *or section 27-2033* of [article eight of subchapter two of] this chapter shall be subject to a civil penalty of not less than two hundred fifty nor more than five hundred 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 nor more than one 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 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 thousand dollars. There shall be a presumption that the condition constituting a violation continues after the affixing of the notice.

(ii) *Notwithstanding the provisions of subparagraph (i) of this paragraph and section 27-2116 of this chapter, the civil penalties set forth in subparagraph (i) of this paragraph shall be deemed satisfied for a first violation of section 27-2028, subdivision a of section 27-2029, section 27-2031, section 27-2032 or section 27-2033 of this chapter if a notice that such violation has been corrected within twenty-four hours of the affixing of the notice of such violation pursuant to paragraph two of this subdivision, and a payment of two hundred fifty dollars, in a form prescribed by the department, are submitted to the department within ten days of the affixing of the notice of such violation. If the notice of correction and payment is not received within such ten-day period, then the penalties set forth in subparagraph (i) of this paragraph shall be applicable to such violations and the department may commence a proceeding for an order to correct and to recover such penalties in accordance with this section and section 27-2116 of this chapter. A person who has violated*

*section 27-2028, subdivision a of section 27-2029, section 27-2031, section 27-2032 or section 27-2033 of this chapter may allege as a defense or in mitigation, compliance with the notice of correction and payment requirements of this subparagraph in any proceeding brought by the department seeking civil penalties under this subdivision. The process for submission of the notice of correction and payment set forth in this subparagraph shall not be available if a violation of section 27-2028, section 27-2031, section 27-2032 or section 27-2033 of this chapter occurred at the same dwelling or multiple dwelling during the prior calendar year or, in the case of subdivision a of section 27-2029 of this chapter, if a violation of such subdivision occurred at the same dwelling or multiple dwelling during the prior period of October first through May thirty-first.*

(iii) *Notwithstanding any other provision of law, a person who, after inspection by the department, is issued an immediately hazardous violation for a third or any subsequent violation of section 27-2028, section 27-2031, section 27-2032 or section 27-2033 of this chapter at the same dwelling or multiple dwelling within the same calendar year or, in the case of subdivision a of section 27-2029 of this chapter, at the same dwelling or multiple dwelling within the same period of October first through May thirty-first, shall be subject to a fee of two hundred dollars for each inspection that results in the issuance of such violation 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.*

§ 2. This local law shall take effect on October 1, 2011, and shall apply to any violation issued on or after such date. The commissioner of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 667

By Council Members Dilan, Chin, Comrie and Seabrook (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to vacate orders and violations issued and relocation services provided by the department of housing preservation and development.**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (v) of paragraph (a) of subdivision 1 of section 26-301 of the administrative code of the city of New York is amended to read as follows:

(v) for tenants of any privately owned building where the displacement of such tenants results from the enforcement of any law, regulation, order or requirement pertaining to the maintenance or operation of such building or the health, safety and welfare of its occupants. *Where any tenant ceases to occupy a building following the issuance of any order to correct a violation or vacate a building by any agency of the city of New York, and before the rescission of such order, it shall be presumed that the displacement of such tenant results from the enforcement of a law, regulation, order or requirement pertaining to the maintenance or operation of such building or the health, safety and welfare of its occupants.*

§ 2. The section heading and subdivisions one and two, and the opening paragraph of subdivision four of section 26-305 of the administrative code of the city of New York, the opening paragraph of subdivision four as amended by local law number 65 for the year 1997, are amended to read as follows:

Expenses of relocation [pursuant to vacate order]. 1. Whenever the department of housing preservation and development has incurred expenses in providing relocation services for tenants pursuant to subparagraph (v) of paragraph (a) of subdivision one of section 26-301 of this chapter, *it shall be presumed that such relocation services were provided due to displacement of such tenants pursuant to such subparagraph, and* the department shall be entitled to reimbursement of such expenses. *Such expenses shall be recoverable* from the owner of the building from which such tenants were relocated, if the conditions giving rise to the need for such relocation arose as a result of the negligent or intentional acts of such owner, or as a result of [his or her] *the failure of such owner to maintain and repair* such [dwelling] building in accordance with the standards prescribed by the housing *maintenance code* or health code *or any other applicable law* governing such [dwelling] building. "Owner" for purposes of this section shall mean and include the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation, *in whole or partial possession or* directly or indirectly in control of a [dwelling] building.

2. The expenses incurred for which payment to the department is due under the provisions of this section shall include but not be limited to departmental costs, *including costs for any housing provided by the department or pursuant to a*



contract with the department, bonuses, moving expenses or other reasonable allowances given to induce tenants to relocate voluntarily.

4. To the extent that such expenses are not recovered by the department *prior to the effective date of the local law that added paragraph d of this subdivision*, they shall, except as herein provided, constitute a lien or liens upon such building and the lot upon which it stands, governed by the provisions of law regulating mechanics liens, *and the provisions set forth in paragraphs a, b, and c of this subdivision*.

§ 3. Subdivision 4 of section 26-305 of the administrative code of the city of New York is amended by adding a new paragraph (d) to read as follows:

*(d) On and after the effective date of the local law that added this paragraph, all amounts for expenses incurred by the department for relocation services pursuant to this section 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 chapter two of title 27 of the administrative code shall govern the effect and enforcement of such debt and lien. A statement of account may be served upon an owner for such amounts pursuant to 27-2129 of the administrative code.*

§ 4. Paragraph 2 of subdivision a of section 27-2089 of the administrative code of the city of New York is amended to read as follows:

(2) Were, or shall become, untenanted by reason of having been vacated by the department under the provisions of the administrative code or any provision of the multiple dwelling law on the ground that such dwelling was or is deemed unfit for human habitation or dangerous to life and health, it shall be unlawful for the owner of such dwelling to cause or permit same to be used in whole or in part for living purposes (other than by a janitor, superintendent or resident caretaker) until such dwelling is made to comply with the applicable requirements of the administrative code and the multiple dwelling law affecting the kind and class of such structure. For the purpose of determining whether any such dwelling is untenanted, occupancy of same by a janitor, superintendent or resident caretaker shall not be counted. It shall be unlawful for the owner of any such dwelling to cause or permit same to be used in whole or in part for living purposes (other than by a janitor, superintendent or resident caretaker) until (1) an application and plan for the work required by this article have been filed with and approved by the department *of buildings, where required*, (2) such work has been completed by the owner and approved by the department, [and] (3) *where required by the department of buildings*, a new certificate of occupancy has been obtained, *and (4) the department has inspected and determined that such dwelling is habitable and may be occupied.*

§ 5. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 65 for the year 1987, is amended to read as follows:

(a) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. *Notwithstanding the foregoing, any person who violates section 27-2070, 27-2073, 27-2077, 27-2078, 27-2079, 27-2081, or 27-2087 of this code shall be subject to a civil penalty of not less than twenty-five dollars nor more than one hundred dollars and, in addition, fifty dollars per day for each such violation.* A person wilfully making a false certification of correction of a violation shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars for each violation falsely certified, in addition to the other penalties herein provided.

§ 6. Paragraph 2 of subdivision c of section 27-2140 of the administrative code of the city of New York is amended to read as follows:

2. If the department has not revoked or extended the order pursuant to subdivision b of section 27-2142 of this article, [where such dwelling is a class B multiple dwelling or a class A multiple dwelling used for single room occupancy pursuant to section two hundred forty-eight of the multiple dwelling law,] the owner of such dwelling shall be subject to a civil penalty of five thousand dollars for each dwelling unit which is included in said order. The fine shall be recoverable by the department by civil action in a court of appropriate jurisdiction. Such action must be commenced or notice of pendency filed within one year of the effective date of the vacate order.

§ 7. Subdivision d of section 27-2140 of the administrative code of the city of New York is amended to read as follows:

d. If a vacate order is not complied with within the time specified, the department may cause the dwelling or part thereof affected to be vacated, *and may charge a fee for its expenses in enforcing such vacate order. Such fee may be established by rule by the department. Such fee that remains 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 chapter two of title 27 of the administrative code shall govern the effect and enforcement of such debt and lien. A statement of account may be served upon an owner for such fee pursuant to 27-2129 of the administrative code.*

§ 8. Subdivision d of section 27-2142 of the administrative code of the city of New York is amended to read as follows:

d. The department may require as a condition for revocation of a vacate order, that the owner [make reasonable effort to notify] *shall have provided any tenants*

*who may have vacated the dwelling pursuant to such order with temporary dwellings or other assistance in relocating to temporary dwellings, and notified any such tenants [who may have vacated the dwelling pursuant to such order that said tenant has] that such tenants have a right to re-occupy the dwelling, and will permit re-occupancy of the dwelling by such tenants.*

§ 9. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 668

By Council Members Dromm, Arroyo, Brewer, Chin, Eugene, Ferreras, Foster, Gentile, Gonzalez, Jackson, James, Koppell, Koslowitz, Mendez, Nelson, Reyna, Rose, Seabrook, Vann, Williams, Sanders and Koo.

A Local Law to amend the New York city charter, in relation to providing assistance to seniors with bed bugs in their homes.

*Be it enacted by the Council as follows:*

Section 1. Findings and Intent. The Department for the Aging (DFTA) promotes, administers and coordinates the development and provision of services for older New Yorkers to help them maintain their independence and participation in their communities. The New York City Bed Bug Advisory Board has found that beg bugs have become a serious issue for many New Yorkers, especially those least equipped to deal with them, and that bed bugs are a pest of public health importance due to the physical, emotional and psychological impact that they can have on those affected.

The presence of bed bugs in New York City has increased dramatically in recent years and this increase seriously impacts senior citizens who often face difficulty carrying out the actions necessary to completely eradicate a bed bug infestation. Complete eradication of bed bugs is rarely achieved by chemical extermination alone and commonly requires, but is not limited to, disposing of infested items, moving items, washing clothes, sorting through papers and books, putting belongings in plastic bags, and cleaning hard to reach cracks in interior walls and ceilings, as well as electrical outlets. As a result of the high numbers of infestations and the intensive and repeated efforts required to eradicate an infestation, seniors are more likely to experience the negative physical, emotional, and psychological impacts of a bed bug infestation.

The health effects of bed bugs can be significant, despite the fact that bed bugs have never been shown to spread disease. The most significant health effects appear to be the onset of stress, anxiety, depression, and fatigue caused by the presence of bed bugs in the home. These health effects are then amplified by the time and expense it takes to exterminate bed bugs successfully. Additionally, when bed bugs are present in the homes of those requiring home health care or other services, it is common that service providers will not provide services until the bed bugs are gone, thus denying some people of medical care and other needs.

The New York City Bed Bug Advisory Board found that if strong action is not taken quickly by the City, the impact of bed bugs on residents, business owners, and visitors will continue to increase, thereby increasing economic hardship and decreasing quality of life. Accordingly, the Council finds that it is necessary to provide senior citizens with assistance in combating bed bugs and that it is imperative that adequate and efficient bed bug extermination procedures are consistently and continuously implemented to meet the needs of the city's senior citizen population.

§2. Section 2402 of the New York city charter is amended by amending subdivisions f and g and by adding a new subdivision h to read as follows:

f. to promulgate rules and regulations for the operation of facilities, services and programs under its jurisdiction; [and]

g. to maintain, operate and control such programs and facilities as may be necessary or required for the proper administration of the department[.]; *and*

*h. to maintain, operate and control a program to provide effective assistance and support in the city for senior citizens with bed bug infestations in their dwelling to successfully eradicate such infestation, provided, however, that such assistance shall include the moving of furniture and heavy equipment, if necessary.*

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

Referred to the Committee on Aging.

Int. No. 669

By Council Members Dromm, Comrie, Ferreras, Fidler, James, Koslowitz, Mendez, Williams and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to a police computer technology strategy plan that includes a phase-out of the use of typewriters.

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-152 to read as follows:

*§14-152 Annual information technology strategy. No later than April 1 of each year, the department shall produce and transmit to the council and the mayor an information technology strategy report detailing the department's plans for the procurement and deployment of all technology and telecommunications initiatives in the following fiscal year. Such strategy report shall include a plan for the phase-out of the use of typewriters for all departmental purposes by fiscal year 2013.*

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

Referred to the Committee on Technology.

Res. No. 1000

**Resolution calling upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers.**

By Council Members Gennaro, Comrie, Koslowitz, Nelson, Vacca and Halloran.

**Whereas**, Since March 2011, there have been three major interstate bus crashes resulting in 21 passenger fatalities; and

**Whereas**, In each of the fatal bus crashes, driver negligence has been suspected to be a contributing factor to the crash; and

**Whereas**, A.8113 would amend Vehicle and Traffic Law Section 509-9(2), to require that bus drivers undergo background checks; and

**Whereas**, Under current state law only school bus drivers are required to undergo a background check for employment; and

**Whereas**, Since March 2011, the New York State Department of Transportation has conducted over 1,200 random checks of interstate buses on the road; and

**Whereas**, These random checks have resulted in 124 bus drivers being taken off the road, with 14 percent of these drivers having improper or suspended licenses; and

**Whereas**, In addition to the roadside checks, New York State has conducted over 300 inspections of interstate buses in New York City, resulting in 55 drivers being removed for serious violations; and

**Whereas**, In order to restore the confidence of passengers and the safety of buses, it is necessary to require all bus drivers to undergo background checks; and

**Whereas**, The New York State Senate on June 2, 2011, passed S.5171B requiring background checks of bus drivers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers.

Referred to the Committee on Transportation.

Res. No. 1001

**Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.02672 / S. 4369 and A. 03725/ S. 01394, legislation that would amend the Public Authorities Law and make reforms to the New York City Water Board.**

By Council Members Halloran, Fidler, James, Williams and Sanders.

**Whereas**, The New York City Water Board ("Water Board") establishes rates and distributes the collected revenues of the water and sewer system of the City of New York; and

**Whereas**, Since 2007, the Water Board has consistently raised water rates by double or near double digits percentages; and

**Whereas**, On July 1, 2011 the Water Board raised rates by an additional 7.5%; and

**Whereas**, Legislation has been introduced in the State Legislature, A. 02672 and S. 4369, which would amend the Public Authorities Law to require that all rates, fees, rents or other charges established by the Water Board increase by no more than 5% annually or the current rate of inflation, whichever is greater; and

**Whereas**, This bill would protect homeowners, building owners and businesses throughout the City of New York from significant annual increases to their water rates; and

**Whereas**, The Water Board consists of seven board members, who are appointed by the Mayor; and

**Whereas**, Legislation has been introduced in the State Legislature, A. 03725 and S. 1394 which would amend the Public Authorities Law to require that three of the seven Water Board members be appointed by the Mayor, three be appointed by the Speaker of the City Council and one by the City Comptroller; and

**Whereas**, This legislation would give appointing power to two other offices of city government, providing for greater government accountability; and

**Whereas**, Because the Water Board sets rates for water and sewer fees charged to all building owners, home owners, and businesses in New York City, these

individuals and entities should be protected from excessive rates and be provided with greater government accountability; 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. 02672 / S. 4369 and A. 03725/ S. 01394, legislation that would amend the Public Authorities Law and make reforms to the New York City Water Board.

Referred to the Committee on Finance.

Res. No. 1002

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation which would limit the sale of alcopops to liquor stores.**

By Council Members Jackson, Koppell, Wills, Dickens, Ferreras, Fidler, Foster, James, Lander, Mendez, Rose, Seabrook, Vann, Williams and Sanders.

**Whereas**, According to the National Institute on Alcohol Abuse and Alcoholism, approximately 5,000 young people under the age of 21 die as a result of underage drinking each year, including approximately 1,900 who are killed in automobile crashes; and

**Whereas**, In New York City, it is estimated that alcohol causes 1,500 deaths every year, making it the third-leading cause of preventable death; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene, two out of five adolescents who begin drinking before age 15 will become dependent on alcohol within their lifetimes; and

**Whereas**, Approximately one out of eight of individuals between 18 and 20 years are already alcohol dependent; and

**Whereas**, The Department asserts that many younger drinkers initiate alcohol use through consuming "alcopops," which are premixed, sweet, carbonated flavored malt beverages with alcohol volumes as high as 12 percent; and

**Whereas**, These products are generally advertised with youth appeal, as they are often colorful, available in many fruity flavors and resemble soft drinks; and

**Whereas**, More than two-thirds of high school aged students reported drinking alcopops in the past year; and

**Whereas**, While alcopops are often consumed by teenage girls and underage drinkers, these products have the effect of serving as a bridge to other alcoholic products which are less sweet; and

**Whereas**, Throughout New York City, more than 20 percent of high school students who drink, report purchasing or obtaining their alcohol from retail stores, including delis, grocery stores and mini-marts, where these products are sold alongside beer, tea and sports drinks; and

**Whereas**, Because of its high alcohol content, New York State should not allow the sale of alcopops at the same place where non-alcoholic beverages are sold since youth are present at these locations; and

**Whereas**, New York State must protect its children and deter underage alcohol consumption by restricting the sale of alcopops to stores with a liquor license; and

**Whereas**, In order to prevent youth from obtaining these beverages, Senator Jeffrey Klein and Assemblymember Felix Ortiz introduced S4221-A and A.6914, respectively, which would amend the Alcoholic Beverage Control Law by classifying flavored malt beverages as liquor for distribution, wholesale and retail sale purposes; and

**Whereas**, S4221-A/A.6914 seek to amend the definition of liquor to include flavored malt beverages for the purposes of distribution, wholesale and retail sale; and

**Whereas**, S4221-A/A.6914 would define a flavored malt beverage as an alcoholic beverage containing more than six percent alcohol and more than one percent sugar in the form of flavors such as fruit juice, among other ingredients; and

**Whereas**, Restricting the sale of all alcopops to liquor stores would dramatically decrease youth availability to these products; and

**Whereas**, This legislation represents a significant step in curtailing underage drinking of these dangerous substances; and

**Whereas**, This legislation would further protect children if the definition of flavored malt beverages was expanded to include products with lower alcohol contents, as several of the alcopops popular with youth have less than six percent alcohol content; and

**Whereas**, Currently, there are 8,700 retail outlets in New York City where underage minors can potentially purchase and obtain these products; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation which would limit the sale of alcopops to liquor stores.

Referred to the Committee on Health.

Int. No. 670  
By Council Members Mark-Viverito, Dromm, Mendez, Chin and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the humane disposition of licensed carriage horses.

Be it enacted by the Council as follows:

Section 1. Section 17-329 of title 17 of the administrative code of the city of New York is amended to read as follows:

§17-329 **Disposition of licensed horse.** *a.* The department shall be notified of the transfer of ownership or other disposition of a licensed horse within [ten] *five* days thereafter. Such notice shall include the date of disposition and [if sold in New York city,] the name and address of the buyer or other transferee and such other information as the commissioner may prescribe.

*b.* A horse shall not be sold or disposed of except in a humane manner, *which, for the purposes of this subchapter shall mean one of the following:*

*1. The owner shall sell or donate the horse to a private individual who signs an assurance that the horse will not be sold and shall be kept solely as a companion animal and not employed in another horse-drawn carriage business or as a work horse and will be cared for humanely for the remainder of the horse's natural life; or*

*2. The owner shall sell or donate the horse to a duly incorporated animal sanctuary or duly incorporated animal protection organization whose president or executive director signs an assurance that the horse will not be sold and shall be kept solely as a companion animal and not employed in another horse-drawn carriage business and will be cared for humanely for the remainder of the horse's natural life.*

*c. Records indicating the name, address and telephone number of the private individual, duly incorporated animal sanctuary or duly incorporated animal protection organization to whom the horse was sold or donated together with the assurance specified above shall be sent by the owner to the department within five days after such sale or donation. A copy of such record shall also be maintained at the stable.*

§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 Health.

Res. No. 1003  
Resolution urging the United States Congress to pass and the President to sign S. 951, the Hiring Heroes Act of 2011, which would help service members separating from active duty find employment.

By Council Members Nelson, Arroyo, Dromm, Eugene, Fidler, Gentile, Gonzalez, Koppell, Reyna, Rose, Seabrook, Vann, Williams, Sanders and Chin.

**Whereas,** On May 11, 2011, S. 951, the Hiring Heroes Act of 2011, was introduced in the United States Senate by Senator Murray and referred to the Committee on Veterans' Affairs; and

**Whereas,** The Hiring Heroes Act of 2011 aims to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans; and

**Whereas,** On March 11, 2011, the United States Bureau of Labor Statistics (BLS) released a report, entitled Employment Situation of Veterans in 2010, which estimates an unemployment rate of 20.9 percent among veterans between the age of 18-24; and

**Whereas,** In June 2011, the BLS reported a 13.3 percent unemployment rate for veterans of the Iraq and Afghanistan wars that reside in the state of New York; and

**Whereas,** The U.S. Department of Veterans Affairs (VA) and the New York State Department of Labor reported to United States Senator Gillibrand that a total of 17,300 veterans in New York City were unemployed at the end of 2009, an increase of 4,700 from 2008; and

**Whereas,** In June 2011, President Obama announced that 33,000 American troops would leave Afghanistan by the end of summer 2012, which suggests that the number of young veterans in New York City will increase; and

**Whereas,** In an effort to bring the unemployment rate among veterans down, the Hiring Heroes Act of 2011 would mandate that all service members separating from active duty participate in the Transitional Assistance Program (TAP); and

**Whereas,** TAP is a partnership between the Department of Defense (DOD), VA, and DOL which consists of comprehensive three-day workshops focused on providing education, career, and job services information and assistance to all separating and retiring service members; and

**Whereas,** Under current law, participation in TAP by service members is encouraged but not mandatory, and only the Marine Corps has elected to require its members to participate in TAP; and

**Whereas,** The United States Congressional Budget Office (CBO) estimates that, if the Hiring Heroes Act of 2011 is enacted, an additional 45,000 individuals would be required to attend the employment workshops the DOL already administers each year and that DOL would have to hold about 1,400 additional workshops annually to accommodate the increased attendance; and

**Whereas,** Mr. John McWilliam, Deputy Assistant Secretary for Operations and Management of Veterans' Employment and Training Services at the Department of Labor, indicated during testimony at the June 8, 2011 hearing of the United States Senate Committee on Veterans' Affairs that TAP is the "keystone" to assisting service members transition to civilian life and a newly revamped TAP will go into effect by Veterans Day 2011; and

**Whereas,** The Hiring Heroes Act of 2011 would also require the DOL to follow-up with all participants of TAP to determine their employment status not later than 180 days after they separate from uniformed service, and then once every 90 days for an additional period of 180 days; and

**Whereas,** The Hiring Heroes Act of 2011 further requires the DOL to conduct outreach and provide employment services to veterans who recently separated from uniformed service who have received unemployment compensation through the ex-servicemembers program for more than 105 days; now, therefore, be it

**Resolved,** That the Council of the City of New York urges the United States Congress to pass and the President to sign S. 951, the Hiring Heroes Act of 2011, which would help service members separating from active duty find employment.

Referred to the Committee on Veterans.

Res. No. 1004  
Resolution calling upon the New York State Governor to sign legislation, A.6997-B/S.5140-B, which relates to establishing the Taxpayer Refund Choice Act and affirming the right of state residents to receive personal income tax refunds by paper check and requiring the department of taxation and finance to fully describe any debit card or direct deposit program; and providing for the repeal of such provisions upon expiration thereof.

By Council Members Nelson, James, Rose, Seabrook, Williams and Chin.

**Whereas,** Every year, millions of New Yorkers overpay their state and local taxes on the wages they receive; and

**Whereas,** These overpaid funds remain the rightful property of the taxpayers; and

**Whereas,** Taxpayers are entitled to the timely refund of their overpayment and should be able to receive their refunds in a manner that is most convenient, understandable, and best suited to their individual financial needs; and

**Whereas,** The New York State Department of Taxation and Finance (the "Department") has considered transitioning all personal income tax refund payments to a mandatory direct deposit/prepaid debit card platform; and

**Whereas,** Although prepaid card programs may appear to be attractive due to potential cost savings to the agency, they include fees and costs to taxpayers which may be difficult to understand or keep track of, including ATM usage fees, negative balance fees, bank fees and other charges; and

**Whereas,** Additionally, many taxpayers do not have bank accounts or convenient access to bank branches in their communities; and

**Whereas,** Due to minimum balance requirements, overdraft fees, and other requirements, many low and moderate income consumers are unable to maintain bank accounts, and hence, are unlikely to have access to direct deposit accounts; and

**Whereas,** Thus, any program that forces New Yorkers to receive tax refunds in a manner that is not suited to their individual circumstances will negatively and disproportionately impact low-and moderate-income citizens and their communities; and

**Whereas,** It is the existing policy of the State of New York that its citizens have the choice to receive their wages in the manner which best suits their needs; and

**Whereas,** On June 16, 2011, the New York State Assembly and New York State Senate passed legislation, A.6997-B/S.5140-B, termed the "Taxpayer Refund Choice Act", which ensures the right of state residents to continue to receive personal income tax refunds by paper check in addition to any other options that may be offered; and

**Whereas,** Specifically, the Taxpayer Refund Choice Act adds a new section 3013 to the Tax Law to provide that, notwithstanding the adoption by the Tax Commissioner of any prepaid debit card or direct deposit program for payment of personal income tax refunds, all taxpayers are entitled: (1) to receive their personal income tax refund by paper check; and (2) to opt out of any prepaid debit card or direct deposit program; and

**Whereas,** The Taxpayer Refund Choice Act also requires the Department to provide taxpayers with a clear written statement setting forth these rights; and

**Whereas,** If the Department implements a program to pay refunds by prepaid debit card or direct deposit, the income tax forms shall indicate that the taxpayer has the option of receiving his or her refund by various methods, including by personal check, and boxes shall be provided on the income tax forms to allow the person to select the desired option; and

**Whereas,** The Taxpayer Refund Choice Act would expire five years after the effective date of the legislation that created such Act; and

**Whereas,** On August 5, 2011, the Taxpayer Refund Choice Act was delivered to the New York State Governor for his signature; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Governor to sign legislation, A.6997-B/S.5140-B, which relates to establishing the Taxpayer Refund Choice Act and affirming the right of state residents to receive personal income tax refunds by paper check and requiring the department of taxation and finance to fully describe any debit card or direct deposit program; and providing for the repeal of such provisions upon expiration thereof.

Referred to the Committee on Finance

Res. No. 1005

**Resolution calling upon the New York State Governor to sign legislation, S.4257-C/A.6766-C, which would amend the Executive Law, in relation to a prohibition on diversion of resources from dedicated funds derived from taxes and fees that support the Metropolitan Transportation Authority or the New York City Transit Authority and their subsidiaries in certain instances.**

By Council Members Nelson, James, Seabrook, Williams, Jackson, Gentile, Mark-Viverito, Van Bramer, Lander, Wills, Palma, Chin and Mealy.

**Whereas,** In the past year, more than \$160 million has been diverted from the Metropolitan Transit Authority ("MTA") to fund non-MTA projects and services; and

**Whereas,** Such diversion has resulted in three consecutive years of fare hikes and has exacerbated bus and subway service cuts, which has diminished the quality of life of millions of New Yorkers; and

**Whereas,** According to a recent article, *Paying the Fare*, in the City Hall News newspaper, the MTA is facing a major shortfall of up to \$12 billion in the current \$26 billion capital program, which is meant for system maintenance and improvements, Due to reduced and diverted dedicated revenues; and

**Whereas,** Accordingly, legislation is needed to prohibit administrative diversions in certain instances, which would help stabilize fares and protect funding for the MTA's operation; and

**Whereas,** Accordingly, on June 22, 2011 and June 24, 2011, the New York State Senate and New York State Assembly passed S.4257-C/A.6766-C, respectively; and

**Whereas,** This legislation prohibits funds that were raised to support the MTA, the New York City Transit Authority, or any of their subsidiaries from being diverted to the New York State general fund; and

**Whereas,** Specifically, this bill adds a new section 182 to the Executive Law, a provision that would restrict the Governor's power to divert funds; and

**Whereas,** The bill prohibits the diversion of revenues derived from taxes and fees paid by the public into the New York State general fund, or any fund created by law, except by an act of law; and

**Whereas,** The bill declares that the only condition where it is acceptable for these funds to be diverted is through legislation, and forbids the executive branch from doing so on its own; and

**Whereas,** Furthermore, the bill requires that if the Legislature chooses to pass legislation diverting such funds, it shall include a diversion impact statement; and

**Whereas,** Such diversion impact statement shall include the following provisions: (a) the amount of the diversion from dedicated mass transit funds; (b) the amount diverted from each fund; (c) The amount diverted expressed as current monthly transit fares; (d) the cumulative amount of diversion from dedicated mass transit funds during the preceding five years; (e) the date or dates when the diversion is to occur; and (f) a detailed estimate of the impact that the diversion from dedicated mass transit funds will have on the level of mass transit service, maintenance, security, and the current capital program; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Governor to sign legislation, A.6766-C/S.4257-C, which would amend the Executive Law, in relation to a prohibition on diversion of resources from dedicated funds derived from taxes and fees that support the Metropolitan Transportation Authority or the New York City Transit Authority and their subsidiaries in certain instances.

Referred to the Committee on Transportation.

Res. No. 1006

**Resolution calling upon the New York State Assembly and the New York State Senate to reintroduce and pass the Governor to sign A.2971/S.1063, previously introduced by Assemblyman Keith Wright and Senator Kevin Parker in the 2011 legislative session, which would amend the Social Services Law in relation to the creation of a homeless housing task force by**

**each social services district in order to develop a ten year plan and guidelines to address short and long-term housing.**

By Council Members Palma, Brewer, Comrie, Dickens, Dromm, Ferreras, James, Lander, Mark-Viverito, Mendez, Rose, Vann, Williams and Sanders.

**Whereas,** Under the New York State Social Services Law, the term "social services district" refers to the department of social services for each county, and in New York City this is the Human Resources Administration ("HRA"); and

**Whereas,** HRA provides temporary assistance to individuals and families with economic and social service needs through programs including, but not limited to, Food Stamps, cash assistance, and public health insurance; and

**Whereas,** In New York City, homeless individuals and families are referred to the Department of Homeless Services ("DHS") where they can obtain transitional housing and case management services to assist them with securing permanent housing; and

**Whereas,** Additionally, the New York City Housing Authority ("NYCHA") provides affordable housing for low-income residents in New York City; and

**Whereas,** According to a May 2011 Policy Brief by the Institute for Children, Poverty and Homelessness ("ICPH") titled, "The Beginning of The End of Transitional Housing" (the "Policy Brief"), in 2010 New York State had the highest number of individuals and families in emergency shelter, however New York State did not have the highest number of people in transitional housing or permanent supportive housing; and

**Whereas,** According to the Coalition for the Homeless (the "Coalition"), fiscal year 2010 had a record number of 113,553 homeless people sleeping in shelters, an 8 percent increase from the previous year and a 37 percent increase from fiscal year 2002; and

**Whereas,** According to the Coalition, in fiscal year 2010, only 1 percent of all homeless families in New York City received federal housing assistance, 2 percent of families were placed into NYCHA public housing apartments, and 3 percent of families were placed with NYCHA Section 8 vouchers; and

**Whereas,** According to the Office of the State Comptroller, Report No. 2-2010, "The Decline of Affordable Housing in New York City," there is a serious lack of affordable housing in New York City and the availability of affordable rental apartments is declining as more households are spending at least 30 percent of their income towards rent; and

**Whereas,** As of December 2009, Section 8 housing is no longer available from NYCHA and DHS does not accept applications for this form of rent subsidy; and

**Whereas,** Additionally, Advantage, a rental subsidy program that helped clients transition from shelter to permanent housing, was eliminated in the fiscal year 2012 budget; New York City therefore no longer has a subsidized rental assistance program; and

**Whereas,** In 2005, DHS commissioned a report by the Vera Institute titled, "Understanding Family Homelessness in New York City: An In-Depth Study of Families' Experiences Before and After Shelter," which found that families without rental assistance return to shelters and homelessness at high rates and families with long-term, non-limited subsidies, such as public housing and Section 8 vouchers, have remarkably low rates of return to shelters; and

**Whereas,** Without available programs, such as rental assistance and public housing, there does not appear to be a plan in place in New York City to help transition people out of shelters and into permanent housing; and

**Whereas,** According to the ICPH Policy Brief, federal homelessness policy is focusing on ending chronic homelessness and states are encouraged to develop ten year plans to address the needs of the homeless population; and

**Whereas,** Also according to the ICPH Policy Brief, federal funds are earmarked for those states developing ten year plans to address the needs of the homeless population and end chronic homelessness; and

**Whereas,** An ICPH Opinion Poll released in July 2011 titled, "Failures and Solutions: New Yorkers' Views on Homelessness," found that the public believes that the City's homelessness strategies are ineffective and 38 percent of those surveyed said that the City's solutions for ending homelessness have not met their expectations; and

**Whereas,** According to a Fall 2010 National Survey of Programs and Services for Homeless Families (the "Survey") conducted by ICPH, New York State does not have active taskforce on homelessness, which could develop guidelines for addressing homelessness and the lack of affordable housing; and

**Whereas,** According to the ICPH Survey, New York City offers the most comprehensive system of shelter and services in the country and is the only jurisdiction in the country that guarantees the right to shelter for homeless people, including families; and

**Whereas,** According to the Survey, the majority of homeless families and individuals in New York reside in New York City; and

**Whereas,** With varying degrees of needs for homeless services throughout New York State, each social services district should develop a plan to address both short and long-term housing needs in their district; and

**Whereas,** In New York City HRA, DHS and NYCHA should create this plan; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Assembly and the New York State Senate to reintroduce and pass the Governor to sign A.2971/S.1063, previously introduced by Assemblyman Keith Wright and Senator Kevin Parker in the 2011 legislative session, which would amend

the Social Services Law in relation to the creation of a homeless housing task force by each social services district in order to develop a ten year plan and guidelines to address short and long-term housing

Referred to the Committee on General Welfare.

Res. No. 1007

**Resolution calling upon the New York State Senate and the New York State Assembly to reintroduce and pass and the Governor sign A.2956 and S.410, previously introduced by Assemblyman Keith Wright and Senator Liz Krueger during the 2011 legislative session, which would amend the social services law in relation to creating a uniform allowable exemption and disregard for a public assistance applicant with an automobile.**

By Council Members Palma, Brewer, Comrie, Dromm, Ferreras, James, Lander, Mendez, Rose, Seabrook, Vann, Williams and Sanders.

**Whereas**, Social Services Law in New York State places restrictions on eligibility for public assistance applicants based on several factors including, but not limited to, income level and the value of one's assets, which are also referred to as resources; and

**Whereas**, Automobiles are considered a resource when determining public assistance eligibility and in New York State recipients cannot own an automobile with a fair market value of more than \$4,650; and

**Whereas**, If a public assistance recipient needs an automobile to work, or look for work, however, the allowable resource limit increases to an automobile with a fair market value of \$9,300; and

**Whereas**, Resource limits vary by type of public assistance program, state, and by household composition; and also vary by whether one is applying for or currently receiving assistance; and

**Whereas**, For example, Supplemental Security Income ("SSI") excludes the value of one automobile from resources when determining eligibility; and

**Whereas**, Additionally, the federal food stamp program permits states to exempt one automobile per adult per household when determining eligibility; currently 32 states utilize this exemption; and

**Whereas**, The exclusion of one automobile when determining SSI and food stamp eligibility exists to protect people with disabilities who need a vehicle for transportation since permitting only those who need a car in order to work, or look for work, to own an automobile exceeding \$4,650 creates a different eligibility standard for people with disabilities who cannot work and therefore is problematic in light of the Americans with Disabilities Act; and

**Whereas**, If New York State increased the allowable fair market value of automobiles when determining eligibility for public assistance to enable all recipients to own one automobile, with a value that does not exceed \$9,300, this increase would take into account the effects of inflation and permit low income families in New York State to own reliable automobiles; and

**Whereas**, By extending this exemption to all public assistance recipients, individuals pursuing educational activities or training instead of employment would be able to own an automobile, which could help them achieve their educational goals and obtain employment in the future; and

**Whereas**, Such a change would make a particularly large impact in areas lacking accessible public transportation where individuals may not have any other form of transportation; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Senate and the New York State Assembly to reintroduce and pass and the Governor sign A.2956 and S.410, previously introduced by Assemblyman Keith Wright and Senator Liz Krueger during the 2011 legislative session, which would amend the social services law in relation to creating a uniform allowable exemption and disregard for a public assistance applicant with an automobile.

Referred to the Committee on General Welfare.

Int. No. 671

By Council Members Vacca, Brewer, Comrie, Fidler, James, Koslowitz, Nelson, Rose, Seabrook, Williams, Koo and Ignizio.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of certain statistics relating to major transportation projects.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.3 to read as follows:

*§19-101.3 Reporting requirement following major transportation projects. a. For purposes of this section, "affected council member(s) and community board(s)" and "major transportation project" shall have the same meanings as in section 19-101.2 of this chapter.*

*b. Not less than eighteen months following the completion of a major transportation project, the department shall submit to the affected council member(s) and community board(s) the average number of crashes for the five years prior to the commencement of the major transportation project and the year subsequent to the completion of the major transportation project, disaggregated by the streets that were part of the major transportation project, and disaggregated further by (i) the type of vehicle or vehicles involved and (ii) the number of motorists and/or injured or killed passengers, bicyclists and pedestrians involved.*

*c. Simultaneous to providing the information required by subdivision b of this section, the department shall provide to the affected council member(s) and community board(s) the average speed of vehicles traveling on such streets in the one year prior to the commencement of the major transportation project and one year subsequent to the completion of the major transportation project, disaggregated by on-call emergency and non on-call emergency and all other vehicles. The date, times and locations of the gathering of such data and the method of obtaining such data, including but not limited to whether it was gathered by in person observation or through a camera or other means shall also be provided.*

§2. This local law shall take effect ninety days after it shall have been enacted into law.

Referred to the Committee on Transportation

Int. No. 672

By Council Members Vallone, Jr., Halloran, Dromm, James, Koppell, Koslowitz, Nelson, Rose, Williams, Rivera and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to discrimination against persons accompanied by an on-duty police dog.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings.

New York City police officers in the K-9 unit are required to live with their police dogs and are expected to accompany them at all times. The Council finds that some landlords and property owners discriminate against New York City police officers who are accompanied by their police work dogs by considering the dogs pets rather than working animals. Accordingly, it is necessary to amend the City's Human Rights Law to protect police officers in the K-9 unit from such housing and public accommodations discrimination.

§2. Section 8-101 of chapter one of title eight of the administrative code of the city of New York is amended to read as follows:

§ 8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person, *whether a person is accompanied by an on-duty police work dog*, or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§3. Section 8-102 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 26 to read as follows:

*26. The term "on-duty police dog" shall mean any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.*

§4. Paragraph a of subdivision 4 of section 8-107 of chapter one of title eight of the administrative code of the city of New York is amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation, because of the actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status of any person, *or because such person is accompanied by an on-duty police work dog*, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication,



notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place or provider shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status, *or because such person is accompanied by an on-duty police work dog*, or that the patronage or custom of any person belonging to, purporting to be, or perceived to be, of any particular race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, [or] alienage or citizenship status, *or accompanied by an on-duty police work dog* is unwelcome, objectionable or not acceptable, desired or solicited.

§5. Subparagraphs 1, 2 and 3 of paragraph a of subdivision 5 of section 8-107 of chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

(1) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person or group of persons such a housing accommodation or an interest therein because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons[.], *or because such person or group of persons is accompanied by an on-duty police dog*.

(2) To discriminate against any person because of such person's actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or because of any lawful source of income of such person, or because children are, may be or would be residing with such person, *or because such person is accompanied by an on-duty police dog*, in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith.

(3) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, *or because a person is accompanied by an on-duty police dog*, or any intent to make such limitation, specification or discrimination.

§6. Subparagraphs 1, 2 and 3 of paragraph c of subdivision 5 of section 8-107 of chapter one of title eight of the administrative code of the city of New York, are amended as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space or an interest therein to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space or an interest therein to any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons, *or because such person or group of persons is accompanied by an on-duty police dog*, or to represent that any housing accommodation, land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or an interest therein or any facilities of any housing accommodation, land or commercial space or an interest therein from any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons[,], *or because such person or group of persons is accompanied by an on-duty police dog*.

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or to whether children are, may be or would be residing with a person, *or because a person is accompanied by an on-duty police dog*, or any intent to make such limitation, specification or discrimination.

(3) To induce or attempt to induce any person to sell or rent any housing accommodation, land or commercial space or an interest therein by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood or area of a person or persons of any race, creed, color, gender, age, disability, sexual orientation, marital status, partnership status, national origin, alienage or citizenship status, or a person or persons with any lawful source of income, or a person or persons with whom children are, may be or would be residing[.], *or a person or persons who is, are, may be or would be accompanied by an on-duty police dog*.

§7. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Civil Rights.

Res. No. 1008

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.5870 to amend the Public Authorities Law to increase the maximum civil penalty for fare evasion to \$500.**

By Council Members Vallone, Jr., Fidler, Mendez, Nelson, Rose and Oddo.

**Whereas**, According to the New York Daily News, an MTA study estimates that fare evaders cheated the subway system 18.5 million times in 2009, roughly the equivalent of an average of 50,684 times a day at a cost of \$31 million in lost revenue; and

**Whereas**, Under paragraph 5-a of section 1204 of the Public Authorities Law, the present maximum penalty for fare evasion is \$100, with an additional potential penalty of \$50 for the failure to pay the original summons; and

**Whereas**, The present fine for fare evasion was set in 2008 and the previous penalty of \$60 was set in 1988; and

**Whereas**, The penalty for fare evasion has gone up only twice since 1988, even though the subway fare has increased six times since 1989; and

**Whereas**, S.5870, sponsored by Senator Charles Fuschillo, would increase the penalty for fare evasion to a maximum of \$500 and would also increase the penalty for the failure to pay the original summons to \$100; and

**Whereas**, This bill would help to provide a financial disincentive to those who routinely evade paying the subway fare; 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.5870 to amend the Public Authorities Law to increase the maximum civil penalty for fare evasion to \$500.

Referred to the Committee on Transportation

L.U. No. 461

By Council Member Comrie:

**Application no. 20125029 HHM submitted by the New York City department of Citywide Administrative Services pursuant to section 7387 (1) of the Unconsolidated Laws of the State of new York for the transfer of property located at 264-272 West 118<sup>th</sup> Street (Block 1923, Lot 53) to the New York City Health and Hospitals Corporation for use by Harlem Hospital Center.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

L.U. No. 462

By Council Member Comrie:

**Application no. 20125031 HAM, an amended Urban Development Action Area Project located at 213 East 99<sup>th</sup> Street, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 463

By Council Member Comrie:

**Application no. 20125041 HAK, In Rem Action no. 52, application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions for property located in Community Boards 3, 4, 8, 12 and 16, Council Districts no. 34, 36, 40 and 41, Borough of Brooklyn.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 464

By Council Member Comrie:

**Application no. 20125042 HAK, In Rem Action no. 52, application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions for property located in Community Boards 12, 14, 16 and 18, Council Districts no. 37, 40, 46 and 48, Borough of Brooklyn.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 465

By Council Member Comrie:

**Uniform land use review procedure application no. C 110272 HAQ, an Urban Development Action Area Designation and Project located at 58-03 Rockaway Beach Boulevard and the disposition of the city owned property, Borough of Queens, Council District no. 31. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

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

L.U. No. 466

By Council Member Comrie:

**Application no. 20125043 CCK, pursuant to Section 1506 of the Not for Profit Corporation Law, concerning the acquisition of land known as the Weir Greenhouse by Green Wood Cemetery, Borough of Brooklyn, Council District no. 38.**

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

L.U. No. 467

By Council Member Comrie:

**Application no. 20125065 HAK, an Urban Development Action Area Project located at 386 Miller Avenue and 2406 Pacific Street, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.**

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

L.U. No. 468

By Council Member Comrie:

**Application no. 20115790 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 183 Condechi Associates LLC. d.b.a. Café Condessa, to establish, maintain and operate an unenclosed sidewalk café located at 183 West 10<sup>th</sup> Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 469

By Council Member Comrie:

**Application no. C 110047 ZMK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an M3-1 District to an M1-1 District, Section No. 28a and 28c, Council District no. 47 .**

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

L.U. No. 470

By Council Member Comrie:

**Application no. C 110048 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within a proposed 2-story commercial development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900), Borough of Brooklyn, Community District 11. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

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

L.U. No. 471

By Council Member Comrie:

**Application no. C 110049 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms), in connection with a proposed 2-story development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900) , Borough of Brooklyn, Community District 11. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

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

L.U. No. 472

By Council Member Comrie:

**Application no. C 110050 ZSK submitted by Thor Shore Parkway Developers, 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 (c) of the Zoning Resolution to modify the height requirements of Section 42-543 (Height of signs). in connection with a proposed commercial development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900), Borough of Brooklyn, Community District 11 This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

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

L.U. No. 473

By Council Member Comrie:



Application no. C 110051 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 690 spaces within a proposed 3-story parking garage and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed 2-story development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900) , Borough of Brooklyn, Community District 11 Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b) (2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 474

By Council Member Comrie:

Application no. N 110052 ZAK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of an authorization pursuant to Section 62-822 (a) of the Zoning Resolution to modify the design and area requirements of Section 62-56 (Requirements for Upland Connections);, in connection with a proposed 2-story development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900) , Borough of Brooklyn, Community District 11. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 475

By Council Member Comrie:

Application no. N 110285 ZRY submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, to create a new zoning district, M1-6D, and to modify related Sections pertaining to the establishment of the new district; and to modify Appendix F to facilitate a new Inclusionary Housing designated area.

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

L.U. No. 476

By Council Member Comrie:

Application no. C 100063 ZMM submitted by 249 W. 28<sup>th</sup> Street Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, by changing an M1-5 District to an M1-6D District, Borough of Manhattan, Council District no. 3.

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

L.U. No. 477

By Council Member Comrie:

Application no. C 110064 ZSM submitted by 249 W. 28<sup>th</sup> Street Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended Public Parking Garage with maximum capacity of 325 spaces on portions of the ground floor, cellar level and sub-cellar level of a proposed mixed-use development on property located at 241-251 West 28<sup>th</sup> Street a.k.a. 240-250 West 29<sup>th</sup> Street (Block 778, Lots 13, 16, 18 & 66), in an M1-6D District), Borough of Manhattan, Community 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 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 and Franchises.

L.U. No. 478

By Council Member Comrie:

Application no. 20125021 HKK (N 120022 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Wallabout historic district (List No.445, LP-2445), Council District no.35 .

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

L.U. No. 479

By Council Member Comrie:

Application no. 20125004 HKK (N 120007 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Crown Heights North (List No.444, LP-2361), Council District no. 35, 36.

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

L.U. No. 480

By Council Member Comrie:

Application no. 20125001 HKM (N 120006 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Fisk-Harkness House located at 12 East 53<sup>rd</sup> Street (Block 1288, Lot 63) (List No.444, LP-2406), Council District no.3.

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

L.U. No. 481

By Council Member Comrie:

Application no. 20125003 HKM (N 120004 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the 154 West 14<sup>th</sup> Street Building located at 154 West 14<sup>th</sup> Street (Block 609, Lot 7) (List No.444, LP-2419), Council District no.3.

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

L.U. No. 482

By Council Member Comrie:

Application no. 20125002 HKM (N 120004 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Hardenbrook Somarindyck House located at 135 Bowery (Block 423, Lot 4) (List No.444, LP-2439), Council District no.1.

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

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

ANNOUNCEMENTS:	
Friday, September 9, 2011	
★ <i>Deferred</i>	
Committee on <b>PUBLIC SAFETY</b> .....	<b>10:00 A.M.</b>
Agenda to be announced	
Committee Room— 250 Broadway, 14 <sup>th</sup> Floor .....	Peter Vallone, Chairperson
Committee on <b>HEALTH</b> .....	
<b>10:00 A.M.</b>	
Int. No. 655 - By Council Members Lappin, Brewer and Williams - A Local Law to amend the administrative code of the city of New York, in relation to animal shelters in the city of New York, to repeal section 17-801 in relation thereto, and to repeal and re-enact section 17-809.	
Committee Room – 250 Broadway, 16 <sup>th</sup> Floor	
..... Maria del Carmen Arroyo, Chairperson	
Monday, September 12, 2011	
★ <i>Deferred</i>	
Committee on <b>TRANSPORTATION</b> .....	<b>10:00 A.M.</b>
Agenda to be announced	
Committee Room— 250 Broadway, 16 <sup>th</sup> Floor .....	James Vacca, Chairperson
Wednesday, September 14, 2011	
★ <i>Deferred</i>	
Committee on <b>TECHNOLOGY</b> .....	<b>10:00 A.M.</b>
Agenda to be announced	
Committee Room— 250 Broadway, 14 <sup>th</sup> Floor .....	Fernando Cabrera, Chairperson
Thursday, September 15, 2011	
Subcommittee on <b>ZONING &amp; FRANCHISES</b> .....	
<b>9:30 A.M.</b>	
See Land Use Calendar Available Monday, September 12, 2011	
Committee Room – 250 Broadway, 16 <sup>th</sup> Floor .....	
Mark Weprin, Chairperson	
★ <i>Addition</i>	
Committee on <b>WOMEN’S ISSUES</b> .....	<b>10:00 A.M.</b>
Tour: ..... New York City Family Justice Center	
Location: ..... 198 East 161st Street, 2nd Floor	
Bronx, New York 10451	
Details Attached.....	
Julissa Ferreras, Chairperson	
★ <i>Topic and Committee Addition</i>	
Committee on <b>SMALL BUSINESS</b> jointly with the	
★Committee on	
<b>LOWER MANHATTAN REDEVELOPMENT</b> .....	
<b>10:00 A.M.</b>	
★Oversight – Small Businesses in Lower Manhattan	
Committee Room – 250 Broadway, 14 <sup>th</sup> Floor .....	
Diana Reyna, Chairperson	
..... Margaret Chin, Chairperson	
Thursday, September 15, 2011	
Subcommittee on <b>LANDMARKS, PUBLIC SITING &amp; MARITIME USES</b> .....	
<b>11:00 A.M.</b>	
See Land Use Calendar Available Monday, September 12, 2011	
Committee Room— 250 Broadway, 16 <sup>th</sup> Floor .....	
Brad Lander, Chairperson	
Subcommittee on <b>PLANNING, DISPOSITIONS &amp; CONCESSIONS</b> .....	
<b>1:00 P.M.</b>	
See Land Use Calendar Available Monday, September 12, 2011	
Committee Room – 250 Broadway, 16 <sup>th</sup> Floor .....	
Stephen Levin, Chairperson	
★ <i>Deferred</i>	
Committee on <b>JUVENILE JUSTICE</b> .....	<b>1:00 P.M.</b>
Agenda to be announced	

Committee Room— 250 Broadway, 14 <sup>th</sup> Floor .....	Sara M. Gonzalez, Chairperson
Monday, September 19, 2011	
Committee on <b>LAND USE</b> .....	
<b>10:00 A.M.</b>	
All items reported out of the subcommittees	
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY	
Committee Room – 250 Broadway, 16 <sup>th</sup> Floor .....	
Leroy Comrie, Chairperson	
★ <i>Deferred</i>	
Committee on <b>CIVIL RIGHTS</b> .....	<b>10:00 A.M.</b>
Agenda to be announced	
Committee Room— 250 Broadway, 14 <sup>th</sup> Floor .....	Deborah Rose, Chairperson
★ <i>Topic Addition</i>	
Committee on <b>TRANSPORTATION</b> .....	
<b>10:00 A.M.</b>	
Res. 892 - By Council Members Chin, Vacca, Brewer, Cabrera, Comrie, Fidler, Koppell, Lander, Mendez, Recchia, Rose, Seabrook, Van Bramer, Vann, Williams, Nelson and Koo - Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled “The Motorcoach Enhanced Safety Act of 2011, which would seek to overhaul and increase the safety of intercity buses.	
Res. 981- By Council Members Chin, Brewer, James, Gentile, James, Koslowitz, Lander, Mendez, Recchia, Vacca, Vann, Williams, Jackson and Koo - Resolution calling on the United States House of Representatives and the United States Senate to pass and the President to sign H.R. 1390 entitled “The Bus Uniform Standards and Enhanced Safety Act of 2011,” which would seek to strengthen the regulation, monitoring and oversight of the motor carrier industry.	
Res. 1000 - By Council Member Gennaro - Resolution calling upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers.	
★Oversight - Protecting Passengers - Ensuring the Safety of Intercity Buses	
Committee Room – 250 Broadway, 14 <sup>th</sup> Floor .....	
James Vacca, Chairperson	
Committee on <b>HIGHER EDUCATION</b> .....	
<b>1:00 P.M.</b>	
Agenda to be announced	
Committee Room – 250 Broadway, 16 <sup>th</sup> Floor .....	
Ydanis Rodriguez, Chairperson	
★ <i>Topic Addition</i>	
Committee on <b>WATERFRONTS</b> .....	
<b>1:00 P.M.</b>	
Oversight - North River Wastewater Treatment Plant Fire: Assessing Community Outreach and the Impact on Businesses and Recreation.	
Committee Room – 250 Broadway, 14 <sup>th</sup> Floor .....	
Michael Nelson, Chairperson	
Tuesday, September 20, 2011	
★ <i>Addition</i>	
Committee on <b>JUVENILE JUSTICE</b> .....	
<b>10:30 A.M.</b>	
Tour: RNDC unit at Riker’s Island	
Location:18-18 Hazen Street	
East Elmhurst, NY 11370	
Details Attached.....	
Sara M. Gonzalez, Chairperson	
Wednesday, September 21, 2011	
★ <i>Addition</i>	
Committee on <b>RULES, PRIVILEGES &amp; ELECTIONS</b> .....	
<b>10:30 A.M.</b>	
M 633 - Communication from the Mayor - Submitting the name of Paula Berry to the Council for its advice and consent regarding her appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.	
M 634 - Communication from the Mayor - Submitting the name of Edward Kelly to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.	
M 635 - Communication from the Mayor - Submitting the name of Roland Lewis to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.	
Rules, Privileges and Elections	
M 636- Communication from the Mayor - Submitting the name of Andrew McGovern to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.	
M 637 - Communication from the Mayor - Submitting the name of Peggy Shepard to the Council for its advice and consent regarding her appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.	

M 638 - Communication from the Staten Island Borough President - Submitting the name of Rayann Besser to the Council for its advice and consent regarding her re-appointment to the New York City Planning Commission, pursuant to Section 192(a) of the City Charter  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor       ..... Joel Rivera, Chairperson

Stated Council Meeting.....Ceremonial Tributes – 1:00 p.m.  
..... Agenda – 1:30 p.m.  
Location ..... ~ Emigrant Savings Bank ~ 49-51 Chambers Street.....

MEMORANDUM

September 6, 2011

TO:     ALL COUNCIL MEMBERS

RE:     TOUR BY THE COMMITTEE ON WOMEN’S ISSUES

          Please be advised that all Council Members are invited to attend a tour:

**TOUR: New York City Family Justice Center**  
**198 East 161st Street, 2nd Floor**  
**Bronx, New York 10451**

The tour will be on **Thursday, September 15, 2011 beginning at 10:00 a.m.** A van will be leaving City Hall at **9:15 a.m. sharp.**

Council Members interested in riding in the van should call Joan Povolny at **212-788-7059.**

Julissa Ferreras, Chairperson  
Committee on Women’s Issues  
Council

Christine C. Quinn  
Speaker     of     the

MEMORANDUM

September 6, 2011

TO:     ALL COUNCIL MEMBERS

RE:     TOUR BY THE COMMITTEE ON JUVENILE JUSTICE

          Please be advised that all Council Members are invited to attend a tour:

**RNDC unit at Riker’s Island**  
**18-18 Hazen Street**  
**East Elmhurst, NY 11370**

The tour will be on **Tuesday, September 20, 2011 beginning at 10:30 a.m.** A van will be leaving City Hall at **9:30 a.m. sharp.**

Council Members interested in riding in the van should call William Hongach at **212-788-4593.**

Sara M. Gonzalez, Chairperson  
Committee on Juvenile Justice

Christine C. Quinn  
Speaker of the Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, September 21, 2011.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

***Editor’s Local Law Note:**    Int Nos. 541-A and 632-A, both adopted at the August 17, 2011 Stated Council Meeting, were signed into law by the Mayor on August 30, 2011 as, respectively, Local Law Nos. 53 and 54 of 2011.*

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