

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
**WEDNESDAY, SEPTEMBER 21, 2011**

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of*

Wednesday, September 21, 2011, 2:50 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	James S. Oddo
Charles Barron	Sara M. Gonzalez	Domenic M. Recchia, Jr.
Gale A. Brewer	David G. Greenfield	Diana Reyna
Fernando Cabrera	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	Darlene Mealy	Jumaane D. Williams
James F. Gennaro	Rosie Mendez	Ruben Wills
	Michael C. Nelson	

Excused: Council Member Palma.

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 50 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 Reverend Georgiette Morgan – Thomas, Senior Pastor, Mustard Seed Faith, 409 West 141<sup>st</sup> Street, New York, New York 10031.

Oh, Lord God in heaven,  
to come yet again to serve, Lord,  
to serve the people of this great City.  
Father God, we ask now that you bless  
All of these men and women  
as major servants in deliberating, Lord.  
Give them peace, Lord, give them harmony.  
Father God, we ask that you give them  
a collaborative spirit.  
We pray for wisdom and revelation,  
that they might go about serving the City  
in a manner that will be fruitful, Lord.  
Lord, we pray that all great things  
will come from this, this meeting today.  
And Lord God, we ask that as they leave this place,  
that you would keep them,  
and make sure they are safe.  
Lord, let us remember  
that when we come together to serve,  
that we must do it in harmony, with respect,  
and with an understanding  
that all must allow the opinions of others,  
and be willing and receptive to hear.  
Father, we ask this in all things,  
in the precious name of Jesus the Christ,  
amen.

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

**ADOPTION OF MINUTES**

Council Member Williams moved that the Minutes of the Stated Meetings of July 28 and August 17, 2011 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-642

**Communication from the Mayor - Submitting the name of Pamela Brier to the Council for its advice and consent regarding her reappointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.**

September 9, 2011  
The Honorable Christine C. Quinn  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Quinn:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Pamela Brier to the City Council for advice and consent in anticipation of her reappointment to the Board of Health.

Ms. Brier is President and Chief Executive Officer of Maimonides Medical Center. Her reappointment will be for the remainder of a six-year term that will expire on May 31, 2016. Thank you for reviewing this reappointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-643

**Communication from the Mayor - Submitting the name of Dr. Deepthiman K. Gowda to the Council for its advice and consent regarding his appointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.**

September 9, 2011

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

Dear Speaker Quinn/

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Deepthiman K. Gowda, M.D. to the City Council for advice and consent in anticipation of his appointment to the Board of Health.

Dr. Gowda is Assistant Clinical Professor of Medicine at Columbia University, the College of Physicians and Surgeons as well as Assistant Attending Physician at Columbia University Medical Center. Dr. Gowda will fill a vacancy on the Board of Health and serve for the remainder of a six-year term expiring on May 31, 2016.

Thank you for reviewing this Board of Health appointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-644

**Communication from the Mayor - Submitting the name of Michael L. Goldblum to the Council for its advice and consent regarding his appointment as a member of the New York City Landmarks Preservation Commission, pursuant to Sections 31 and 3020 of the New York City Charter.**

September 12, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Michael Goldblum to the City Council for advice and consent prior to his reappointment to the Landmarks Preservation Commission.

When reappointed to the Commission, Mr. Goldblum will serve for the remainder of a three-year term expiring June 28, 2014. Thank you for reviewing this reappointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-645

**Communication from the Mayor - Submitting the name of Elizabeth Ryan to the Council for its advice and consent regarding his appointment as a member of the New York City Landmarks Preservation Commission, pursuant to Sections 31 and 3020 of the New York City Charter.**

September 12, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Elizabeth Ryan to the City Council for advice and consent prior to his reappointment to the Landmarks Preservation Commission.

When reappointed to the Commission, Ms. Ryan will serve for the remainder of a three-year term expiring June 28, 2014. Thank you for reviewing this reappointment.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-646

**Communication from the Mayor - Submitting the name of Dr. Susan Klitzman to the Council for its advice and consent regarding her reappointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.**

September 13, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Dr. Susan Klitzman to the City Council for advice and consent in anticipation of her reappointment to the Board of Health.

Dr. Klitzman is Acting Associate Dean for Academic Affairs at the CUNY School of Public Health at Hunter College. Her reappointment will be for the remainder of a six-year term that will expire on May 31, 2014. Thank you for reviewing this reappointment.

Sincerely,

Michael R. Bloomberg

Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-647

**Communication from the Mayor - Submitting the name of Dr. Sixto Caro to the Council for its advice and consent regarding his reappointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.**

September 13, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Dr. Sixto Caro to the City Council for advice and consent in anticipation of his reappointment to the Board of Health.

Dr. Caro has a private medical practice. His reappointment will be for the remainder of a six-year term that will expire on May 31, 2016. Thank you for reviewing the reappointment of Dr. Caro.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-648

**Communication from the Mayor - Submitting the name of Elizabeth Knauer to the Council for its advice and consent regarding her appointment to the Environmental Control Board, Pursuant to Sections 31 and 1049-a of the City Charter.**

September 13, 2011

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

Dear Speaker Quinn:

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

Ms. Knauer is a graduate of Fordham University and Harvard Law School. She will fill a vacancy for the Board member with experience in water pollution control and serve for the remainder of a four-year term expiring on March 5, 2013.

Thank you for reviewing the appointment of Elizabeth Knauer.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

#### COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-649

**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**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Rules, Privileges and Elections.

#### LAND USE CALL UPS

M-650

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 19 East 26th Street, Council District no. 3 Application no. 20115826 TCM, shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-651

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 100312 ZSX, C 100313 ZSX, C 110297 ZSX, special permits, shall be subject to Council review. This application is related to application nos. C 100310 ZMX, N 100311 ZRX and C 110234 HAX that is subject to Council review pursuant to Section 197-d of the New York City Charter.**

Coupled on Call – Up Vote

M-652

By Council Member Arroyo:

**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 110260 PQX, an acquisition of property for continued use as a child care center located at 629 Courtlandt Avenue, Community District 1, Borough of the Bronx, shall be subject to Council review.**

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, Cabrera, 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, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **50**.

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 Contracts

Report for Int. No. 624-A

#### Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the procedure governing agency service contracts.

The Committee on Contracts, to which the annexed proposed local law was referred on June 29, 2011 (Minutes, page 2686), respectfully

### REPORTS:

#### Introduction

On September 21, 2011, the Committee on Contracts (the Committee), chaired by Council Member Darlene Mealy, will meet to vote on Proposed Int. No. 624-A, a bill to amend Local Law 35 of 1994. These amendments further the goals of Local Law 35 to increase transparency, enhance competition, and maximize cost efficiencies in the procurement of service contracts.

The Committee held a hearing on a prior version of the bill on June 27, 2011.

#### Background

##### *Goal of Local Law 35*

The New York City Council enacted Local Law 35 of 1994 (Local Law 35 or the law) in order to ensure that contracting agencies consider the costs and benefits to the City whenever proposing to enter into service contracts that would displace City employees.<sup>1</sup> Specifically, the law mandates that the City weigh cost efficiencies before outsourcing service contracts by performing a comparative analysis between the costs and benefits of providing the service in-house and outside before entering into any such contract.<sup>2</sup> By this process, the law is meant to ensure that agency outsourcing decisions are in the best fiscal interests of New Yorkers.

##### *Mechanics of Local Law 35*

Codified at Section 312(a) of Chapter 13 of the New York City Charter, the law applies to new or renewal contracts for technical, consultant, or personal services with a value of at least \$100,000 that would directly result in the displacement of a city employee.<sup>3</sup> The law requires each agency to first determine whether such a proposed service contract would result in the displacement of a city employee.<sup>4</sup> If the agency finds that the contract would yield no displacement, the agency certifies to that fact in bid solicitation documentation and no further inquiry is required.<sup>5</sup> If, however, the agency determines that the proposed contract would result in displacement, the agency must then conduct a cost benefit analysis of performing the services in-house and provide that analysis to the Comptroller prior to soliciting any bids or proposals.<sup>6</sup> Once the agency receives bids or proposals, the agency must submit its displacement determination, cost benefit analysis, and any supporting documentation to the Council and appropriate collective bargaining representatives of the prospective displaced employees.<sup>7</sup> Prior to awarding the contract, the agency must conduct a comparative analysis of the costs and benefits of performing the services in-house versus contracting out, based on the vendor's best/final offer.<sup>8</sup> Upon completing the comparative analysis, if the agency intends to award the contract to the vendor, it must submit that comparative analysis and any supporting documentation to the Comptroller, the Council, and collective bargaining representatives.<sup>9</sup> The Council may hold a hearing on the proposed contract within 30 days of receiving the documents; no contract may be awarded until the expiration of that 30-day period.<sup>10</sup>

##### *Prior Oversight Concerning Local Law 35*

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

<sup>1</sup> See Local Law 35 of 1994, §1.

<sup>2</sup> *Id.*

<sup>3</sup> N.Y.C. Charter §312(a).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

Since the law was enacted, the Council has conducted three oversight hearings regarding Local Law 35. On January 24, 2005, the Committee on Contracts broadly reviewed the law in an oversight hearing entitled "Does Local Law 35 of 1994 Work?" (the 2005 hearing).<sup>11</sup> On October 15, 2009, the Committee on Civil Service & Labor joined the Committee on Contracts to review a specific case where a city agency failed to reach the cost benefit analysis stage of Local Law 35's review process in a hearing entitled "Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services" (the 2009 hearing).<sup>12</sup> On April 11, 2011, the Committees on Contracts and Civil Service & Labor again convened to probe the City's application of Local Law 35 and explore ways that the law might be improved in a hearing entitled "Evaluating the Application and Efficacy of Local Law 35 of 1994" (the 2011 hearing).<sup>13</sup>

Proposed Int. 624-A addresses the facts, concerns, and criticisms raised during the 2005, 2009, and 2011 hearings. First, the City explained that it seldom reached the cost benefit analysis stage of Local Law 35's procedure because, based on its interpretation of the law, in the overwhelming majority of cases, contracts fall outside of the universe of contracts defined in the law and/or failed to meet the law's standard for displacement.<sup>14</sup> Second, unions indicated that they have been excluded from the earliest phases of the solicitation process, which has hindered their ability to provide the City with competitive alternatives to bids and proposals from vendors.<sup>15</sup> Finally, the City noted that it does not maintain records that would reflect the analysis, if any, supporting agencies' (non-)displacement determinations.<sup>16</sup> The proposed revisions to Local Law 35 address each of these issues.

#### Proposed Int. No. 624-A

Proposed Int. No. 624-A would amend subdivision a of section 312 of the New York City Charter (312(a)) in four ways.

(1) The legislation would add a new paragraph to 312(a) to require the City to publish annual contracting plans that would chart for the upcoming fiscal year the intended service contracts for each City agency, including those entities that receive funds from the city treasury but are exempt from the other procedural aspects of Local Law 35, such as the Department of Education, the Health and Hospitals Corporation, and the New York City Housing Authority, for the upcoming fiscal year. For any contract actions that are omitted from such plans, the bill would require the City to provide public notice of an agency's intent to solicit bids for services sixty days before it issues requests for proposals, invitations for bids, or other solicitations. This would permit the public to review the slated contracting actions for City agencies. Additionally, City employees and private vendors would have an increased opportunity to prepare bids/proposals.

(2) The legislation would enlarge the universe of contracts covered by 312(a). First, the bill deletes the term "technical, consultant, or personal" and identifies the applicable services under the law as "standard or professional." This is important because the City interprets personal services to include only those where the performance by a specific individual is the essence of what one is contracting for; such services would not include those hired on the basis of price alone.<sup>17</sup> Accordingly, using the terms "standard and professional services" would capture a more comprehensive array of types of work solicited by the City, including those based on specialized field experience, such as consulting, information technology, and accounting, as well as more commoditized work, such as secretarial, janitorial, and food-related services.<sup>18</sup> Second, the bill would expand the law's procedural mandate to cover agencies seeking to extend existing contracts.

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

<sup>11</sup> See Briefing Paper, *Oversight: Does Local Law 35 of 1994 Work*, Jan. 24, 2005, Committee on Contracts.

<sup>12</sup> See Briefing Paper, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor.

<sup>13</sup> See Briefing Paper, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor.

<sup>14</sup> See, e.g., Transcript, *Oversight: Does Local Law 35 of 1994 Work*, Jan. 24, 2005, Committee on Contracts, at 20, 32-33; Transcript, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor, at 15-19, 28; Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 10-13, 20-22, 37, 45-49.

<sup>15</sup> See, e.g., Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 67-68, 70, 88, 103-104.

<sup>16</sup> See, e.g., Transcript, *Oversight: Does Local Law 35 of 1994 Work*, Jan. 24, 2005, Committee on Contracts, at 16-17; Transcript, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor, at 77; Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 23, 50.

<sup>17</sup> See Transcript, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor, at 28.

<sup>18</sup> The City defines professional and standardized services as follows:

Professional services are a class of services that require an individual to hold an advanced degree or have experience in a specialized field. Professional services are usually procured through a Request for Proposals, where emphasis is placed on the quality of the vendor's approach as the service is likely to be highly individualized. Services of this type include: legal, management consulting, information technology, accounting, auditing, actuarial, advertising, health, architecture, pure construction management (without including construction) and environmental analysis.

Standardized services typically do not require the provider to have experience in a specialized field or hold an advanced degree. A standardized service is clearly defined and highly

(3) The legislation would modify the ways in which agencies determine displacement under the law. First, the bill would remove the term “directly,” so that a contract need not “*directly* result in the displacement of any city employee” in order to trigger a cost benefit analysis. Second, the bill would add “attrition” to its examples of types of reductions in the number of funded positions that would constitute displacement. Taken together, these modifications would require the City to adjust its consideration of displacement under Local Law 35, beyond that which “occurs *contemporaneously* with the solicitation of a new contract or the renewal of a prior one” (emphasis added),<sup>19</sup> to include a more circumspect review of the ultimate impact of City contracting decisions.

Further, the bill would create a presumption of displacement whenever any of the following events occurred in the three year period preceding the proposed contract:

- Any reduction in funded positions (attrition, layoffs, demotion, etc.) of employees who performed the kinds of services sought in the proposed contract
- Announced PEGs (Program to Eliminate the Gap) that could impact employees who perform the kinds of services sought in the proposed contract
- Any other statement of a specific anticipated employment action that could impact employees who perform the kinds of services sought in the proposed contract

If any such event occurred, a contracting agency would be required to conduct a cost-benefit analysis, weighing the efficiencies of outsourcing the service versus performing the work in-house. The City’s poor record of performing cost-benefit analyses under the current law highlights the pitfalls of the existing framework, which relies solely on a subjective determination to trigger cost-efficiency procedures. This amendment establishes objective indicators to ensure that cost benefit analyses are conducted when it appears that a contract will result in or is the result of the displacement of City employees.

(4) Finally, the legislation would revise the certification procedure set forth in the law—the process by which agencies attest that a proposed service contract will not displace City employees—to require enhanced reporting of displacement determinations. The bill would require agencies to broadly construe the nature of the services sought, provide details regarding the bases upon which they determined that no displacement of employees performing such services would occur, and include specific information concerning the agency capacity to perform such services. This information would shed light on the City’s decisions to outsource services and would document that the City regularly weighs its capacity to perform work in-house.

#### Legislative Objectives

Proposed Int. No. 624-A is designed to clarify and better effectuate the intent of Local Law 35 of 1994. The annual contracting plan will provide City employees and private vendors with increased opportunities to prepare bids and proposals and the City will benefit from enhanced competition. The legislation in no way limits the City’s ability to contract out. It is not meant to stymie outsourcing. Rather, the bill intends to ensure that services contracts are in the best fiscal interests of the City. As the economy continues to wane, now more than ever, it is imperative that the City protect the public fisc by considering carefully its expenditure of tax dollars. Proposed Int. No. 624-A seeks to increase transparency and implement safeguards in the contracting process to make certain that the City’s limited resources are used efficiently.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 624-A:)**

Int. No. 624-A

By Council Members Mealy, James, Williams, Comrie, Jackson, Arroyo, and Levin.

#### **A Local Law to amend the New York city charter, in relation to the procedure governing agency service contracts.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 312 of the New York city charter is amended to read as follows:

commoditized; procurements for these services are generally awarded based on the lowest price. Examples include: security, janitorial, secretarial, transportation, collection and food related services. Contracts for services such as plumbing, electrical and HVA for maintenance and repair not related to new construction also fall into this category.

Mayor’s Office of Contract Services, *Agency Procurement Indicators, Fiscal Year 2010*, at 78-79.

<sup>19</sup> Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 11.

§ 312. Procurement; general rule and exceptions. a. Prior to entering into [or], renewing, or extending a contract valued at more than [one] two hundred thousand dollars to provide [technical, consultant, or personal] *standard or professional services, including agency task orders pursuant to multi-agency task order contracts, but excluding emergency procurements, government-to-government purchases, and the procurement of legal services or consulting services in support of current or anticipated litigation, investigative or confidential services*, an agency shall follow the procedure established herein and the mayor shall comply with the reporting requirements set forth in paragraph 8.

1. Prior to issuing an invitation for bids, request for proposals, or other solicitation, or renewing or extending an existing contract, the agency shall determine whether such contract *is the result of or would [directly] result in the displacement of any city employee within the agency. For the purpose of this section, "displacement" shall mean a reduction in the number of funded positions, including but not limited to, that resulting from the attrition; layoff; demotion; bumping; involuntary transfer to a new class, title, or location; time-based reductions, or reductions in customary hours of work, wages, or benefits of any city employee.*

a. *There shall be a presumptive determination that a proposed contract is the result of or would result in displacement if any of the following events occurred in the three year period preceding the date the agency intends to issue an invitation for bids, request for proposal, or other solicitation, or renew or extend an existing contract:*

(1) *the displacement of a city employee within the agency who performs or has performed the services sought by the proposed contract and/or services of a substantially similar nature or purpose; or*

(2) *the announcement of spending reductions in connection with a budgetary program, including but not limited to a Program to Eliminate the Gap, that could result or has resulted in the displacement of a city employee within the agency who performs or has performed the services sought by the proposed contract and/or services of a substantially similar nature or purpose; or*

(3) *any other statement by an agency or the mayor of a specific anticipated employment action that could result or has resulted in the displacement of a city employee within the agency who performs or has performed the services sought by the proposed contract and/or services of a substantially similar nature or purpose.*

b. If the agency determines that [such result] *displacement would not occur*, it shall include a certification to that effect, signed by the agency head, in any invitation for bids, request for proposals, or other solicitation, or with any contract renewal or extension. *Such certification shall detail the basis upon which the agency determined that displacement would not occur, construing broadly the nature of the services sought and providing information including but not limited to: (i) whether any civil service title and/or job title within the agency currently performs the services solicited and/or services of a substantially similar nature or purpose, the names of such titles, and the extent to which agency employees within such titles currently perform such services; (ii) whether the solicited services expand, supplement, or replace existing services, and a detailed description comparing the solicited services with such existing services; (iii) whether there is capacity within the agency to perform the services solicited and, if there is no such capacity, a detailed description specifying the ways in which the agency lacks such capacity; (iv) for the term of the proposed contract, the projected headcount of employees within such titles or employees who perform such services and/or services of a substantially similar nature or purpose; and (v) confirmation that none of the events set forth in subparagraph a of this paragraph occurred within the agency in the three year period preceding the date such agency intends to issue an invitation for bids, request for proposal, or other solicitation, or renew or extend an existing contract.*

c. If the agency determines that [such result] *displacement would occur*, the agency shall determine the costs incurred and the benefits derived in performing the service, consistent with the scope and specifications within the solicitation, *renewal, or extension*, with city employees, and shall submit such analysis, with all supporting documentation, prior to issuance of any solicitation or entry into any contract renewal or extension, to the comptroller.

2. Immediately upon receipt of bids, [and] proposals, and other solicitation responses, or prior to the renewal or extension of an existing contract, the agency shall submit such determination, analysis, and supporting documentation to the council and to the appropriate collective bargaining representatives representing employees who would be affected pursuant to paragraph 1 of subdivision a of this section.

3. Prior to award of a contract, a renewal, or an extension, the agency shall perform a comparative analysis of the costs expected to be incurred and the benefits expected to be derived from entering into, *renewing, or extending* a contract with the proposed vendor, based on such vendor's best and final offer, and such agency's analysis of the costs incurred and the benefits derived from providing the service with city employees. If the agency head intends to award, renew, or extend the contract, he or she shall submit the reasons therefor, together with such analysis, and all supporting documentation, to the comptroller, the council, and the appropriate collective bargaining representatives representing employees who would be affected pursuant to paragraph 1 of [paragraph]subdivision a of this section.

4. The council may, within thirty days after receipt of such reasons, analysis, and supporting documentation hold a hearing on this matter. No contract award, *renewal, or extension* shall be made prior to the expiration of this thirty-day period or a council hearing, whichever is sooner.

5. a. All cost and comparative analyses required under this section shall be conducted in accordance with standard methodology of the office of management

and budget, and consistent with the rules of the procurement policy board, as both are modified herein, subject to further modification by local law. Such analyses shall include all reasonable costs associated with performing the service using city employees and all reasonable costs associated with performing the service under the proposed contract *or contract renewal or extension*.

b. Such analyses shall further include[,] the total number, qualifications, job descriptions, and titles of all personnel to be employed by the vendor under the proposed contract *or contract renewal or extension*, as well as the nature and cost of salaries and benefits to be provided to such personnel.

c. Such analyses shall further include, but not be limited to, the cost of employee supervision directly related to the provision of the service, vendor solicitation, contract preparation, contract administration, monitoring and evaluating the contractor, capitalization of equipment over the period such equipment shall be in use, supplies[;], the cost of providing the equivalent quantity and quality of service by city employees compared to the cost of providing such service by contract, based upon the best and final offer of the proposed vendor, and such other factors as will assist in arriving at full and accurate cost determinations and comparisons.

6. The reasons given to award, *renew, or extend* the contracts shall include all factors that have been considered in determining whether contracting for this service is in the best interest of the city, whether or not such reasons are contained within the cost or comparative analyses. Such factors shall include, but not be limited to, the potential for contractor default, the time required to perform the service, and the quality of the service to be delivered.

7. The mayor or his or her designee may prepare and implement a plan of assistance for displaced city employees, which may include, but need not be limited to, training to place such employees in comparable positions within the contracting agency or any other agency. The cost of such assistance plan may be included within the cost of contracting-out in the cost and comparative analyses.

8. a. *For the purposes of this paragraph, "agency" means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to, the department of education, the health and hospitals corporation, and the New York city housing authority, but shall not include any court, or any local development corporation or other not for profit corporation or institution, including such a corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.*

b. *The mayor shall, no later than July 31st of each year, produce and publish on the mayor's office of contract services website a plan and schedule for each agency detailing the anticipated contracting actions of each such agency for the upcoming fiscal year. The plan and schedule shall include: (i) information specific to each prospective invitation for bids, request for proposal, or other solicitation, including, but not limited to, the nature of services sought, the term of the proposed contract, the method of the solicitation the agency intends to utilize, the anticipated fiscal year quarter of the planned solicitation, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services; and (ii) information specific to each proposed contract renewal or extension, including, but not limited to, any modifications sought to the nature of the services performed under the contract, the term of the proposed renewed or extended contract, the reason(s) the agency intends to renew or extend such contract, the month and year of the expiration of the existing contract, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services.*

c. *If an agency intends to issue an invitation for bids, request for proposal, or other solicitation, or renew or extend an existing contract, but the mayor fails to include such prospective invitation, request, solicitation, renewal or extension in the plan and schedule, the mayor shall provide public notice sixty days before such agency issues such invitation, request, or solicitation, or enters into such renewal or extension. Such notice, which shall be posted on the mayor's office of contract services website and in the city record, shall include: (i) information specific to the prospective invitation for bids, request for proposal, or other solicitation, including, but not limited to, the nature of services sought, the term of the proposed contract, the method of the solicitation the agency intends to utilize, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services; or (ii) information specific to the proposed contract renewal or extension, including, but not limited to, any modifications sought to the nature of the services performed under the contract, the term of the proposed renewed or extended contract, the reason(s) the agency intends to renew or extend such contract, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services.*

[8. For the purpose of this section, "displacement" shall mean any employment action that results in a reduction in the number of funded positions, including but not limited to, those resulting from the layoff; demotion; bumping; involuntary transfer to a new class, title, or location; time-based reductions, or reductions in customary hours of work, wages, or benefits of any city employee.]

§2. Effect of invalidity; severability. If any section, subdivision, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared

unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

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

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, MELISSA MARK-VIVERITO; Committee on Contracts, September 21, 2011.

Laid Over by the Council.

#### Reports of the Committee on Finance

Report for Int. No. 569

#### Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Chinatown business improvement district.

The Committee on Finance, to which the annexed proposed local law was referred on May 11, 2011 (Minutes, page 771), 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 Resolution 818, which set the date for the initial hearing for the Chinatown BID Plan and its enacting legislation for Thursday, May 26, 2011. Chinatown has approximately 150,000 inhabitants, and serves a great many of the 600,000 ethnic Chinese living in New York City. According to the Administration, there are over 2,000 businesses including about 800 retail stores within the proposed Chinatown BID, of which approximately 23% are apparel and accessories type stores, 14% are jewelry stores, 11% are eating and drinking establishments, and 5% are gift, novelty and souvenir shops. In addition, the district contains approximately 780 residential condominium units and over 4,000 rental units.

Geographically, the proposed Chinatown BID includes properties in an area bounded by Broome Street to the north, Broadway to the west, Allen Street to the east, and Worth and Madison Streets to the south.

Prior to the Council's action, the Community Boards for the district in which the proposed BID is located, Community Boards 1, 2 and 3 of Manhattan voted to approve the Chinatown BID Plan on January 26, 2011, December 16, 2010, and its December meeting, respectively. It is important to note that Community Board 3 conditioned its approval of the Chinatown BID upon the removal of Columbus Park from the proposed BID's district plan. The City Planning Commission ("CPC") reviewed the Plan and held a public hearing on the Plan on January 26, 2011 (Calendar No. 32). The CPC approved a resolution on March 2, 2011 (Calendar No. 18), which certified the CPC's approval.

Resolution 818, approved by the Finance Committee and adopted by the Council on May 11, 2011, set the date for the initial hearing on this BID as May 26, 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 May 26<sup>th</sup> hearing date, and the Chinatown 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 May 26<sup>th</sup> hearing.

The proposed first year budget of the BID is \$1,300,000. The proposed expenditures include:

#### Services

#### Total Funds

Sanitation/Maintenance	\$1,000,000
Holiday Lights/Contingency	\$100,000
Administration	\$200,000

**TOTAL FIRST YEAR BUDGET            \$1,300,000**

The total assessed valuation within the proposed BID is \$778, 444,891. The total number of property owners within the BID is 1,891, which account for 2,320 properties located within the proposed BID.

At the May 26<sup>th</sup> hearing, the Finance Committee heard from property owners who may be affected by the establishment of the BID. Unlike most hearings on Business Improvement Districts, this hearing was attended by dozens of people affected by the BID and who wanted to express their support or opposition. Supporters of the BID were pleased about the additional sanitation services that the BID will provide, while those in opposition to the BID expressed concerns regarding the assessment that the BID requires to pay for such services.

As required by the BID law, set forth in Article 19-a of the State’s General Municipal Law and and Title 25 of the Administrative Code, the Finance Committee had to wait at least 30 days after the hearing to allow property owners that are negatively affected by the establishment of the BID to formally file objections with the City Clerk. Copies of such objection forms were made available at the May 26<sup>th</sup> hearing, and made available on website of the Finance Committee Chairman, in addition to being made available at the City Clerk’s office at 1 Centre street.

The Public Hearing to consider both the BID plan itself and the enacting legislation, according to the provisions of the law, was closed without a vote. The 30-day period began immediately after the May 26<sup>th</sup> Public Hearing. During that time, any property owner was able to formally object to the 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 (1,183) or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district (\$397,006,894) object to the BID plan, then the City Council is prohibited by law from approving such plan.

**Update September 21, 2011**

The objection period for the creation of this BID ended on June 24<sup>th</sup> at 5p.m. According to the City Clerk, out of the 1,890 property owners located in the proposed BID, 388 property owners, which represent 20.5% of the property owners in the proposed BID, filed valid objections to the establishment of the BID. Of the 388 property owners who filed valid objections to the proposed BID’s creation, such owners represent \$153,881,728, or 19.7%, of the total assessed value of the properties located within the proposed BID.

While the number of people who objected to the creation of the Chinatown BID is not enough to comprise the majority, and technically, the Finance Committee could vote to approve the BID and still be in compliance with the BID law, the Finance Committee held another hearing on this bill on September 7, 2011 to be certain that the creation of this BID is in the best interest of the public.

At this hearing, we were able to hear all of the concerns of property owners, and address many of them. As a result of this hearing, the Council will continue to work with SBS to ensure:

1. Services for garbage collection in the BID are made prior to 8am, rather than in the afternoon;
2. Objection forms that are used to express a property owner’s objection to a BID is made available on SBS’ website, and not just at the City Clerk’s office; and
3. The minutes of meetings of the board of Directors will be placed on the website of the District Management Association A within 3 business days of such meeting, and such minutes shall be translated upon request of a property owner within the Chinatown BID.

Pursuant to the Article 19-a of the State’s General Municipal Law, and Title 25 of the Administrative Code, in order for the Chinatown BID to move forward, the Committee 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.

**(The following is the text of the Fiscal Impact Statement for Int. No. 569:)**



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

Int.: 569

COMMITTEE: Finance

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

**SPONSORS:** By Council Members Recchia, Jr., Cabrera, Chin, Rose, Sanders Jr., Williams, Dilan and Koo (by request of the Mayor)

**SUMMARY OF LEGISLATION:** Intro 569 establishes a business improvement district in the borough of Manhattan to be known as the Chinatown 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 Chinatown 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 \$1,300,000. This amount will cover the BID's expenses as proposed by its first year budget. The District proposes to expend the \$1,300,000 in revenues in its first year's budget for maintenance/sanitation, holiday lights and contingency. 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:** May 11, 2011

**HISTORY:** The Committee on Finance held a hearing on Intro 569 on May 26, 2011, and the legislation was laid over to allow for the statutory 30-day objection period. Intro 569 will be considered again by the Committee on September 21, 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. 569:)**

Int. No. 569

By Council Members Recchia, Cabrera, Chin, Rose, Sanders, Williams, Dilan, and Koo (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 Chinatown 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 25-483 to read as follows:

*§ 25-483 Chinatown 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 Manhattan, the Chinatown 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 Chinatown 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, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, September 21, 2011.

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

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

Report for L.U. No. 483

**Report of the Committee on Finance in favor of approving 138-49 Elder Avenue, Block 5137, Lot 118, Queens, Council District No. 20.**

The Committee on Finance, to which the annexed resolution was referred on September 21, 2011, respectfully

**REPORTS:**

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

September 21, 2011

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of September 21, 2011-Resolution approving a tax exemption for one preconsidered Land Use Item (Council District 20).

HPD has submitted a request to the Council to approve property tax exemption for the following property: 138-49 Elder Avenue in Council Member Koo's District.

The B'Nai B'Rith senior housing residence located at 138-49 Elder Avenue in Queens consist of a multiple dwelling with 191 units that provides rental housing for elderly persons of low income. The sponsor, B'Nai B'Rith Housing Development Fund Company developed the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City. The project now wishes to refinance its original HUD mortgage in order to fund needed repairs and decrease debt service. In order to facilitate this refinancing the current exemption must be terminated and replaced with a new partial exemption that is coterminous with the new HUD loan. The value of the tax exemption is projected at \$194,664 in the first year of the exemption and \$14.6 million over the 40-year length of the exemption.

This item has the approval of Council Member Koo

Accordingly, this Committee recommends its adoption.

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

Res. No. 1063

**Resolution approving an exemption from real property taxes for property located at 138-49 Elder Avenue (Block 5137, Lot 118) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 483)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 1, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at 138-49 Elder Avenue (Block 5137, Lot 118) Queens

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

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

**WHEREAS**, the Council held a hearing on the Project on September 21, 2011;

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

**RESOLVED:**

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

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

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

- (a) "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.
- (b) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 5137, Lot 118 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean Queens B'Nai B'Rith Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
- (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on October 22, 1981 (Cal. No. 424).
- (j) "Regulatory Agreement" shall mean a regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (k) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
- (l) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective



Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$406,581, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
  - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement, (ii) execute and record a Regulatory Agreement, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, September 21, 2011.

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

### Reports of the Committee on Health

Report for Int. No. 655-A

**Report of the Committee on Health 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 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.**

The Committee on Health, to which the annexed amended proposed local law was referred on August 17, 2011 (Minutes, page 3932), respectfully

### REPORTS:

#### INTRODUCTION

On September 21, 2011, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will conduct a vote on Proposed Int. No. 655-A, a local law concerning animal shelters in the City of New York. The Committee previously heard testimony concerning this bill on September 9, 2011. Representatives from the New York City Department of Health and Mental Hygiene, Animal Care and Control of New York, animal advocacy organizations and other interested members of the public testified.

#### BACKGROUND

In New York City, the Department of Health and Mental Hygiene (DOHMH) is responsible for receiving and sheltering abandoned, unwanted and dangerous animals.<sup>1</sup> Since 1995, DOHMH has performed these responsibilities through a contract with the not-for-profit organization Animal Care and Control of New York City (AC&C).<sup>2</sup> AC&C is the largest pet organization in the northeast; it rescues nearly 40,000 pets per year, and its mission is to protect the health, safety and welfare of pets and people in New York City.<sup>3</sup> AC&C performs numerous services including stray animal pick-up and receiving, adoption, sheltering, rabies testing, spay and neutering and humane euthanasia.<sup>4</sup>

The Mayor's Alliance for New York City Animals ("Mayor's Alliance") is a coalition of more than 150 animal rescue groups and shelters that works with AC&C and member organizations to increase pet adoptions and spay/neuter rates.<sup>5</sup> The Mayor's Alliance was founded in 2002 and is a not-for-profit organization that is primarily supported by Maddie's Fund and the American Society for the Prevention of Cruelty to Animals.<sup>6</sup> The stated goal of the Mayor's Alliance is to transform New York City into a no-kill community by 2015.<sup>7</sup> To further this goal, AC&C created the New Hope program, through which AC&C provides animals to Mayor's Alliance member organizations, from which the public can adopt the animals.

In Fiscal Year 2011, AC&C took in 37,116 dogs and cats and humanely euthanized 11,602 dogs and cats.<sup>8</sup> Additionally, 6,725 animals were adopted and another 15,474 were provided to other shelters through the New Hope program.<sup>9</sup> Through calendar year 2010, 1,586 pets were returned to their owner.<sup>10</sup> Additionally, AC&C sterilized 10,006 animals in 2010.<sup>11</sup> The New Hope program has proven invaluable in placing adoptable animals in new homes. Since 2005 intakes by AC&C have decreased 16.4 percent from 44,396 pets in 2005 to 37,116 in 2010.<sup>12</sup> Adoptions decreased by 37.73 percent over this period but increased among New Hope partners. New Hope took 6,580 animals in 2005 and 15,474 pets in 2010, representing an increase of 135.17 percent.<sup>13</sup> Lastly, AC&C reported that euthanasia declined by 49.48 percent from 22,965 in 2005 to 11,602 in 2010.<sup>14</sup>

#### Animal Shelters and Sterilization Act

In 2000, the City Council passed the Animal Shelters and Sterilization Act, Local Law 26 of 2000.<sup>15</sup> The primary provisions of this law include requiring that an animal shelter exist in each of the five boroughs and mandating sterilization of dogs and cats adopted from animal shelters or purchased from pet shops.<sup>16</sup> The full-service shelter requirements were to take effect on January 1, 2001, for the boroughs of Brooklyn, Manhattan and Staten Island, and July 1, 2002, for the boroughs of the Bronx and Queens.<sup>17</sup> Although full-service shelters existed in Brooklyn and Manhattan at the time of the first Health Committee hearing on the bill in April 2000; at that time the Staten Island shelter was not open twenty-four hours, nor did it provide medical services required under the new law. The shelters in the Bronx and Queens were "store front" drop off shelters, only open Tuesday through Saturday from 8 AM to 4 PM.<sup>18</sup> In 2000, the Council appropriated \$4 million for the additional centers, required under the new law. A site was selected in Queens but still needed to be selected in the Bronx.<sup>19</sup> Animals that came into the Queens or Bronx facilities were transported to Brooklyn and Manhattan respectively.<sup>20</sup>

In 2002, the Animal Shelters and Sterilization Act was amended by Local Law 12, which extended the date for site acquisition for the Bronx and Queens shelters until July 1, 2004.<sup>21</sup> The shelters were to be fully operational by July 1, 2006.<sup>22</sup> Additionally, the 2002 law decreased the number of hours that a full-service shelter was required to operate from twenty-four hours per day to twelve hours per day, seven days per week.<sup>23</sup> Adoption programs in full-service shelters were also reduced from seven days per week to five days each week.<sup>24</sup> The diminution of service was set to sunset on January 1, 2005.<sup>25</sup> The 2002 law also required the DOHMH to report to the Council the number of animals euthanized each month but excluded the time that a shelter was closed when calculating the forty-eight hour period in which an animal may be euthanized.<sup>26</sup>

Currently, full service shelters exist in Staten Island, Brooklyn and

Manhattan and are open twelve hours a day, seven days a week for animal drop off and seven hours a day, seven days a week for adoption services. The Queens receiving center is currently open once a week for eight hours. The Bronx receiving center is currently open twice a week for eight hours each day.

#### Litigation

In 2009, Stray from the Heart, Inc., a non-profit volunteer organization that seeks to rescue, rehabilitate and place homeless dogs, sued the DOHMH for non-compliance with the law.<sup>27</sup> Stray from the Heart, Inc., sought to compel the DOHMH to comply with the Animal Shelters and Sterilization Act's requirement that a full-service shelter be located in each of the five boroughs.<sup>28</sup> The New York State Supreme Court held that the DOHMH violated the Animal Shelters and Sterilization Act and ordered the DOHMH to submit a plan, within sixty days, to open animal shelters in all five boroughs. The shelters were to be open twenty-four hours a day, seven days per week to receive and permit the adoption of dogs and cats.<sup>29</sup> The DOHMH appealed the Supreme Court decision and prevailed, because the appellate division ruled that Stray from the Heart, Inc. did not have standing to bring the claim.<sup>30</sup> Stray from the Heart, Inc. has requested leave to appeal the ruling to New York State's highest court, the Court of Appeals. The Court of Appeals granted the leave to appeal on September 13, 2011.

#### Recent Developments

On July 27, 2011, Mayor Michael Bloomberg, City Council Speaker Christine Quinn, Council Member Jessica Lappin, DOHMH Commissioner Thomas Farley, and several animal rights organizations announced an agreement to enhance services for shelter animals.<sup>31</sup> Specifically, services would be expanded by increasing the number of staff in shelters and receiving centers, expanding the number of days and hours that animals may be dropped off or picked up, and increasing the rescue of stray, injured and abandoned animals.<sup>32</sup> Some of the agreements are codified in Int. No. 655, including requiring that dogs and cats be accepted in the Bronx and Queens twelve hours per day, seven days a week, and providing for picking up stray, injured and abandoned animals (with a focus on the Bronx and Queens) twelve hours per day, seven days a week.<sup>33</sup> DOHMH will also issue rules to register trap-neuter-return programs to control and reduce feral cat populations, require that all free-roaming cats be spayed or neutered to reduce the feral cat population. DOH will issue a report in twenty-four months which providing data on trends and progress at full-service animal shelters.

The Bloomberg Administration has committed to increase its investment in animal shelters by nearly \$10 million over the next three years, with an additional \$1 million invested this year.<sup>34</sup> The City expects the budget for animal shelters to top \$12 million dollars by 2014, a 77% increase from the current amount. Furthermore, the increased budget will allow the City to hire up to 100 additional shelter employees, greatly improving the quality of care for animals at the shelters. This additional investment is made possible in part by repealing the requirement that there be full-service animal shelters in every borough.<sup>35</sup> As of the date of this hearing, capital improvements are underway at the Staten Island facility, and are planned for the customer service area at the Bronx receiving facility. Additionally, the Administration has committed to pursuing a new animal receiving facility site in Queens.

Concurrently with this legislation and the increased funding for animal shelters, the DOHMH will also launch a citywide public awareness campaign pertaining to dog licensing. As part of the campaign, the agency plans to create streamlined enrollment online and at self-service licensing kiosks and to conduct targeted outreach to ensure the public is aware of the benefits of dog licensing. Furthermore, the DOHMH plans to lobby the State to pass legislation to increase both the dog licensing fee, which has been unchanged for 80 years, and the \$1 dollar fee per license that pet stores and other entities receive when they process a dog license transaction.<sup>36</sup>

#### **PROPOSED INT. NO. 655-A**

Proposed Int. No. 655-A would amend several sections of Chapter 8 of Title 17 of the Administrative Code, which pertains to animal shelters. Section 1 of the bill would repeal section 17-801 of the Code which sets forth the legislative findings relevant to the law as written in 2002. Section 2 of the bill would amend section 17-802 by adding several definitions of relevant terms, including "feral cat" and "trap-neuter-return." A feral cat is one that has no owner, is unsocialized, and is extremely fearful or resistant to humans. A trap-neuter-return ("TNR") program traps feral cats, sterilizes and vaccinates them for rabies and then returns them to the locations where they were found. Additionally, bill section 2 would require that a "full service shelter" be open twelve hours per day, seven days a week, as opposed to the current requirement of twenty-four hours per day. The definition of "sterilization" would be updated to include non-surgical methods.

Section 3 of Proposed Int. No. 655-A would repeal the requirement that there be a full service shelter in every borough. Instead, full service shelters would be required in three boroughs, one of which would be required to receive animals from the public twenty-four hours a day. Facilities to receive animals and prepare them for transfer to a full service shelter would be required in the remaining two boroughs and would be open twelve hours a day, seven days a week. Additionally, this section would codify a field services program, which would pick up "lost, stray, homeless, or injured dogs and cats" from all five boroughs, twelve hours a day, seven days a week. If there is a threat to public health and safety, field service would be available to pick up animals twenty-four hours a day.

Section 4 of Proposed Int. No. 655-A would require that all cat owners who permit their cats to roam outside have such cat sterilized. Owners would be required to submit proof of sterilization upon request by the DOHMH. In response to concerns raised at the hearing that field services could conceivably pick up house cats and feral cats, section 4 of the bill was amended to explicitly state that the

Department shall not seize a cat solely on the ground that the cat has not been sterilized.

Section 5 of the bill would add several reporting requirements to the existing annual report that the DOHMH is required to provide to the City Council and the Mayor, including the following indicators, disaggregated by month:

- the total number of animals per borough picked up by field services during regular business hours and delivered to a) shelters and b) receiving facilities
- the total number of animals per borough picked up by field services during off hours and delivered to a) shelters and b) receiving facilities
- the total number of animals accepted into and transferred from full service shelters to each receiving facility
- the staffing levels at each full service shelter and receiving facility.

Additionally, Proposed Int. No. 655-A would require that two years after the effective date of the law, the DOHMH would provide a report to the City Council and the Mayor summarizing and describing the trends in the existing and amended annual reporting requirements.

Section 6 of Proposed Int. No. 655-A would amend the violation section to permit civil penalties of between two hundred fifty and five hundred dollars to be levied against owners who let their unsterilized cats roam free. These fines would be equal to existing civil fines imposed on those who are currently required under the law to sterilize dogs and cats, including pet stores. Finally, the section would be amended to clarify that notice of violation would be returnable to the Office of Administrative Trial and Hearings.

Section 7 of Proposed Int. No. 655-A would require the DOHMH to create rules pertaining to registration of individuals or groups doing TNR activities.

Bill section 8 would repeal section 17-809 of the code, which pertains to the hours of operation of full service shelters, since this information would be included in the definition section of the law, and replaces it with language indicating that the DOHMH may choose to offer additional services or facilities for unwanted and uncared for animals in New York City.

Section 9 of Proposed Int. No. 655-A would amend the language of section 17-810 to clarify that although Proposed Int. No. 655-A would require one full service shelter to be open twenty four hours a day, this fact would not alter the time frame for determining when a shelter may euthanize an animal. Currently, the law permits shelters to not consider the hours a shelter is closed when calculating the legal time frame for euthanasia.

Proposed Int. No. 655-A would be effective immediately, except that the DOHMH would be given 180 days after enactment to promulgate rules pertaining to TNR.

<sup>1</sup> N.Y. City Dep't of Health & Mental Hygiene, *Animal Care and Control Services*, <http://www.nyc.gov/html/doh/html/vet/vet3.shtml> (last visited Aug. 31, 2011).

<sup>2</sup> *Id.*

<sup>3</sup> Animal Care & Control of New York, *About Us*, <http://www.nycacc.org/aboutus.htm> (last visited Aug. 31, 2011).

<sup>4</sup> *Id.*

<sup>5</sup> Mayor's Alliance for New York City's Animals, *About Us*, <http://www.animalallianceny.org/about/index.htm> (last visited Aug. 31, 2011). For a complete list of the alliance participating organizations, visit <http://www.animalallianceny.org/about/apos/atoz.htm>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> N.Y. City Dep't of Health & Mental Hygiene, *Annual Report on Animal Care and Control 2010 (2011)*.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 2.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> NYC Admin. Code §§ 17-801 *et seq.* (2000).

<sup>16</sup> Comm. on Health, Council of the City of N.Y., *Proposed Int. No. 567-A, Committee Report of the Human Services Division* (Apr. 13, 2000).

<sup>17</sup> *Id.* at 7-8.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Comm. on Health, Council of the City of N.Y., *Proposed Int. No. 234, Committee Report of the Human Services Division* (June 21, 2002).

<sup>22</sup> *Id.* at 4.

<sup>23</sup> *Id.* at 2.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 3.

<sup>26</sup> *Id.*

<sup>27</sup> *Stray from the Heart, Inc. v. Dep't of Health & Mental Hygiene*, 25 Misc. 3d 1214 (N.Y. Sup. Ct. Sept. 11, 2009).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Stray from the Heart, Inc. v. Dep't of Health & Mental Hygiene*, NY Slip Op. 03101, (N.Y. App. 1st Dept. Apr. 19, 2011).

<sup>31</sup> Press Release, N.Y. City Office of the Mayor, Mayor Bloomberg, Speaker Quinn, Council Member Lappin, Health Commissioner Farley, Animal Care & Control of NYC, ASPCA and the Mayor's Alliance for NYC'S Animals Announce Agreement to Enhance Services for Shelter Animals (July 27, 2011).

<sup>32</sup>Id.

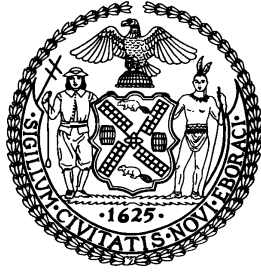
<sup>33</sup>Id.

<sup>34</sup>Id.

<sup>35</sup>Id.

<sup>36</sup>Id.

(The following is the text of the Fiscal Impact Statement for Int. 655-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 PRESTON NIBLACK, DIRECTOR  
 FISCAL IMPACT STATEMENT  
 PROPOSED INTRO. NO: 655-A  
 COMMITTEE: Health

**TITLE:** 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.

**SPONSORS:** By Council Members Lappin, Brewer, Williams, Mark-Viverito, Vacca, Mendez, Chin, James, Koslowitz, Garodnick, Gonzalez, Dickens and Dromm.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 655-A enhances the level and array of animal shelter and related services provided throughout New York City. More specifically, Proposed Intro No. 655-A amends several sections of Chapter 8 of Title 17 of the Administrative Code, which pertains to animal shelters. Major provisions of the legislation include: (a) repealing the requirement that there be a full service shelter in every borough; (b) mandating full service shelter locations in Manhattan, Brooklyn and Staten Island; (c) requiring full service shelters at the Brooklyn and Staten Island locations to operate 12 hours a day, seven days a week, and the Manhattan full service shelter to be open 24 hours a day, seven days a week; (d) mandating animal-receiving facilities in the Bronx and Queens and for these facilities to operate 12 hours a day, seven days a week; (e) requiring field services to pick up animals from all boroughs, seven days a week, 12 hours a day and at all hours when public health or safety is at risk; (f) mandating sterilization of companion cats permitted to roam outside the interior of the owner's dwelling; (g) expanding the Department of Health and Mental Hygiene reporting requirements; (h) authorizing the Department of Health and Mental Hygiene to promulgate rules to register "trap, neuter, return" programs; and (i) amending the formula for making determinations in euthanizing animals held by Animal Care and Control (AC&C) facilities.

**EFFECTIVE DATE:** This legislation would take effect immediately after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$909,519	\$3,941,527	\$3,941,527
Net	\$909,519	\$3,941,527	\$3,941,527

**IMPACT ON REVENUES:** There is no direct impact on revenues in Fiscal 2012, nor in the outyears, resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** AC&C is the City's contracted animal shelter service provider. As prescribed by this legislation, the City will begin to ramp up AC&C's animal shelter and related services starting this fiscal year and plans to achieve full implementation by Fiscal 2015. The City has budgeted incremental funding increases over the next four fiscal years to phase-in these enhanced services. A majority of the additional funds budgeted over the next four years will be directed toward hiring a total of approximately 100 new personnel to staff AC&C's shelters, receiving sites and field services. The Fiscal 2012 funding increase for animal shelters combines at least \$159,519 in revenue from the City's Animal Population Control Fund and \$750,000 in additional spending toward AC&C's contract with the City. The Department of Health and Mental Hygiene anticipates contributing an additional \$90,000 from the Fund, which would raise the total Fiscal 2012 budget increase to roughly \$1 million. The additional Fiscal 2012 funds budgeted for AC&C will support staffing level increases and reimbursement for the provision of AC&C spay and neuter services. The City expects the budget for animal shelters to top \$11 million dollars by Fiscal 2013.

The Animal Population Control Fund collects revenue generated by the sale of municipal dog licenses and is expected to grow over the next few years. However, it should be noted that the City can only baseline funds actually received, and therefore, cannot budget additional outyear collections based on any future Fund revenue projections. Consequently, current outyear AC&C spending estimates exclude Fund contributions.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City tax levy

**SOURCES OF INFORMATION:** Department of Health and Mental Hygiene and the Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Pamela Corbett, Legislative Financial Analyst  
 Latonia McKinney, Deputy Director  
 City Council Finance Division

**HISTORY:** Int. 655 was introduced on August 17, 2011, and referred to the Committee on Health. On September 9, 2011, the Committee on Health held a hearing on Int. 655 and the bill was laid over. An

amendment has been proposed, and on September 21, 2011, the Committee on Health will consider the amended bill, Proposed Int. 655-A and the legislation will be voted on by the Full Council on September 21, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 655-A:)

Int. No. 655-A

By Council Members Lappin, Brewer, Williams, Mark-Viverito, Vacca, Mendez, Chin, James, Koslowitz, Garodnick, Gonzalez, Dickens, Dromm, Jackson and Weprin.

**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.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-801 of the administrative code of the city of New York is hereby REPEALED.

§ 2. Section 17-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, subdivision c as amended by local law number 12 for the year 2002, is amended to read as follows:

§ 17-802 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

a. "Adoption" means the delivery of a dog or cat deemed appropriate and suitable [as a companion animal] by an animal shelter to an individual at least eighteen years of age who has been approved to own, care and provide for the animal by the animal shelter.

b. "Consumer" means any individual purchasing an animal from a pet shop. A pet shop shall not be considered a consumer.

c. "Feral cat" shall mean an animal of the species *felis catus* who has no owner, is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

d. "Full-service shelter" shall mean a facility required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code that houses lost, stray or homeless animals and:

(1) accepts dogs and cats [pursuant to section 17-809 of this chapter] *twelve hours per day, seven days per week;*

(2) has an adoption program available seven days per week [pursuant to such section 17-809]; and

(3) provides sterilization services for dogs and cats and any other veterinary services deemed necessary by a licensed veterinarian at such shelter or at a veterinary facility.

[d.] e. "Pet shop" means a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include full-service shelters or other animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

[e.] f. "Sterilization" means rendering a dog or cat, who is at least eight weeks of age, unable to reproduce, by surgically altering the dog's or cat's reproductive organs *or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department.* Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat.

g. "Trap-neuter-return" means a program to trap, vaccinate for rabies, sterilize and identify feral cats and return them to the locations where they were found.

§ 3. Section 17-803 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-803 Animal shelters. [The department shall ensure that a full-service shelter is maintained in each borough of the city of New York.]

a. *A full-service shelter shall be maintained and operated in each of three boroughs of the city of New York. At least one of the full-service shelters shall be open to the public for the purpose of receiving animals twenty-four hours per day, seven days per week.*

b. *Facilities to receive lost, stray or homeless dogs and cats from the public shall be maintained seven days per week, twelve hours per day in those boroughs of the city in which there is not a full-service shelter.*

c. *Field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs shall be maintained and operated seven days per week, twelve hours per day. Where public health and safety is threatened, they shall have the capacity to pick up such animals twenty-four hours per day.*

§ 4. Section 17-804 of the administrative code of the city of New York is

amended by adding a new subdivision d to read as follows:

*d. Every owner of a cat who permits such cat to roam outside the interior of the owner's dwelling shall have such cat sterilized. At the request of employees or authorized agents of the department, owners shall provide proof satisfactory to the department that a cat found roaming has been sterilized. The Department shall not seize a cat solely on the ground that the cat has not been sterilized.*

§ 5. Section 17-805 of the administrative code of the city of New York, as added by local law number 26 for the year 2000 is amended to read as follows:

§ 17-805 Reporting [requirement] *requirements*. The department shall provide the mayor and the city council with a report by February twenty-eight of each year which shall set forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city of New York, including but not limited to:

a. *The following information with respect to the previous calendar year:*

[a.] (1) the total number of animals accepted by each full-service shelter [during the previous calendar year];

[b.] (2) the total number of animals that were sterilized at each full-service shelter [during the previous calendar year];

[c.] (3) the total number of animals that were humanely euthanized at each full-service shelter [during the previous calendar year];

[d.] (4) the total number of healthy animals that were humanely euthanized at each full-service shelter [during the previous calendar year];

[e.] (5) the total number of animals that were adopted at each full-service shelter [during the previous calendar year];

[f.] (6) the total number of animals at each full-service shelter that were returned to their owner [during the previous calendar year]; and

[g.] (7) the number of animals at each full-service shelter that were provided to other shelters for adoption [during the previous calendar year].

b. *The following information for each month of the previous calendar year:*

(1) *the total number of animals, disaggregated by borough, picked up by field services during regular business hours and delivered to (A) receiving facilities and (B) full-service shelters;*

(2) *the total number of animals, disaggregated by borough, picked up by field services during off hours and delivered to (A) receiving facilities and (B) full-service shelters;*

(3) *the total number of animals taken in and transferred to a full-service shelter from each receiving facility; and*

(4) *the staffing levels at all full-service shelters and receiving facilities.*

[h. Provided, however, that the] c. *The department shall report to the mayor and the council each month the total number of healthy animals that were humanely euthanized at each [full service] full-service shelter during the previous month.*

*d. No later than twenty-four months after the effective date of the local law that added this subdivision, the department shall provide to the mayor and the council a report that summarizes and describes trends in the reporting requirements provided annually in accordance with this section.*

§ 6. Section 17-806 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-806 Violations. Any person found to be in violation of subdivision (b), [or] (c) or (d) of section 17-804 of this chapter or any of the rules promulgated thereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for each violation. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal [established by the department] *authorized to adjudicate violations of the health code.*

§ 7. Section 17-807 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-807 Rules. The commissioner shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter, *including rules providing for the registration of individuals or groups conducting trap-neuter-return activities, and the establishment of criteria for such registration.*

§ 8. Section 17-809 of the administrative code of the city of New York is hereby REPEALED and RE-ENACTED to read as follows:

*§17-809 No limitation on additional services. Nothing contained in this chapter shall be deemed to limit the department's authority to offer additional services or facilities to facilitate the decline in numbers of unwanted and uncared for animals in New York city.*

§ 9. Section 17-810 of the administrative code of the city of New York, as added by local law number 12 for the year 2002, is amended to read as follows:

§17-810 *Euthanizing animals; time frame for making such determination.* In determining when a full-service shelter may euthanize a lost, stray or homeless animal held by it, such shelter shall exclude from the calculation of the number of hours that such shelter is required by law to hold such animal before euthanizing such animal those hours when such shelter is not required to accept dogs and cats pursuant to [sections] *paragraph one of subdivision d of section 17-802 [and 17-809] of this chapter. Such calculation of the number of hours shall not take into consideration the full-service shelter required to accept dogs and cats twenty-four hours per day pursuant to subdivision a of section 17-803 of this chapter.*

§ 10. This local law shall become effective immediately; provided, however, that the commissioner shall promulgate the rules required by section 17-807 of the administrative code of the city of New York, as amended by section 7 of this local law, within 180 days after its enactment into law.

MARIA del CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, September 21, 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 Health and had been favorably reported for adoption.

Report for Res. No. 1031

**Report of the Committee on Health in favor of approving a resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 655-A.**

The Committee on Health, to which the annexed resolution was referred on September 21, 2011, respectfully

#### REPORTS:

Preconsidered Res. No. 1031 is a determination that the enactment of Proposed Int. No. 655-A is an action, as defined in 617.2(b) of the New York Official Compilation of Codes, Rules and Regulations and subject to environmental review. Pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, the Council of the City of New York and the Office of the Mayor, are designated as co-lead agencies for purposes of compliance with the State Environmental Quality Review Act (Environmental Conservation Law Article 8), have considered the relevant environmental issues attendant to the enactment of Proposed Int. No. 655-A.

After such consideration, the Council and the Office of the Mayor have determined that a negative declaration should be issued. They have also reviewed the accompanying Negative Declaration and determined that the Negative Declaration satisfies the requirements of the State Environmental Quality Review Act (6 N.Y.C.R.R. Part 617), and that consistent with environmental, social, economic and other essential considerations, the proposed action is one that will not result in any significant adverse environmental impacts, and that the Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis for this determination.

Those findings are set forth in Preconsidered Res. No. \_\_\_ which is annexed.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 1031:)**

Res. No. 1031

**Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 655-A.**

By Council Member Lappin.

**Whereas**, The enactment of Proposed Int. No. 655-A is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

**Whereas**, The Mayor's Office of Environmental Coordination has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement for this bill, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

**Whereas**, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued: and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

MARIA del CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, September 21, 2011.

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

Reports of the Committee on Land Use

Report for L.U. No. 387

Report of the Committee on Land Use in favor of approving Application no. 20115746 HAK, an Urban Development Action Area Project located at 1413 Pitkin Avenue, Council District no. 41, 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 11, 2011 (Minutes, page 1525), respectfully

REPORTS:

SUBJECT

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

Table with 6 columns: ADDRESS, BLOCK/LOT, NON-ULURP NO., L.U. NO., PROGRAM PROJECT. Contains two rows of data for 1413 Pitkin Avenue and 1690 St. Marks Avenue.

INTENT

HPD requests that the Council:

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

- 2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

Date: September 15, 2011

Witnesses In Favor: Two None Witnesses Against:

SUBCOMMITTEE RECOMMENDATION AS TO L.U. NO. 387

Date: September 19, 2011

The Subcommittee recommends that the Committee approve the proposals, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

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

SUBCOMMITTEE RECOMMENDATION AS TO L.U. NO. 388

Date: September 19, 2011

The Subcommittee recommends that the Committee approve the proposals, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

In Favor: Levin, Barron, Gonzalez, Dickens, Koo Against: None Abstain:

COMMITTEE ACTION

DATE: September 19, 2011

The Committee recommends that the Council approve the attached resolutions.

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

Lappin  
Mendez

**Cont'd**

Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1034

**Resolution approving an Urban Development Action Area Project located at 1413 Pitkin Avenue (Block 1475/Lot 78), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 387; 20115746 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 26, 2011 its request dated April 13, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1413 Pitkin Avenue (Block 1475/Lot 78), Community District 16, Borough of Brooklyn (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on September 15, 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 Exemption Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

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

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

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

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

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years during the last five years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1<sup>st</sup> or July 1<sup>st</sup> (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.
- b. The tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 388

**Report of the Committee on Land Use in favor of approving Application no. 20115747 HAK, an Urban Development Action Area Project located at 1690 St. Marks Avenue, 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 and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 11, 2011 (Minutes, page 1525), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for LU No. 387 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 1035

**Resolution approving an Urban Development Action Area Project located at 1690 St. Marks Avenue (Block 1461/Lot 12), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 388; 20115747 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 26, 2011 its request dated April 13, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1690 St. Marks Avenue (Block 1461/Lot 12), Community District 16, Borough of Brooklyn (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on September 15, 2011;

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

**RESOLVED:**

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

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

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

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

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

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of

ten years during the last five years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1<sup>st</sup> or July 1<sup>st</sup> (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 449

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20115607 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates, to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring 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.**

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 - 2**

**20115607 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates, d/b/a Mezzogiorno Assoc., for a revocable consent to continue to maintain and operate an unenclosed sidewalk café at 195 Spring Street.

By submission dated September 14, 2011 and submitted to the City Council on September 15, 2011, the Applicant withdrew the Petition.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011



The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the applicant.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Comrie		
Garodnick		
Lappin		
Vacca		

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1036

**Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 195 Spring Street, Borough of Manhattan (20115607 TCM; L.U. No. 449).**

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 Mezzogiorno Associates, d/b/a Mezzogiorno Assoc. (the "Applicant"), for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, by submission dated September 14, 2011 and submitted to the City Council on September 15, 2011, the Applicant withdrew the Petition.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ

E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 2011.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 456

**Report of the Committee on Land Use in favor of approving Application no. C 110252 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c, Borough of Brooklyn, Council District no. 27.**

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**

**BROOKLYN CB - 2**

**C 110252 ZMK**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c.

**INTENT**

To rezone a portion of the Boerum Hill neighborhood in Brooklyn.

**PUBLIC HEARING**

**DATE:** September 6, 2011

**Witnesses in Favor:** Three  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Comrie		
Garodnick		
Lappin		
Vacca		

**COMMITTEE ACTION**

**DATE:** September 19, 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  
 Gonzalez  
 Arroyo  
 Dickens  
 Garodnick  
 Lappin  
 Mendez  
 Vacca  
 Lander  
 Levin

**Cont'd**

Weprin  
 Williams  
 Ignizio  
 Halloran  
 Koo

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

Res. No. 1037

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110252 ZMK, a Zoning Map amendment (L.U. No. 456).**

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 the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone all or portions of 31 blocks in an area generally bounded by Atlantic Avenue to the north, 4th Avenue to the east, Warren and Wyckoff streets to the south, and Court Street to the west, from R6 and R7B to R6A, R6B, and R7A, and from C1-3 and C2-3 to C2-4, adding commercial overlays to some mixed-use corridors and removing them on side streets where commercial uses do not currently exist (ULURP No. C 110252 ZMK (the "Application"));

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on 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 March 28, 2011, which included (E) designations for hazardous materials, air quality and noise (CEQR No. 11DCP110K);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110252 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:

a. Pacific Street, a line 150 feet southeasterly of Smith Street, Warren Street; and a line 150 feet northwesterly of Smith Street; and

b. Wyckoff Street, Hoyt Street, Warren Street; and a line 150 feet northwesterly of Hoyt Street;

2. eliminating from within an existing R6 District a C2-3 District bounded by a line midway between Atlantic Avenue and Pacific Street, a line 150 feet southeasterly of Smith Street, Pacific Street, Boerum Place, Dean Street, a line 125 feet northwesterly of Boerum Place, Pacific Street, a line 150 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;

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

a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Pacific Street, a line 250 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 200 feet southeasterly of Hoyt Street, Dean Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, a line 200 feet southeasterly of Court Street, Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street, and excluding property bounded by: a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;

b. Dean Street, a line 100 feet northwesterly of 3rd Avenue, Bergen Street, Nevins Street, a line midway between Dean Street and Bergen Street, and a line 225 feet southeasterly of Nevins Street;

4. changing from a R6 District to an R6B District property bounded by:

a. a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;

b. Bergen Street, a line 100 feet northwesterly of Smith Street, Warren Street, a line 100 feet southeasterly of Court Street, Wyckoff Street, and a line 200 feet southeasterly of Court Street;

c. a line midway between Pacific Street and Atlantic Avenue, Nevins Street, Pacific Street, a line 100 feet northwesterly of 3rd Avenue, Dean Street, a line 225 feet southeasterly of Nevins Street, a line midway between Dean Street and Bergen Street, Nevins Street, Warren Street, Bond Street, Wyckoff Street, Hoyt Street, Warren Street, a line 100 feet southeasterly of Smith Street, Dean Street, a line 200 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 250 feet southeasterly of Hoyt Street, Pacific Street, and a line 100 feet southeasterly of Smith Street; and

d. a line midway between Bergen Street and Wyckoff Street, a line 120 feet northwesterly of 3rd Avenue, Wyckoff Street, and a line 275 feet southeasterly of Nevins Street;

5. changing from an R6 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;

6. changing from an R7B District to an R6B District property bounded by:

a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Dean Street and Bergen Street, a line 250 feet northwesterly of 4th Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Pacific Street, and a line 400 feet northwesterly of 4th Avenue; and

b. a line midway between Bergen Street and St. Mark's Place, a line 100 feet northwesterly of 4th Avenue, a line midway between St. Mark's Place and Warren Street, and a line 100 feet southeasterly of 3rd Avenue;

7. establishing within a proposed R6A District a C2-4 District bounded by:

a. a line midway between Atlantic Avenue and Pacific Street, Boerum Place, a line midway between Dean Street and Pacific Street, a line 100 feet northwesterly of Boerum Place, Pacific Street, a line 100 feet southeasterly of Court Street, a line midway between Dean Street and Bergen Street, Boerum Place, Bergen Street, a line 150 feet southeasterly of Court Street, a line midway between Bergen Street and Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;

b. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, Boerum Place, a line midway between Dean Street and Bergen Street, a line 100 feet northwesterly of Smith Street, Pacific Street, and Boerum Place;

8. establishing within a proposed R6B District a C2-4 District bounded by:

a. a line midway between Pacific Street and Dean Street, Boerum Place, Dean Street, and a line 100 feet northwesterly of Boerum Place;

b. Bergen Street, a line 100 feet northwesterly of Smith Street, a line midway between Wyckoff Street and Bergen Street, and a line 150 feet northwesterly of Smith Street; and

c. Wyckoff Street, Hoyt Street, Warren Street, and a line 50 feet northwesterly of Hoyt Street;

9. establishing within a proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;

as shown in a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-273, Community District 2, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 465

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4111), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 14**

**C 110272 HAQ**

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

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

a) the designation of property located at 58-03 Rockaway Beach Boulevard (Block 15926 Lot 44, p/o Lot 100 and p/o Lot 200) as an Urban Development Action Area; and

b) an Urban Development Action Area Project for such area;

2) pursuant to Section 197-c of the New York City Charter for the disposition of a portion of such property (Block 15926, p/o Lot 100 and p/o Lot 200) to a developer to be selected by HPD.

**INTENT**

To facilitate the rehabilitation of an existing two-story building for community facility use and accessory outdoor activity space.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Two  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

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

**COMMITTEE ACTION**

**DATE:** September 19, 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		

**Cont'd**

Gonzalez  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1038

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 110272 HAQ, approving the designation of property located at 58-03 Rockaway Beach Boulevard (Block 15926, Lot 44, p/o Lot 100 and p/o Lot 200), Borough of Queens, as an**

**Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 465; C 110272 HAQ).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on August 26, 2011 its decision dated August 24, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 58-03 Rockaway Beach Boulevard (Block 15926, Lot 44, p/o Lot 100 and p/o Lot 200), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the rehabilitation of an existing two-story building for community facility use and accessory outdoor activity space (the "Disposition"), Community District 14, Borough of Queens (ULURP No. C 110272 HAQ) (the "Application");

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

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on February 4, 2011 (CEQR No. 11HPD005Q);

**RESOLVED:**

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

Pursuant to Section 197-d and based on the environmental determination described in the report of the City Planning Commission and incorporated by reference herein, the Council approves the decision of the City Planning Commission (C 110272 HAQ).

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 469

**Report of the Committee on Land Use in favor of approving 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 .**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4112), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 11**

**C 110047 ZMK**

City Planning Commission decision approving an application submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 28a and 28c, changing from an M3-1 District to an M1-1 District property bounded by Leif Ericson Drive, a line 210 feet northwesterly of Bay 38th Street and its southwesterly prolongation, the U.S. Pierhead Line, and a line 525 feet northwesterly of Bay 38th Street and its southwesterly prolongation, as shown on a diagram (for illustrative purposes only) dated March 14, 2011 and subject to the conditions of CEQR declaration E-280.

**INTENT**

To facilitate the development of a two-story large-scale retail complex at 1752 Shore Parkway, Brooklyn.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Two  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

**In Favor:**

Weprin  
Rivera  
Comrie  
Garodnick  
Lappin  
Vacca

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** September 19, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
Rivera  
Reyna  
Barron  
Jackson

**Against:**

None

**Abstain:**

None

Sanders, Jr.  
Seabrook  
Gonzalez  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Vacca  
Lander

**Cont'd**

Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1039

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110047 ZMK, a Zoning Map amendment (L.U. No. 469).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 22, 2011 its decision dated August 22, 2011 (the "Decision"), on the application 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 to facilitate the development of a 2-story large-scale retail complex, a 690-space public parking garage, and public waterfront access area to be located at 1752 Shore Parkway (Block 6491, Lots 207 and 292) bounded by Shore Parkway Service Road and Gravesend Bay, between 24th Avenue and Bay 37th Street, Community District 11, Borough of Brooklyn (ULURP No. C 110047 ZMK) (the "Application");

**WHEREAS**, the Application is related to Applications Numbers C 110048 ZSK (L.U. No. 470), special permit pursuant to Section 74-922 to allow large retail establishments over 10,000 square feet within a Large-Scale General Development; C 110049 ZSK (L.U. No. 471), special permit pursuant to Section 62-836 to modify the maximum height requirements of Section 62-341 within a Large-Scale General Development; C 110050 ZSK(L.U. No. 472), special permit pursuant to Section 74-744(c) to allow the modification of signage height requirements of Section 42-543 within a Large-Scale General Development; C 110051 ZSK (L.U. No. 473), special permit pursuant to Section 74-5 12 to allow for the operation of an unattended public parking garage with a maximum capacity of 690 spaces within a Large-Scale General Development; and N 110052 ZAK (L.U. No. 474), Authorization pursuant to ZR 62-822(a) to modify the design and area requirements of Section 62-56 in order to reduce the number of required upland connections 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 15, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 12, 2011 (CEQR No. 10DCP002K).

**RESOLVED:**

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental

impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;
- (4) The Decision and the FEIS, together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110047 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. 28a and 28c, changing from an M3-1 District to an M1-1 District property bounded by Leif Ericson Drive, a line 210 feet northwesterly of Bay 38<sup>th</sup> Street and its southwesterly prolongation, the U.S. Pierhead Line, and a line 525 feet northwesterly of Bay 38<sup>th</sup> Street and its southwesterly prolongation, as shown on a diagram (for illustrative purposes only) dated March 14, 2011 and subject to the conditions of CEQR declaration E-280, Community District 11, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 470

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4112), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 11**

**C 110048 ZSK**

City Planning Commission decision approving an application 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 (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development.

**INTENT**

To facilitate the development of a two-story large-scale retail complex at 1752 Shore Parkway, Brooklyn.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Two  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Comrie		
Garodnick		
Lappin		
Vacca		

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		

**Cont'd**

Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1040

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110048 ZSK (L.U. No. 470), 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 (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 22, 2011 its decision dated August 22, 2011 (the "Decision"), on the application 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 (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Community District 11, Borough of Brooklyn (ULURP No. C 110048 ZSK) (the "Application");

**WHEREAS**, the Application is related to Applications Numbers C 110047 ZMK (L.U. No. 469), an amendment of the Zoning Map to change an existing M3-1 District to an M1-1 District; C 110049 ZSK (L.U. No. 471), special permit pursuant to Section 62-836 to modify the maximum height requirements of Section 62-341 within a Large-Scale General Development; C 110050 ZSK(L.U. No. 472), Special permit pursuant to Section 74-744(c) to allow the modification of signage height requirements of Section 42-543 within a Large-Scale General Development; C 110051 ZSK (L.U. No. 473), Special Permit pursuant to Section 74-5 12 to allow for the operation of an unattended public parking garage with a maximum capacity of 690 spaces within a Large-Scale General Development; and N 110052 ZAK (L.U. No. 474), Authorization pursuant to ZR 62-822(a) to modify the design and area requirements of Section 62-56 in order to reduce the number of required upland connections within a Large-Scale General Development;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-922 of the Zoning Resolution of the City of New York;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 12, 2011 (CEQR No. 10DCP002K).

**RESOLVED:**

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (5) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (6) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;
- (7) The Decision and the FEIS, together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

**Pursuant to Sections 197-d and 201 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 110048 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, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 471

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4113), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 11

C 110049 ZSK

City Planning Commission decision approving an application 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 commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development.

INTENT

To facilitate the development of a two-story large-scale retail complex at 1752 Shore Parkway, Brooklyn.

PUBLIC HEARING

DATE: September 15, 2011

Witnesses in Favor: Two  
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: September 19, 2011

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

In Favor: Weprin, Rivera, Comrie  
Against: None  
Abstain: None

Garodnick  
Lappin  
Vacca

COMMITTEE ACTION

DATE: September 19, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie  
Against: None  
Abstain: None

Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Seabrook  
Gonzalez  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Vacca  
Lander  
Levin  
Cont'd  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1041

Resolution approving the decision of the City Planning Commission on ULURP No. C 110049 ZSK (L.U. No. 471), 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 commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Borough of Brooklyn.

By Council Members Comrie and Weprin,

WHEREAS, the City Planning Commission filed with the Council on August 22, 2011 its decision dated August 22, 2011 (the "Decision"), on the application 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 commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Community District 11, Borough of Brooklyn (ULURP No. C 110049 ZSK) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 110047 ZMK (L.U. No. 469), an amendment of the Zoning Map to change an existing M3-1 District to an M1-1 District; C 110048 ZSK (L.U. No. 470), special permit pursuant to Section 74-922 to allow large retail establishments over 10,000 square feet within a Large-Scale General Development; C 110050 ZSK (L.U. No. 472), Special permit pursuant to Section 74-744(c) to allow the modification of signage height requirements of Section 42-543 within a Large-Scale General Development; C 110051 ZSK (L.U. No. 473), Special Permit pursuant to Section 74-5 12 to allow for the operation of an unattended public parking garage with a maximum capacity of 690 spaces within a Large-Scale General Development; and N 110052 ZAK (L.U. No. 474),

Authorization pursuant to ZR 62-822(a) to modify the design and area requirements of Section 62-56 in order to reduce the number of required upland connections within a Large-Scale General Development;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 12, 2011 (CEQR No. 10DCP002K).

**RESOLVED:**

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (8) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (9) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;
- (10) The Decision and the FEIS, together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110049 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, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 472

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4113), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 11**

**C 110050 ZSK**

City Planning Commission decision approving an application 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 (Block 6491, Lots 207, 292, and 8900), in an M1-1District, within a Large-Scale General Development.

**INTENT**

To facilitate the development of a two-story large-scale retail complex at 1752 Shore Parkway, Brooklyn.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Two  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Comrie		
Garodnick		
Lappin		
Vacca		

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		



**Cont'd**

Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1042

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110050 ZSK (L.U. No. 472), 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 2-story commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS** the City Planning Commission filed with the Council on August 22, 2011 its decision dated August 22, 2011 (the "Decision"), on the application 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 2-story commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development (ULURP No. C 110050 ZSK) Community District 11, Borough of Brooklyn (the "Application");

**WHEREAS** the Application is related to Applications Numbers C 110047 ZMK (L.U. No. 469), an amendment of the Zoning Map to change an existing M3-1 District to an M1-1 District; C 110048 ZSK (L.U. No. 470), special permit pursuant to Section 74-922 to allow large retail establishments over 10,000 square feet within a Large-Scale General Development; C 110049 ZSK (L.U. No. 471), special permit pursuant to Section 62-836 to modify the maximum height requirements of Section 62-341 within a Large-Scale General Development; C 110051 ZSK (L.U. No. 473), Special Permit pursuant to Section 74-5 12 to allow for the operation of an unattended public parking garage with a maximum capacity of 690 spaces within a Large-Scale General Development; and N 110052 ZAK (L.U.No. 474), Authorization pursuant to ZR 62-822(a) to modify the design and area requirements of Section 62-56 in order to reduce the number of required upland connections within a Large-Scale General Development;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-744(c) of the Zoning Resolution of the City of New York;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 12, 2011 (CEQR No. 10DCP002K).

**RESOLVED:**

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (11) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (12) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110050 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, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 473

**Report of the Committee on Land Use in favor of approving Application no. C 110051 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4113), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 11**

**C 110051 ZSK**

City Planning Commission decision approving an application 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 commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development.

**INTENT**

To facilitate the development of a two-story large-scale retail complex at 1752 Shore Parkway, Brooklyn.

**PUBLIC HEARING**

DATE: September 15, 2011

Witnesses in Favor: Two  
None

Witnesses Against:

**SUBCOMMITTEE RECOMMENDATION**

DATE: September 19, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Comrie		
Garodnick		
Lappin		
Vacca		

**COMMITTEE ACTION**

DATE: September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		

**Cont'd**

Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1043

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110051 ZSK (L.U. No. 473), for the grant of a Special Permit 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 commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Borough of Brooklyn.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 22, 2011 its decision dated August 22, 2011 (the "Decision"), on the application

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 of the City of New York 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 commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development (ULURP No. C 110051 ZSK), Community District 11, Borough of Brooklyn (the "Application");

**WHEREAS** the Application is related to Applications Numbers C 110047 ZMK (L.U. No. 469), an amendment of the Zoning Map to change an existing M3-1 District to an M1-1 District; C 110048 ZSK (L.U. No. 470), special permit pursuant to Section 74-922 to allow large retail establishments over 10,000 square feet within a Large-Scale General Development; C 110049 ZSK (L.U. No. 471), special permit pursuant to Section 62-836 to modify the maximum height requirements of Section 62-341 within a Large-Scale General Development; C 110050 ZSK(L.U. No. 472), Special permit pursuant to Section 74-744(c) to allow the modification of signage height requirements of Section 42-543 within a Large-Scale General Development; and N 110052 ZAK (L.U. No. 474), Authorization pursuant to ZR 62-822(a) to modify the design and area requirements of Section 62-56 in order to reduce the number of required upland connections within a Large-Scale General Development;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-512 of the Zoning Resolution of the City of New York;

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

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

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

**WHEREAS** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 12, 2011 (CEQR No. 10DCP002K).

**RESOLVED:**

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (14) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (15) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;
- (16) The Decision and the FEIS, together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110051 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, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 474

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4114), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 11**

**N 110052 ZAK**

City Planning Commission decision approving an application submitted by Thor Shore Parkway Developers, LLC, 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 commercial development on property located at 1752 Shore Parkway, (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development.

**INTENT**

To facilitate the development of a two-story large-scale retail complex at 1752 Shore Parkway, Brooklyn.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Two  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Comrie		
Garodnick		
Lappin		
Vacca		

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		

**Cont'd**

Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1044

**Resolution approving the decision of the City Planning Commission on ULURP No. N 110052 ZAK, for the grant of an Authorization pursuant to ZR Section 62-822 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 commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development (Non-ULURP No. N 110052 ZAK; L.U. No. 474).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 22, 2011 its decision dated August 22, 2011 (the "Decision"), on the application submitted by Thor Shore Parkway Developers, LLC, for the grant of an authorization pursuant to ZR Section 62-822 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 commercial development on property located at 1752 Shore Parkway, (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development (ULURP No. N 110052 ZAK), Community District 11, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications Numbers C 110047 ZMK (L.U. No. 469), Zoning map amendment to change an existing M3-1 District to an M1-1 District; C 110048 ZSK (L.U. No. 470), Special permit pursuant to Section 74-922 to allow large retail establishments over 10,000 square feet within a Large-Scale General Development; C 110049 ZSK (L.U. 471), Special permit pursuant to Section 62-836 to modify the maximum height requirements of Section 62-341 within a Large-Scale General Development; C 110050 ZSK (L.U. No. 472), Special permit pursuant to Section 74-744(c) to allow the modification of signage height requirements of Section 42-543 within a Large-Scale General Development; and C 110051 ZSK (L.U. No. 473), Special Permit pursuant to Section 74-512 to allow for the operation of an unattended public parking garage with a maximum capacity of 690 spaces within a Large-Scale General Development;

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

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 62-822(a) of the Zoning Resolution;

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 12, 2011 (CEQR No. 10DCP002K).

**RESOLVED:**

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

Pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Authorization and Application, and based on the environmental determination and consideration described in this report, N 110052 ZAK, incorporated by reference herein, the Council approves the Authorization.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 475

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4115), respectfully

**REPORTS:**

**SUBJECT**

**CITYWIDE N 110285 ZRY**

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

**INTENT**

To facilitate the creation of high density, mixed-use areas.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Three  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

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

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		

**Cont'd**

Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1045

**Resolution approving the decision of the City Planning Commission on ULURP No. N 110285 ZRY, 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 (L.U. No. 475).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 26, 2011 its decision dated August 24, 2011 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Text of the Zoning Resolution of the City of New York to facilitate the creation of high-density, mixed-use areas

through the preservation of existing concentrations of commercial office and light industrial space, and introduction of contextual, infill residential development, with ground floor retail. The proposed text would also create opportunities for affordable housing development through the Inclusionary Housing Program (ULURP No. N 110285 ZRY), Citywide (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 15, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on April 25, 2011 (CEQR No. 10DCP004M);

**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 110285 ZRY, 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 with # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**Article 1  
General Provisions**

**Chapter 1  
Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-122  
Districts established**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

\* \* \*

**Manufacturing Districts**

\* \* \*

- M1-6 Light Manufacturing District (High Performance)
- M1-6D Light Manufacturing District (High Performance)
- M1-6M Light Manufacturing District (High Performance)

\* \* \*

**Chapter 5  
Residential Conversion of Existing Non-Residential Buildings**

\* \* \*

**15-012  
Applicability within C6-1G, C6-2G, M1-5A, ~~or~~ M1-5B or M1-6D Districts**

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion within C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of non-#residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (Minor Modifications), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential uses).

\* \* \*

**Article II  
Residence District Regulations**

**Chapter 3  
Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

**23-90  
INCLUSIONARY HOUSING**

\* \* \*

**23-954  
Additional requirements for compensated developments**

- (a) Height and setback in #Inclusionary Housing designated areas#
  - (1) In #Inclusionary Housing designated areas#, except within:
    - (i) #Special Mixed Use Districts#;
    - (ii) R10 Districts without a letter suffix; and
    - (iii) #large-scale general developments# in C4-7 Districts within the boundaries of Manhattan Community District 7, subject to the provisions of a restrictive declaration; <sub>1</sub>

the #compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.

- (2) In #Inclusionary Housing designated areas# within #Special Mixed Use Districts#, the #compensated development# must comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

\* \* \*

**Article IV  
Manufacturing District Regulations**

**Chapter 1  
Statement of Legislative Intent**

\* \* \*

**41-10  
PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS**

**41-11**

**M1 Light Manufacturing Districts (High Performance)**

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. ~~New residential development is~~ New residences are excluded from these districts, except for:

- (a) joint living-work quarters for artists in M1-5A and M1-5B Districts;
- (b) dwelling units in M1-5M and M1-6M Districts; ~~and~~
- (c) dwelling units in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, where authorized by the City Planning Commission, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development; and
- (d) dwelling units in M1-6D Districts.

\* \* \*

**Chapter 2  
Use Regulations**

\* \* \*

**42-02  
Residential Use**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section 42-47 (Residential Uses in M1-1D through M1-5D Districts), subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall

apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43- 01 (Applicability of this Chapter) and the #accessory# off-street parking regulations of Section 44-024 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

In M1-6D Districts, #residences# shall be permitted in accordance with the #use# regulations set forth in Section 42-48, the #bulk# regulations set forth in Section 43-62, and the parking regulations applicable in C6-4 Districts as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens).

\* \* \*

**42-10  
USES PERMITTED AS-OF-RIGHT**

\* \* \*

**42-131  
M1-5A and M1-5B Districts**

M1-5A M1-5B

The regulations governing M1 Districts shall apply in M1-5A and M1-5B Districts except where

the special #use# regulations set forth in Section 42-14, paragraph D(Ⓣ) (Special Uses in M1-5A and M1-5B Districts) provide otherwise.

\* \* \*

**42-133  
Provisions for dwelling units in certain M1-5 or M1-6 Districts**

- (a) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980 shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

Such #dwelling units# shall comply with the requirements of Sections 15-026 or 15-22, where applicable and with Section 15-23. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

- (b) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981 shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#; ~~and~~

- (2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this subsection shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued; and

- (3) in M1-6D Districts, #residential use# shall be permitted as-of-right subject to the supplemental #use# regulations set forth in Section 42-48 (Supplemental Use Regulations in M1-6D Districts).

\* \* \*

**42-40  
SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES**

\* \* \*

**42-47  
Residential Uses in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, new #residences# or #enlargements# of existing #residences# may be permitted by authorization of the City Planning Commission provided the #zoning lot# existing on June 20, 1988, meets the criteria of paragraph (a), (b), or (c) of this Section.

\* \* \*

**42-48  
Supplemental Use Regulations in M1-6D Districts**

All permitted #uses# in M1-6D Districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

**42-481  
Residential use**

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

## (a) Residential use as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

## (b) Residential use by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:

- (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area# converted to #residential# vertical circulation and lobby space need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

**42-482****Community facility uses**

The #community facility use# regulations applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:
  - (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
  - (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility# with sleeping accommodations, or for a new #building# containing a #community facility# with sleeping accommodations.

- (c) On #narrow streets#, ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 42-485 (Streetscape Provisions).

**42-483****Commercial uses**

The #commercial use# regulations applicable in M1 Districts shall apply in M1-6D Districts, except:

- (a) #Transient hotels# shall be allowed, except that #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 42-481, shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the area in which such #transient hotel# is located, as set forth in this paragraph, (a), or where such residential development goal has not been met, by special permit pursuant to Section 74-802 (In M1-6D Districts).

The residential development goal shall be met when at least 865 #dwelling units#, permitted pursuant to the provisions of Section 42-481 (Residential use), on #zoning lots# located within an area bounded by West 28th Street, West 30th Street, a line 100 feet west of Seventh Avenue, and a line 100 feet east of Eighth Avenue, have received temporary or final certificates of occupancy subsequent to [date of enactment].

- (b) Food stores, including supermarkets, grocery stores, and delicatessen stores, shall not be limited as to size of establishment.
- (c) On #narrow streets#, ground floor #commercial uses# shall be subject to special streetscape provisions, as set forth in Section 42-485 (Streetscape Provisions).
- (d) All #uses# listed in Use Group 10 shall be permitted without limitation, except as provided for in paragraph (c) of this Section.

**42-484****Manufacturing uses**

In M1-6D Districts, the #manufacturing use# regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive, shall apply.

**42-485****Streetscape Provisions**

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall have a depth of at least 30 feet from the #street wall# and shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies, or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet. No minimum 30 foot depth requirement shall apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided they are located beyond 30 feet of the #street wall#.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include show windows, transom windows or glazed portions of doors. Such transparency shall occupy at least 50 percent of the surface area of that portion of the ground floor #street wall# located between a height of two feet and 12

feet, or the height of the ground floor ceiling, whichever is higher, above the level of the adjoining sidewalk. The lowest point of any such required transparency shall not be higher than four feet above the level of the adjoining sidewalk, with the exception of transom windows, and the minimum width of any such required transparency shall be two feet. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, the transparency requirements of this Section shall not apply to that portion of the ground floor level #street wall# occupied by an entrance to a parking facility.

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**42-50  
SIGN REGULATIONS**

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**42-59  
Sign Regulations in M1-6D Districts**

In M1-6D Districts, #signs# are permitted subject to the signage regulations applicable in C6-4 Districts, as set forth in Section 32-60 (Sign Regulations), inclusive.

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**Chapter 3  
Bulk Regulations**

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**43-01  
Applicability of this Chapter**

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In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #bulk# regulations governing M1 Districts shall apply to #community facility#, #commercial#, and #manufacturing uses#, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts). M1-6D Districts shall be subject to the #bulk# regulations set forth in Section 43-62 (Bulk Regulations in M1-6D Districts).

\*\*\*

**43-12  
Maximum Floor Area Ratio**

M1 M2 M3

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

Section 43-121 (Expansion of existing manufacturing buildings)

Section 43-122 (Maximum floor area ratio for community facility buildings)

Section 43-13 (Floor Area Bonus for Public Plazas)

Section 43-14 (Floor Area Bonus for Arcades)

Section 43-15 (Existing Public Amenities for which Floor Area Bonuses Have Been Received)

Section 43-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts)

Section 43-62 (Bulk Regulations in M1-6D Districts)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Maximum Permitted #Floor Area Ratio#	Districts
1.00	M1-1
2.00 M2-1 M2-3 M3	M1-2 M1-4
5.00 M2-2 M2-4	M1-3 M1-5
10.00	M1-6

For #zoning lots# containing both #community facility use# and #manufacturing# or #commercial use#, the total #floor area# used for #manufacturing# or #commercial use# shall not exceed the amount permitted in the preceding table or by the bonus provisions in Sections 43-13 or 43-14.

Notwithstanding any other provisions of this Resolution, the maximum #floor area ratio# in an M1-6 District shall not exceed 12.0.

\*\*\*

**43-122  
Maximum floor area ratio for community facilities  
M1**

In the districts indicated, for any #community facility use# on a #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table:

Maximum Permitted #Floor Area Ratio#	Districts
2.40	M1-1
4.80	M1-2
6.50	M1-3 M1-4 M1-5
10.00	M1-6

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, for any #zoning lot# containing both #residential use# and #community facility use#, the total #floor area# used for #residential use# shall not exceed the amount permitted in Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts).

\*\*\*

**43-13  
Floor Area Bonus for Public Plazas**

M1-6

In the district indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

**43-14  
Floor Area Bonus for Arcades**

M1-6

In the district indicated, except for M1-6D Districts, for each square foot of #arcade# provided



on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by three square feet. However, the provisions of this Section shall not apply to #zoning lots# that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan.

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**43-43**

**Maximum Height of Front Wall and Required Front Setbacks**

M1 M2 M3

In all districts, as indicated, if the front wall or any other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# as set forth in the following table, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the following table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table.

The regulations of this Section shall apply except as otherwise provided in Sections 43-42 (Permitted Obstructions), 43-44 (Alternate Front Setbacks) or 43-45 (Tower Regulations). In M1-1 Districts, for #community facility buildings# the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above the #street line# shall be 35 feet, and in M1-4 Districts, for #community facility buildings#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

For #zoning lots# in M1-6 Districts that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan, the following #streetwall# regulations shall apply to #street# frontages not occupied by a #public plaza#. The #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to a minimum height of 125 feet or the height of the #building#, whichever is less, and a maximum height of 150 feet. Above a height of 150 feet, no portion of a #building# may penetrate a #sky exposure plane# except for towers, pursuant to Section 43-45 (Tower Regulations). The #sky exposure plane# shall begin at a height of 150 feet above the #street line# and rise over the #zoning lot# at a slope of 5.6 feet of vertical distance for each foot of horizontal distance on a #wide street#, and at a slope of 2.7 feet of vertical distance for each foot of horizontal distance on a #narrow street#. The provisions of Section 43-44 (Alternate Front Setbacks) shall not apply. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

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**43-61**

**Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts**

The following regulations shall apply to any #development# or #enlargement# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts):

- (a) The total amount of #residential floor area# permitted on any #zoning lot# shall not exceed a #floor area ratio# of 1.65.

On #zoning lots# containing both #residential use# and #community facility#, #manufacturing# or #commercial use#, the maximum #floor area# shall be the maximum #floor area# permitted for either the #commercial# or #manufacturing use# as set forth in Sections 43-12 (Maximum Floor Area Ratio) through 43-14 (Floor Area Bonus for Arcades), or the #community facility use# as set forth in Section 43-122 (Maximum floor area ratio for community facility buildings), or the #residential use# as set forth in this Section, whichever permits the greatest amount of #floor area#.

On #zoning lots# containing both #residential use# and #manufacturing# or #commercial use#, the total #floor area# used for #manufacturing# or #commercial use# shall not exceed the amount permitted by Sections 43-12 through 43-14.

- (b) The maximum number of #dwelling units# shall equal the total #residential floor area# provided on the #zoning lot# divided by 675. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.
- (c) The maximum #building# height above #curb level# shall be 32 feet.

- (d) No such #development# or #enlargement# shall be permitted within 30 feet of the #rear lot line#.
- (e) The maximum distance from the #street line# to the #street wall# of such #development# shall be ten feet, unless modified by the Commission pursuant to Section 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).
- (f) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988, shall be exempt from this requirement, provided such #enlarged building# does not exceed a height of two #stories#.

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**43-62**

**Bulk Regulations in M1-6D Districts**

**43-621**

**Floor area regulations in M1-6D Districts**

- (a) The maximum #floor area# ratio for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as set forth in paragraph (b) of this Section.
- (b) In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section.

- (1) For #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0.
- (2) The maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only through the provision of #lower income housing#, pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

**43-622**

**Maximum lot coverage in M1-6D Districts**

Any #story# of a #building# containing #dwelling units# shall not exceed a maximum #lot coverage# of 70 percent for #interior# or #through lots# and 100 percent for #corner lots#. However, where any such level contains parking spaces or non-#residential uses#, such level shall be exempt from #lot coverage# regulations.

**43-623**

**Density in M1-6D Districts**

The provisions of 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be 790.

**43-624**

**Height and setback in M1-6D Districts**

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

- (a) Rooftop regulations

- (1) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such

frontage; or the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, on #narrow streets#, a maximum base height or #sky exposure plane# may be penetrated, as follows:

(i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

(a) On any #street# frontage, the aggregate width of all dormers at the maximum base height shall not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(b) The aggregate width of dormers at the maximum base height facing the #rear yard line# or #rear yard equivalent# shall not exceed 60 percent of the length of wall of the #building# facing a #rear yard line# at the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such rear dormers shall be decreased by one percent of the width of the #building# wall facing the #rear lot line#, at the level of the highest #story# entirely below the maximum base height.

Where two rear setbacks are provided as set forth in paragraph (b)(3)(ii) of this Section, the aggregate width of rear dormers, measured separately within each setback, shall not exceed 60 percent of the length of #building# wall facing a #rear yard line# at the highest #story# entirely below each rear setback. For each foot of height that a dormer is above the level of a setback, the aggregate width of dormers within such setback shall be decreased by one percent of the width of the highest #story# entirely below such setback.

In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.

(2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #nonresidential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

(2) Base height

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 150 feet.

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and a maximum base height of 125 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

The provisions of this paragraph, (b)(3)(i), shall apply to #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#. The portion of such #building# above a height of 150 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

The provisions of this paragraph, (b)(3)(ii), shall apply to #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#. No portion of such #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 125 feet above the #narrow street line# and rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance. The maximum height of such #buildings# shall be 210 feet. However, any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may penetrate such #sky exposure plane#, provided such portion does not exceed a height of 210 feet. In addition, the gross area of each of the top two #stories# of a #building# may not be greater than 80 percent of the gross area of the #story# directly below such top two #stories#.

In addition, for #buildings# containing #residences#, no portion of such #building# exceeding a height of 125 feet shall be nearer to a #rear yard line# than ten feet. Alternatively, a pair of setbacks may be provided in accordance with the following:

(a) a setback of five feet from the #rear yard line# shall be provided between a height of 85 feet and 125 feet; and

(b) a setback of ten feet from the #rear yard line# shall be provided between a height of 125 and 165 feet.

However the heights of such setbacks shall be vertically equidistant from a height of 125 feet.

In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.

- (4) Maximum length of #building# wall

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet.

**43-625**

**Courts in M1-6D Districts**

Residential portions of #buildings# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (Court Regulations, Minimum Distance between Windows and Walls or Lot Lines and Open Area Requirements), inclusive.

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**Chapter 4**

**Accessory Off-Street Parking and Loading Regulations**

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**44-022**

**Applicability of regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens**

Special regulations governing permitted or required #accessory# off-street parking are set forth in Article I, Chapter 3.

**44-023**

**Applicability of regulations in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility uses#, and the regulations of Section 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

**44-024**

**Applicability of regulations in M1-6D Districts**

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to #commercial# and #manufacturing uses#. For #residential# and #community facility uses#, the parking regulations applicable in C6-4 Districts as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by Article 1, Chapter 3 (Comprehensive Off- Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens), as applicable.

**44-024 44-025**

**Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens**

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

\*\*\*

**44-28**

**Parking Regulations for Residential Uses in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall

apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

\*\*\*

**52-46**

**Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a #building# containing conforming or #non-conforming residential uses# may be #enlarged# and the #residential uses extended# thereby, provided that no non-#residential uses# exist above the level of the first #story# ceiling.

Such #enlargement# is subject to all of the following regulations:

- (1) There shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence on December 21, 1989.
- (2) The total amount of #residential floor area# in the #building# shall not exceed 500 square feet additional to the #residential floor area# in existence on December 21, 1989, or a #floor area ratio# of 1.65, whichever is less.
- (3) No #residential enlargement# shall be permitted within 30 feet of the #rear lot line#.
- (4) No #enlarged# portion shall exceed a height of 32 feet above #curb level#.
- (5) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less ~~then~~ than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988 shall be exempt from this requirement, provided such #enlarged building# does not exceed a height of two #stories#.

#Enlargements# in excess of those permitted above, and #enlargements# that create additional #dwelling units# may be permitted by authorization of the City Planning Commission, pursuant to the regulations of Sections 42-47 (Residential Uses in M1-1D through M1-5D Districts) and 42-48 (Supplemental Use Regulations in M1-6D Districts).

\*\*\*

**52-50**

**DAMAGE OR DESTRUCTION**

\*\*\*

**52-53**

**Buildings or Other Structures in All Districts**

\*\*\*

**52-531**

**Permitted reconstruction or continued use**

In all districts, if any #building#, except a #building# subject to the provisions of Section 52-54 (Buildings Designed for Residential Use in Residence Districts), or of Section 52-56 (Multiple Dwellings in M1-D Districts), which is substantially occupied by a #non-conforming use# is damaged or destroyed by any means, including any demolition as set forth in Sections 52-50 et seq., to the extent of 50 percent or more of its total #floor area#, such #building# may either:

\*\*\*

For the purposes of this Section, any #single-family# or #two family residence# located within

an M1-1D, M1-2D, M1-3D, M1-4D, or M1-5D or M1-6D District and existing on June 20, 1988

shall be a conforming #use#.

\*\*\*

**52-56**

**Multiple Dwellings in M1-1D through M1-5D Districts**

In the case of damage or destruction of less than 75 percent of the total #floor area# of a #nonconforming building# containing three or more #dwelling units# in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such #building# may be repaired or reconstructed, and its #residential

use# continued, subject to the following regulations:

- (a) there shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence prior to such damage and destruction; and
- (b) there shall be no increase to the pre-existing amount of #floor area# except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-D Districts).

#Enlargements# in excess of those permitted above, and #enlargements# that create additional #dwelling units# may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

\*\*\*

**52-62 Buildings Containing Residences in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

\*\*\*

**74-80 Transient Hotels**

**74-80 74-801 Transient Hotels In R10H Districts**

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel use# to occur without further Commission approval, subject to the conditions of the special permit.

\*\*\*

**74-802 In M1-6D Districts**

In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:

- (a) sufficient development sites are available in the area to meet the residential development goal; or
- (b) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with such character of the surrounding area.

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

\*\*\*

**APPENDIX F: Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such

#Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

Table of Inclusionary Housing Designated Areas by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas
1d	Bronx CD 7	Map 1
3b	Bronx CD 4	Map 1
3c	Bronx CD 6	Map 1, Map 2, Map 3
3c	Bronx CD 7	Map 1
3d	Bronx CD 6	Map 2, Map 3, Map 4
5d	Manhattan CD 7	Map 1
6a	Manhattan CD 9	Map 1
6a	Manhattan CD 10	Map 1
6a	Manhattan CD 11	Map 1
6a	Bronx CD 1	Map 1
6a	Bronx CD 4	Map 1
6b	Manhattan CD 10	Map 1
6b	Manhattan CD 11	Map 1
8b	Manhattan CD 4	Map 1
8c	Manhattan CD 4	Map 2
8c	Manhattan CD 7	Map 2
8d	Manhattan CD 4	Map 3, Map 4
8d	Manhattan CD 5	Map 1
8d	Manhattan CD 6	Map 1
8d	Queens CD 2	Map 3
9a	Queens CD 1	Map 1
9b	Queens CD 1	Map 2
9b	Queens CD 2	Map 1
9d	Queens CD 2	Map 1, Map 2
12a	Manhattan CD 1	Map 1
12c	Manhattan CD 3	Map 1
12c	Brooklyn CD 1	Map 1, Map 2
12d	Brooklyn CD 1	Map 2, Map 3
12d	Brooklyn CD 2	Map 1, Map 4
13a	Brooklyn CD 1	Map 1, Map 2
13b	Brooklyn CD 1	Map 2, Map 4
14d	Queens CD 8	Map 1
14d	Queens CD 12	Map 1
16b	Brooklyn CD 7	Map 2
16c	Brooklyn CD 2	Map 1, Map 2, Map 3
16c	Brooklyn CD 3	Map 1
16c	Brooklyn CD 6	Map 1
16d	Brooklyn CD 7	Map 1
16d	Brooklyn CD 14	Map 2
17a	Brooklyn CD 3	Map 1, Map 2
17b	Brooklyn CD 14	Map 2
22a	Brooklyn CD 7	Map 2
22c	Brooklyn CD 7	Map 2
22c	Brooklyn CD 14	Map 1, Map 2, Map 3
23a	Brooklyn CD 14	Map 2
28d	Brooklyn CD 13	Map 1

\*\*\*

**Manhattan, Community District 5**

In the M1-6D Districts within the areas shown on the following Map 1:

Map 1:



Map \_\_\_\_\_. Portion of Community District 5, Manhattan

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 476

**Report of the Committee on Land Use in favor of approving Application no. C 100063 ZMM submitted by 249 W. 28th 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4115), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5 C 100063 ZMM**

City Planning Commission decision approving an application submitted by 249 W 28th Street Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of Zoning Map Section No. 8d, by changing an M1-5 District to an M1-6D District property bounded by West 30th Street, a line 100 feet westerly of Fashion Avenue (7th Avenue), West 28th Street and a line 100 feet easterly of Eight Avenue, as shown on a diagram (for illustrative purposes only), dated April 25, 2011, and subject to the conditions of CEQR Declaration E-276.

**INTENT**

To facilitate the development of two predominantly residential buildings containing a total of 407 residential units.

**PUBLIC HEARING**

**DATE:** September 15, 2011

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		

Vann  
Garodnick  
Lappin  
Vacca

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		

**Cont'd**

Mendez  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1046

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100063 ZMM, a Zoning Map amendment (L.U. No. 476).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 26, 2011 its decision dated August 24, 2011 (the "Decision"), on the application 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 to allow the construction of an attended public parking garage with 325 spaces on portions of the ground floor, cellar and sub-cellar levels of a proposed mixed-use development to be located on the midblock portions of two blocks bounded by West 28<sup>th</sup> Street, Eighth Avenue, West 30<sup>th</sup> Street, and Seventh Avenue in Community District 5 in Manhattan, (ULURP No. C 100063 ZMM) (the "Application");

**WHEREAS**, the Application is related to Applications Numbers N 110285 ZRY (L.U. No. 475), Zoning text amendment by the Department of City Planning to create a new zoning district (M1-6D) that would preserve existing concentrations of Class B and C office and light industrial space, allow infill contextual residential development, including affordable housing, and generally support the development of mixed-use areas; and C 100064 ZSM (L.U. No. 477), Special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 325 spaces;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on April 25, 2011 (CEQR No. 10DCP004M);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100063 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8d, by changing an M1-5 District to an M1-6D District property bounded by West 30th Street, a line 100 feet westerly of Fashion Avenue (7th Avenue), West 28th Street and a line 100 feet easterly of Eight Avenue, as shown on a diagram (for illustrative purposes only), dated April 25, 2011, and subject to the conditions of CEQR Declaration E-276, Community District 5, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 477

**Report of the Committee on Land Use in favor of approving Application no. C 110064 ZSM submitted by 249 W. 28th 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 28th Street a.k.a. 240-250 West 29th 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4115), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5**

**C 100064 ZSM**

City Planning Commission decision approving an application submitted by 249 W 28th 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 a 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 28th Street a.k.a. 240-250 West 29th Street (Block 778, Lots 13, 16, 18 & 66), in an M1-6D District.

**INTENT**

To allow the construction of an attended public parking garage with 325 spaces.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Three  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 19, 2011

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

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

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		

**Cont'd**

Mendez  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1047

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100064 ZSM (L.U. No. 477), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow for an attended public parking garage with a 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 and 66), in an M1-6D District, Borough of Manhattan.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 26, 2011 its decision dated August 24, 2011 (the "Decision"), on the application 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 of the City of New York to allow for an attended public parking garage with a 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 28th Street a.k.a. 240-250 West 29th Street (Block 778, Lots 13, 16, 18 and 66), in an M1-6D District, (ULURP No. C 100064 ZSM) Community District 5, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to Applications Numbers N 110285 ZRY (L.U. No. 475), Zoning text amendment by the Department of City Planning to create a new zoning district (M1-6D) that would preserve existing concentrations of Class B and C office and light industrial space, allow infill contextual residential development, including affordable housing, and generally support the development of mixed-use areas; and C 100063 ZMM (L.U. No. 476), Zoning map amendment by 249 W 28th Street Properties, LLC, to rezone the midblock portion of two blocks bounded by West 28th Street, West 30th Street, Seventh Avenue and Eighth Avenue from M1-5 to M1-6D;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-52 of the Zoning Resolution of the City of New York;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on April 25, 2011 (CEQR No. 10DCP004M);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100064 ZSM, 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, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 478

**Report of the Committee on Land Use in favor of approving 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 .**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4116), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2 20125021 HKK (N 120022 HKK)**

Designation by the Landmarks Preservation Commission (List No. 445/LP-2445), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Wallabout Historic District, as an historic landmark.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Two  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1048

**Resolution affirming the designation by the Landmarks Preservation Commission of the Wallabout Historic District, Borough of Brooklyn, Designation List No. 445, LP-2445; (L.U. No. 478; 20125021 HKK (N 120022 HKK).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on July 20, 2011 a copy of its designation dated July 12, 2011 (the "Designation"), of the Wallabout Historic District, Community District 2, Borough of Brooklyn.

The historic district boundaries consist of:

Property bounded by a line beginning at the intersection of the eastern curblineline of Vanderbilt Avenue and a line extending easterly from the southern property line of 132 Vanderbilt Avenue, continuing westerly along said line across the roadbed of Vanderbilt Avenue and along the southern property line of 132 Vanderbilt Avenue, northerly along the western property lines of 132 through 128 Vanderbilt Avenues, easterly along a portion of the northern property line of 128 Vanderbilt Avenue, northerly along the western property lines of 126 through 124 Vanderbilt Avenue, westerly along a portion of the southern property line of 118-122 Vanderbilt Avenue, northerly along the western property lines of 118-122 through 74 Vanderbilt Avenue, easterly along the northern property line of 74 Vanderbilt Avenue and continuing across the roadbed to the eastern curblineline of Vanderbilt Avenue, northerly along said curblineline to a point formed by its intersection with a line extending westerly from the northern property line of 69 Vanderbilt Avenue (aka 216 Park Avenue), easterly along said line and the northern property line of 69 Vanderbilt Avenue, southerly along the eastern property lines of 69 through 71 Vanderbilt Avenue, westerly along a portion of the southern property line of 71 Vanderbilt Avenue, southerly along the eastern property lines of 73 through 83 Vanderbilt Avenue, easterly along a portion of the northern property line of 85 Vanderbilt Avenue and the northern property line of interior lot 132, southerly along the eastern property lines of interior lots 132 through 128, westerly along the southern property lines of interior lot 128 and 93 Vanderbilt Avenue to the eastern curblineline of Vanderbilt Avenue, southerly along said curblineline to a point formed by its intersection with a line extending westerly from the northern property line of 117 Vanderbilt Avenue, easterly along said line and the northern property line of 117 Vanderbilt Avenue, southerly along the eastern property lines of 117 through 125 Vanderbilt Avenue, easterly along a portion of the northern property line of 127 Vanderbilt Avenue, southerly along the eastern property lines of 127 through 141 Vanderbilt Avenue, easterly along a portion of the northern property line of 143 Vanderbilt Avenue, southerly along the eastern property lines of 143 through 145 Vanderbilt Avenue, westerly along the southern property line of 145 Vanderbilt Avenue to the eastern curblineline of Vanderbilt Avenue, northerly along said curblineline to the point of the beginning, Community District 2, Borough of Brooklyn, pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on August 26, 2011 its report on the Designation dated August 24, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 15, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO,

DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 479

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4116), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 8 20125004 HHK (N 120007 HKK)**

Designation by the Landmarks Preservation Commission (List No. 444/LP-2361), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Crown Heights North II Historic District, as an historic district.

**PUBLIC HEARING**

DATE: September 15, 2011

Witnesses in Favor: Three

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: September 15, 2011

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

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

**COMMITTEE ACTION**

DATE: September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		



Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 1049

**Resolution affirming the designation by the Landmarks Preservation Commission of the Crown Heights North II Historic District, Borough of Brooklyn, Designation List No. 444, LP-2361; (L.U. No. 479) 20125004 HKK; N 120007 HKK.**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on July 12, 2011 a copy of its designation dated June 28, 2011 (the "Designation"), of the Crown Heights North II Historic District, Community District 8, Borough of Brooklyn.

The historic district boundaries consist of:

Property bounded by a line beginning at the northwest corner of Block 1213 Lot 72 (1109 Bergen Street), extending southerly across Bergen Street to its southern curbline, westerly along the southern curbline of Bergen Street to a point formed by its intersection with a line extending northerly from the western property line of 1100 Bergen Street, southerly along said property line, easterly along the southern property lines of 1100 to 1108 Bergen Street, southerly along a portion of the western property line of 1110 Bergen Street (aka 715 St. Mark's Avenue, Block 1220, Lot 19) to a point formed by its intersection with a line extending westerly from the southwest corner of the northern building on Lot 19, easterly along said line, the southern building line of the northern building on Lot 19, and a line extending easterly to the western property line of 1120 Bergen Street, southerly along a portion of the western property line of 1120 Bergen Street, easterly along the southern property line of 1120 Bergen Street, southerly along a portion of the western property line of 1130 Bergen Street and the western property line of 731 St. Mark's Avenue (aka 731-751 St. Mark's Avenue and 150 New York Avenue) and across St. Mark's Avenue to the southern curbline of St. Mark's Avenue, westerly along the southern curbline of St. Mark's Avenue to a point formed by its intersection with a line extending northerly from the western property line of 744 St. Mark's Avenue (aka 744-748 St. Mark's Avenue), southerly along the western property line of 744 St. Mark's Avenue (aka 744-748 St. Mark's Avenue), westerly along the northern property lines of 837 to 833 Prospect Place, northerly along the eastern property line of 827 Prospect Place, westerly along the northern property lines of 827 and 825 Prospect Place, northerly along eastern property line of 821-823 Prospect Place, westerly along the northern property line of 821-823 Prospect Place, southerly along the western property line of 821-823 Prospect Place, westerly along the northern property line of 819 Prospect Place and part of the northern property line of 817 Prospect Place, northerly along part of the eastern property line of 817 Prospect Place, westerly along part of the northern property line of 817 Prospect Place, westerly along the northern property line of 815 Prospect Place, southerly along the western property line of 815 Prospect Place, westerly along the northern property line of 809 Prospect Place, northerly along the eastern property line of 805 Prospect Place, westerly along the northern property lines of 805 and 801 Prospect Place, southerly along the western property line of 801 Prospect Place, southerly across Prospect Place to the southern curbline of Prospect Place, westerly along the southern curbline of Prospect Place to the eastern curbline of Nostrand Avenue, southerly along the eastern curbline of Nostrand Avenue to the northern curbline of Sterling Place, easterly along the northern curbline of Sterling Place to a point formed by its intersection with a line extending northerly from the western property line of 860 Sterling Place, southerly across Sterling Place and along the western property line of 860 Sterling Place, easterly along the southern property lines of 860 to 868 Sterling Place, southerly along the western property line of 857 St. John's Place, westerly along the northern property line of 853 St. John's Place, southerly along the western property line of 853 St. John's Place to its intersection with the northern curbline of St. John's Place, easterly along the northern curbline of St. John's Place to a point formed by its intersection with a line extending northerly from the western property line of 856 St. John's Place, southerly across St. John's Place and along the western property lines of 856 St. John's Place and 799 Lincoln Place, westerly along the northern property lines of 797 to 787 Lincoln Place (aka 767B-775 Nostrand Avenue) to the eastern curbline of Nostrand Avenue, southerly along the eastern curbline of Nostrand Avenue, southerly across Lincoln Place, southerly along the eastern curbline of Nostrand Avenue to

the northern curbline of Eastern Parkway, easterly along the northern curbline of Eastern Parkway, easterly across New York Avenue to a point formed by its intersection with a line extending southerly from the eastern property line of 299 New York Avenue (aka 619 Eastern Parkway), northerly along the eastern property lines of 299 (aka 619 Eastern Parkway) to 291 New York Avenue, easterly along the southern property lines of 884 to 932 Lincoln Place, southerly along the western property line of 276 Brooklyn Avenue, easterly along the southern property line of 276 Brooklyn Avenue to the western curbline of Brooklyn Avenue, northerly along the western curbline of Brooklyn Avenue across Lincoln Place, St. John's Place, Sterling Place, and Park Place to a point formed by its intersection with a line extending easterly from the northern property line of 186 Brooklyn Avenue, westerly along the northern property line of 186 Brooklyn Avenue, southerly along the western property line of 186 Brooklyn Avenue, westerly along the northern property lines of 979 and 975 Park Place, northerly along the eastern property line of 963- 973 Park Place and 940 Prospect Place, northerly across Prospect Place to the northern curbline of Prospect Place, westerly along the northern curbline of Prospect Place to a point formed by its intersection with a line extending southerly from the eastern property line of 895-905 Prospect Place (aka 800-810 St. Mark's Avenue), northerly along part of the eastern property line of 895-905 Prospect Place (aka 800-810 St. Mark's Avenue), easterly along part of the southern property line of 895-905 Prospect Place (aka 800-810 St. Mark's Avenue), northerly along part of the eastern property line of 895-905 Prospect Place (aka 800-810 St. Mark's Avenue), northerly across St. Mark's Avenue to the northern curbline of St. Mark's Avenue, westerly along the northern curbline of St. Mark's Avenue to a point formed by its intersection with a line extending southerly from the eastern property line of 777-785 St. Mark's Avenue (aka 1180 Bergen Street), northerly along the eastern property line of 777-785 St. Mark's Avenue (aka 1180 Bergen Street) to the southern curbline of Bergen Street, westerly along the southern curbline of Bergen Street to the eastern curbline of New York Avenue, northerly along the eastern curbline of New York Avenue to a point formed by its intersection with a line extending easterly from the northern property line of 110 New York Avenue (aka 110-120 New York Avenue and aka 1145-1155 Bergen Street), westerly across New York Avenue, westerly along the northern property line of 110 New York Avenue (aka 110-120 New York Avenue and aka 1145-1155 Bergen Street), westerly along the northern property lines of 1141 to 1131 Bergen Street, southerly along the western property line of 1131 Bergen Street, westerly along the northern property lines of 1127 to 1121 Bergen Street, northerly along the eastern property line of 1119 Bergen Street, westerly along the northern property line of 1119 Bergen Street, southerly along the western property line of 1119 Bergen Street, westerly along the northern property lines of 1117 to 1109 Bergen Street, to the point of beginning, Community District 8, Borough of Brooklyn, pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on August 26, 2011 its report on the Designation dated August 24, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 15, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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 Land Use in favor of approving 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 53rd Street (Block 1288, Lot 63) (List No.444, LP-2406), Council District no.3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4116), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5 20125001 HKM (N 120006 HKM)

Designation by the Landmarks Preservation Commission (List No. 444/LP-2406), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Fisk-Harkness

House, located at 12 East 53rd Street (Tax Map Block 1288, Lot 63), as an historic landmark.

PUBLIC HEARING

DATE: September 15, 2011

Witnesses in Favor: One Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 15, 2011

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

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

COMMITTEE ACTION

DATE: September 19, 2011

The Committee recommends that the Council approve the attached resolution.

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

Halloran Koo

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

Res. No. 1050

Resolution affirming the designation by the Landmarks Preservation Commission of the Fisk-Harkness House, located at 12 East 53rd Street (Tax Map Block 1288, Lot 63), Borough of Manhattan, Designation List No. 444, LP-2406 (L.U. No. 480; 20125001 HKM; N 120006 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 8, 2011 a copy of its designation dated June 28, 2011 (the "Designation"), of the Fisk-Harkness House, located at 12 East 53rd Street, Community District 5, Borough of Manhattan as a landmark, and Tax Map Block 1288, Lot 63, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on August 26, 2011, its report on the Designation dated August 24, 2011 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 15, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 481

Report of the Committee on Land Use in favor of approving 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 14th Street Building located at 154 West 14th Street (Block 609, Lot 7) (List No.444, LP-2419), Council District no.3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4117), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20125003 HKM (N 120004 HKM)

Designation by the Landmarks Preservation Commission (List No. 444/LP-2419), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the 154 West 14th Street Building (Tax Map Block 609, Lot 7), as an historic landmark.

**PUBLIC HEARING**

**DATE:** September 15, 2011

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** September 19, 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		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1051

**Resolution affirming the designation by the Landmarks Preservation Commission of the 154 West 14th Street Building (Tax Map Block 609, Lot 7), Borough of Manhattan, Designation List No. 444, LP-2419 (L.U. No. 481; 20125003 HKM; N 120004 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on July 8, 2011 a copy of its designation dated June 28, 2011 (the "Designation"), of the 154 West 14th Street Building, Community District 2, Borough of Manhattan as a landmark, and Tax Map Block 609, Lot 7, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on August 26, 2011, its report on the Designation dated August 24, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 15, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 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. 482

**Report of the Committee on Land Use in favor of disapproving 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4117), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2                                      20125002 HKM (N 120005 HKM)**

Designation by the Landmarks Preservation Commission (List No. 444/LP-2439), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Hardenbrook Somarindyck House, located at 135 Bowery (Block 423, Lot 4), as an historic landmark.

**PUBLIC HEARING**

**DATE:** September 15, 2011

**Witnesses in Favor:** Twenty-two                      **Witnesses Against:** Four

**SUBCOMMITTEE RECOMMENDATION****DATE:** September 15, 2011

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

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

**COMMITTEE ACTION****DATE:** September 19, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1052

**Resolution disapproving the designation by the Landmarks Preservation Commission of the Hardenbrook Somarindyck House, located at 135 Bowery (Tax Map Block 423, Lot 4), Borough of Manhattan, Designation List No. 444, LP-2439 (L.U. No. 482; 20125002 HKM; N 120005 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on July 8, 2011 a copy of its designation dated June 28, 2011 (the "Designation"), of the Hardenbrook Somarindyck House, located at 135 Bowery, Community District 2, Borough of Manhattan as a landmark, and Tax Map Block 423, Lot 4, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on August 26, 2011, its report on the Designation dated August 24, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 15, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, September 19, 2011.

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

**Reports of the Committee on Rules, Privileges and Elections**

Report for M-634

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Edward Kelly as a member of the New York City Waterfront Management Advisory Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 8, 2011 (Minutes, page 3977), respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 8, 2011, respectfully reports:

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Edward Kelly as a member of the New York City Waterfront Management Advisory Board to serve for a two-year term that began on September 1, 2011 and expires on August 31, 2013.

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

Res. No. 1053

**Resolution approving the appointment by the Mayor of Edward Kelly as a member of the New York City Waterfront Management Advisory Board.**

By Council Member Rivera

**RESOLVED**, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Edward Kelly as a member of the New York City Waterfront Management Advisory Board to serve for a two-year term that began on September 1, 2011 and expires on August 31, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 M-635

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Roland Lewis as a member of the New York City Waterfront Management Advisory Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 8, 2011 (Minutes, page 3977), respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 8, 2011, respectfully reports:

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Roland Lewis as a member of the New York City Waterfront Management Advisory Board to serve for a two-year term that began on September 1, 2011 and expires on August 31, 2013.

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

Res. No. 1054

**Resolution approving the appointment by the Mayor of Roland Lewis as a member of the New York City Waterfront Management Advisory Board.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Roland Lewis as a member of the New York City Waterfront Management Advisory Board to serve for a two-year term that began on September 1, 2011 and expires on August 31, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 M-636

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Andrew McGovern as a member of the New York City Waterfront Management Advisory Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 8, 2011 (Minutes, page 3978), respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 8, 2011, respectfully reports:

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Andrew McGovern as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a three-year term that began on September 1, 2011 and expires on August 31, 2014.

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

Res. No. 1055

**Resolution approving the appointment by the Mayor of Andrew McGovern as a member of the New York City Waterfront Management Advisory Board.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Andrew McGovern as a member of the New York City Waterfront Management Advisory Board to serve for a three-year term that began on September 1, 2011 and expires on August 31, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 M-637

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Peggy Shepard as a member of the New York City Waterfront Management Advisory Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 8, 2011 (Minutes, page 3979), respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 8, 2011, respectfully reports:

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Peggy Shepard as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a three-year term that began on September 1, 2011 and expires on August 31, 2014.

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

Res. No. 1056

**Resolution approving the appointment by the Mayor of Peggy Shepard as a member of the New York City Waterfront Management Advisory Board.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Peggy Shepard as a member of the New York City Waterfront Management Advisory Board to serve for a three-year term that began on September 1, 2011 and expires on August 31, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 M-638

**Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Staten Island Borough President of Rayann Besser as a Commissioner of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 8, 2011 (Minutes, page 3980), respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 8, 2011 respectfully reports:

Pursuant to §§ 31 and 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Staten Island Borough President of Rayann Besser as a Commissioner of the New York City Planning Commission to serve for the remainder of a five-year term expiring on June 30, 2016.

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

Res. No. 1057

**Resolution approving the re-appointment by the Staten Island Borough President of Rayann Besser as a Commissioner of the New York City Planning Commission.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 192 of the *New York City Charter*, the Council does hereby approve the re-appointment by the Staten Island Borough President of Rayann Besser as a Commissioner of the New York City Planning Commission for the remainder of a five-year term expiring on June 30, 2016.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-642

**Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Mayor of Pamela Brier as a member of the New York City Board of Health.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 21, 2011, respectfully

**REPORTS:**

**Topic I: New York City Board of Health – (Mayor’s nominees for appointment upon advice and consent of the Council)**

- Pamela Brier, [Preconsidered M 642]
- Deepthiman K. Gowda, M.D. [Preconsidered M 643]

Pursuant to *New York City Charter* (“the Charter”) § 553, there shall be in the New York City Department of Health and Mental Hygiene (“the Department”)<sup>1</sup> a Board of Health (“the Board”)<sup>2</sup>, the Chairperson of which shall be the Commissioner of the Department.

The main function of the Board is to promulgate the *New York City Health Code* (“Code”), which can encompass any matter within the jurisdiction of the Department, and has “the force and effect of law.” [Charter § 558.] The Board may legislate on “all matters and subjects to which the power and authority of the Department extends.” [Charter § 558(c).] The jurisdiction of the Department is among the most extensive and varied of all City agencies. Except as otherwise provided by law, the Department has jurisdiction to regulate all matters affecting health in the City and to perform all those functions and operations performed by the City that relate to the health of the people of the City, including but not limited to the mental health, mental retardation, alcoholism and substance abuse related needs of the people of the City. [Charter § 556.] The scope of the Department’s jurisdiction includes such diverse disciplines as communicable diseases, environmental health services, radiological health, food safety, veterinary affairs, water quality, pest control and vital statistics. New emerging pathogens and biological warfare are the most recent additions to the Department’s roster of concerns.

In addition to its primary legislative function in relation to the *Code*, the Board is charged with certain administrative responsibilities. The Board may issue, suspend or revoke permits (e.g., food vendor permits) or may delegate this duty to the Commissioner, in which case a party aggrieved by the decision of the Commissioner has a right of appeal to the Board. [Charter § 561.] The Board may declare a state of “great and imminent peril” and take appropriate steps subject to Mayoral approval. [Charter § 563.] Other administrative functions of the Board are contained in the *Administrative Code of the City of New York*. One important function is to declare conditions as public nuisances and to order that such conditions be abated or otherwise corrected. [Administrative Code § 17-145.]

In addition to the Chairperson, the Board consists of ten members, five of whom shall be doctors of medicine who shall each have had not less than ten years experience in any or all of the following: clinical medicine, neurology, psychiatry, public health administration or college or university public health teaching. The other five members need not be physicians. However, non-physician members shall hold at least a Masters degree in environmental, biological, veterinary, physical, or behavioral health or science, or rehabilitative science or in a related field, and shall have at least ten years experience in the field in which they hold such a degree. The Chairperson of the Mental Hygiene Advisory Board<sup>3</sup> sits as one of the ten board members, provided that such individual meets the requirements for Board membership of either a physician or non-physician member.

The nine Board members other than the Chairperson and the member who shall be the Chairperson of the Mental Hygiene Advisory Board shall serve without compensation and shall be appointed by the Mayor, each for a term of six-years.<sup>4</sup> In the case of a vacancy, the Mayor shall appoint a member to serve for the un-expired term. [Charter § 553(b).] The Mayor’s appointees are subject to the advice and consent of the New York City Council as set forth in *Charter* § 31.

The Commissioner shall designate such Department employees as may be necessary to the service of the Board, including an employee designated by him to serve as the Secretary to the Board. [Charter § 553 (c).]

Pursuant to *Charter* § 554, a member of the Board other than the Chairperson may be removed by the Mayor upon proof of official misconduct or of negligence in official duties or of conduct in any manner connected with his/her official duties, that tends to discredit his/her office, or of mental or physical inability to perform his/her duties. Prior to removal, however, the Board member shall receive a copy of the charges and shall be entitled to a hearing before the Mayor and to the assistance of counsel at such hearing.

If re-appointed, Ms. Brier, a Brooklyn resident, will serve the remainder of a six-year term that will expire on May 31, 2016. A copy of Ms. Brier’s résumé and report/resolution is annexed to this briefing paper.

If appointed, Dr. Gowda, a Brooklyn resident, will fill a vacancy and serve the remainder of a six-year term that will expire on May 31, 2016. A copy of Dr. Gowda’s résumé and report/resolution is annexed to this briefing paper.

**Topic II: New York City Planning Commission – (Staten Island Borough President nominee for re-appointment upon advice and consent of the Council)**

- Rayann Besser [M 638]

Section 192 of the *New York City Charter* (“Charter”) states that there shall be a thirteen-member CPC, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. All members, except the Chair, are subject to the advice and consent of the Council. Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment.

The *Charter* provides that CPC members serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* section 191), serves at the pleasure of the Mayor. For purposes of Chapter 68 (Conflicts of Interest) of the *Charter*, CPC members, other than the Chair, shall not be considered regular employees of the City. There is no limitation on the number of terms that a CPC member may serve. CPC members are prohibited from holding any other City office while they serve on CPC. The Chair receives an annual salary of \$205, 180. The member who is designated as Vice-Chair receives an annual salary of \$62, 271. The other members receive an annual salary of \$54, 150.

CPC is responsible for:

- undertaking long-range planning for the City’s orderly growth, improvement and future development, including appropriate resources for housing, business, industry, recreation and culture;
- assisting the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program and the annual *Statement of Needs*;
- overseeing and coordinating environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8);
- preparing a zoning and planning report at least once every four years, which includes a review of the *Zoning Resolution*, with any recommendations for changes and proposals for implementing planning policies; and
- approving or disapproving the acquisition by the City of office space.

CPC has also promulgated rules:

- establishing minimum standards for certifying *Uniform Land Use and Review Procedure* (“ULURP”) applications and specific time periods for pre-certification review;
- creating capital site selection criteria;
- setting minimum standards for the form and content of plans for the development of the City and boroughs; and
- defining “major concessions.”

Ms. Besser is scheduled to appear before the Committee on Rules, Privileges, and Elections on September 21, 2011. Upon re-appointment by the Staten Island Borough President with the advice and consent of the Council, Ms. Besser, a resident of Staten Island, will serve for the remainder of a five-year term that expires on June 30, 2016. Copies of Ms. Besser’s résumé and report/resolution are annexed to this Briefing paper.

**Topic III: New York City Landmark Preservation Commission – (Candidates for re-appointment upon advice and consent review by the Council)**

- **Michael Goldblum [Preconsidered M 644]**
- **Elizabeth Ryan [Preconsidered M 645]**

Pursuant to *New York City Charter* (“Charter”) § 3020, the New York City Landmarks Preservation Commission (“LPC”), which consists of 11 members, is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts. Also, LPC regulates alterations to designated buildings. The *Charter* requires that LPC’s membership include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. Prior to appointing an architect, historian, city planner or landscape architect, the Mayor may consult with the Fine

Arts Federation of New York or any other similar organization. By statute, LPC’s membership must have at least one resident from each of the five boroughs.

The Mayor appoints members of LPC for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The Mayor designates one of the members to serve as Chair of LPC, and another to serve as Vice Chair. Both of these appointees serve until a successor is designated. Members other than the Chair serve without compensation, but are reimbursed for expenses necessarily incurred in the performance of their duties. The Chair’s salary is currently \$192,198. The LPC appoints a full-time executive director. The LPC may employ technical experts and such other employees as may be required to perform its duties.

As enumerated in the *Charter*, LPC is required to provide opportunities for comment in advance of any hearing on a proposed designation of a landmark, landmark site, interior landmark, scenic landmark, or historic district.<sup>5</sup> Notices of proposed designation must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President in whose borough the property or district is located.

Within ten days of making a designation, LPC is required to file a copy of the designation with CPC and the City Council. Within 60 days after the filing, CPC must hold a hearing and submit a report to the City Council with its recommendations. The City Council may modify or disapprove by majority vote any designation of LPC within 120 days after having received such designation, provided that either CPC has submitted the required report on the designation or at least sixty days has elapsed since the original filing of the designation. A City Council vote shall be filed with the Mayor who has five days to disapprove. If the Mayor disapproves, the Council may override within ten days by a two-thirds vote.

In addition to the designation of landmarks, LPC may at any time make recommendations to CPC regarding amendments to *Zoning Resolution* provisions applicable to improvements in historic districts. [*Administrative Code* § 25-303(i).] Moreover, LPC is responsible for determining whether a proposed alteration or demolition affecting a landmark is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, LPC may deny the applicant’s request. [*Administrative Code* § 25-307.]

A five-member Hardship Appeals Panel, independent of LPC, reviews appeals from determinations of LPC denying applications for *Certificates of Appropriateness* on the grounds of hardship. The Panel’s review is applicable only to tax exempt properties.

If re-appointed, Mr. Goldblum, a Bronx resident, will serve the remainder of a three-year term that expires on June 28, 2014. Copies of Mr. Goldblum’s résumé and the proposed Committee report/resolution are annexed to this briefing paper.

If re-appointed, Ms. Ryan, a Brooklyn resident, will serve the remainder of a three-year term that expires on June 28, 2014. Copies of Ms. Ryan’s résumé and the proposed Committee report/resolution are annexed to this briefing paper.

**Topic IV: New York City Waterfront Management Advisory Board – (Candidates for designation and appointment upon advice and consent of the Council)**

- **Hon. Michael Nelson [Preconsidered M 653]**
- **Peggy Shepard [M 637]**
- **Paula Berry [M 633]**
- **Andrew McGovern [M 636]**
- **Edward Kelly [M 634]**
- **Roland Lewis [M 635]**

*New York City Charter* (“Charter”) §1303 provides for the establishment of a Waterfront Management Advisory Board (“the Board”). The Board serves as an advisory body to the Deputy Mayor for Economic Development, the Commissioner of Small Business Services, and the City Planning Commission concerning any matters relating to the industrial, commercial, residential, recreational or other use of wharves, waterfront property and waterfront infrastructure in the City.

The Board consists of 17 members: the Deputy Mayor for Economic Development, as Chairperson; the Commissioner of Small Business Services, as Vice Chair; the Chairperson of the City Planning Commission; the Commissioner of Environmental Protection; one City Council Member designated by the City Council; and twelve members to be appointed by the Mayor with the advice and consent of the City Council, provided that there is at least one appointed member from each borough. Appointed members shall include representatives of labor, the maritime industries, the transportation industries, the real estate industry, the hospitality industries, as well as environmental advocates and community advocates.

The 12 appointed members of the Board serve for staggered three-year terms, except that of the members first appointed: four shall be appointed for terms of one-year, four shall be appointed for terms of two years, and four shall be appointed for terms of three years. Members serve without compensation.

As enumerated in *Charter* §1303(e), the Board is required to:

(1) Hold at least one meeting every six months;

(2) Consult and advise the Deputy Mayor for Economic Development, the Commissioner of Small Business Services and the City Planning Commission on any matter relating to the industrial, commercial, residential, recreational or other use or development of wharves, waterfront property and waterfront infrastructure in the City, and on other matters as may be requested by the Chairperson of the Board;

(3) Create any committees or subcommittees consisting of at least one Board member or their designated representative as the board deems appropriate to carry out the Board's responsibilities, provided that there shall be a committee on recreational uses of the waterfront ; and

(4) Issue a report by March 1, 2010, and every two years after, to the Mayor, the City Council, and Borough Presidents regarding the development of wharves, and waterfront property and infrastructure in the City during the immediately preceding two calendar years, provided that the report due March 1, 2010 shall relate to calendar year 2009 only.

Upon designation by the Council, Council Member Nelson will serve an unspecified term on the Board. A copy of the report/resolution is attached to this briefing paper.

If appointed, Ms. Shepard, a Manhattan resident, will be eligible to serve the remainder of a three-year term that began on September 1, 2011 and expires on August 31, 2014. Copies of Ms. Shepard's résumé and report/resolution are annexed to this briefing paper.

If appointed, Ms. Berry, a Brooklyn resident, will be eligible to serve the remainder of a one-year term that began on September 1, 2011 and expires on August 31, 2012. Copies of Ms. Berry's résumé and report/resolution are annexed to this briefing paper.

If appointed, Mr. McGovern will be eligible to serve the remainder of a three-year term that began on September 1, 2011 and expires on August 31, 2014. Copies of Mr. McGovern's résumé and report/resolution are annexed to this briefing paper.

If appointed, Mr. Kelly will be eligible to serve the remainder of a two-year term that began on September 1, 2011 and expires on August 31, 2013. Copies of Mr. Kelly's résumé and report/resolution are annexed to this briefing paper.

If appointed, Mr. Lewis, a Brooklyn resident, will be eligible to serve the remainder of a two-year term that began on September 1, 2011 and expires on August 31, 2013. Copies of Mr. Lewis' résumé and report/resolution are annexed to this briefing paper.

<sup>1</sup> On November 6, 2001, the voters of New York City approved the merger of the New York City Department of Health and the New York City Department of Health, Mental Retardation and Alcoholism Services to create a new agency called the Department of Public Health. The agency is presently known as the Department of Health and Mental Hygiene.

<sup>2</sup> The ballot proposal approved by the City's voters on November 6, 2001, expanded the Board's membership from five to eleven members (including the Commissioner), while maintaining the current ratio of medical to non-medical personnel. Also, member terms were reduced from eight years to six years, and staggered to assure continuity. The Charter Revision Commission (the "Commission") asserted that these changes would ensure that the Board is better able to address today's "more complex public health threats and meet the new and emerging public health challenges of the future." Also, the Commission reasoned that the expansion of the Board would "provide the opportunities to increase the variety of expertise represented, and allow for inclusion of representatives with experience relating to special health needs of different racial and cultural groups in the City." Moreover, the Commission felt "a larger Board would also bring to bear greater diversity of academic, clinical and community perspectives on the broad spectrum of public health problems and issues that need to be addressed." Report of the New York City Charter Revision Commission, *Making Our City's Progress Permanent*, pp69-70 (September 5, 2001).

<sup>3</sup> This body advises the Commissioner of Health and Mental Hygiene and the Deputy Commissioner for Mental Hygiene Services in the development of community mental health, mental retardation, alcoholism and substance abuse facilities and services and programs related thereto. Charter § 568.

<sup>4</sup> The term of the Board of Health Chair, who is the Commissioner of Health, is not specified. The Chair of the Mental Hygiene Advisory Board can serve an unlimited number of four-year terms on that advisory Board and, thus, on the New York City Board of Health as well. Mental Hygiene Law § 41.11(d) and Charter § 568(a)(1).

<sup>5</sup> Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

*After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointments of the nominees (For nominee Pamela Brier, please see immediately below; for all other nominees, please see the remaining reports in this Committee on Rules, Privileges and Elections section printed in these Minutes).*

The Committee on Rules, Privileges and Elections which was referred to on September 21, 2011 respectfully reports:

Pursuant to §§ 31 and 553 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Pamela Brier as a member of the New York City Board of Health to serve for the remainder of a six-year term expiring on May 31, 2016.

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

Res. No. 1058

**Resolution approving the re-appointment by the Mayor of Pamela Brier as a member of the New York City Board of Health.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 553 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Pamela Brier as a member of the New York City Board of Health for the remainder of a six-year term expiring on May 31, 2016.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-643

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Deepthiman K. Gowda as a member of the New York City Board of Health.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 21, 2011, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 21, 2011 respectfully reports:

Pursuant to §§ 31 and 553 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Deepthiman K. Gowda as a member of the New York City Board of Health to serve for the remainder of a six-year term expiring on May 31, 2016.

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

Res. No. 1059



**Resolution approving the appointment by the Mayor of Deepthiman K. Gowda as a member of the New York City Board of Health.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 553 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Deepthiman K. Gowda as a member of the New York City Board of Health for the remainder of a six-year term expiring on May 31, 2016.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-644

**Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Mayor of Michael Goldblum as a member of the New York City Landmarks Preservation Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 21, 2011, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 21, 2011 respectfully reports:

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Michael Goldblum as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three-year term expiring on June 28, 2014.

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

Res. No. 1060

**Resolution approving the re-appointment by the Mayor of Michael Goldblum as a member of the New York City Landmarks Preservation Commission.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Michael Goldblum as a member of the New York City Landmarks Preservation Commission for the remainder of a three-year term expiring on June 28, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-645

**Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 21, 2011, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on September 21, 2011 respectfully reports:

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three-year term expiring on June 28, 2014.

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

Res. No. 1061

**Resolution approving the re-appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Elizabeth Ryan as a member of the New York City Landmarks Preservation Commission for the remainder of a three-year term expiring on June 28, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-653

**Report of the Committee on Rules, Privileges and Elections approving the designation by the Council of Hon. Michael Nelson as a member of the New York City Waterfront Management Advisory Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 21, 2011, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Reports of the Committee on Rules, Privileges and Elections for M-642 printed in these Minutes)**

The Committee on Rules, Privileges and Elections, which was referred to on September 21, 2011, respectfully reports:

Pursuant to §1303 of the New York City *Charter*, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of the Hon. Michael Nelson as a member of the New York City Waterfront Management Advisory Board to serve for an unspecified term.

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

Res. No. 1062

**Resolution approving the designation by the Council of Hon. Michael Nelson as a member of the New York City Waterfront Management Advisory Board.**

By Council Member Rivera,

**RESOLVED**, that pursuant to §1303 of the New York City Charter, the Council does hereby approve the designation by the Council of the Hon. Michael Nelson as a member of the New York City Waterfront Management Advisory Board to serve for an unspecified term.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, September 21, 2011.

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

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

**(For text of the Resolution approving various persons as Commissioners of Deeds for this Meeting, please see the Commissioners of Deeds section printed in the Minutes of the Stated Council Meeting of October 5, 2011).**

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY**

**(Items Coupled on General Order Calendar)**

- |      |                        |   |
|------|------------------------|---|
| (1)  | M 634 & Res 1053 --    | Edward Kelly – appointment to the Waterfront Management Advisory Board.   |
| (2)  | M 635 & Res 1054 --    | Roland Lewis -- appointment to the Waterfront Management Advisory Board.  |
| (3)  | M 636 & Res 1055 --    | Andrew McGovern -- appointment to the Waterfront Management Advisory Board.   |
| (4)  | M 637 & Res 1056 --    | Peggy Shepard -- appointment to the Waterfront Management Advisory Board.   |
| (5)  | M 638 & Res 1057 --    | Rayann Besser – reappointment to the New York City Planning Commission.   |
| (6)  | M 642 & Res 1058 --    | Pamela Brier to the Council for its advice and consent regarding her reappointment to the Board of Health, pursuant to Sections 31 and 553 of the City Charter.   |
| (7)  | M 643 & Res 1059 --    | Dr. Deepthiman K. Gowda – appointment to the Board of Health.   |
| (8)  | M 644 & Res 1060 --    | Michael L. Goldblum – appointment as a member of the New York City Landmarks Preservation Commission.   |
| (9)  | M 645 & Res 1061 --    | Elizabeth Ryan – appointment as a member of the New York City Landmarks Preservation Commission.  |
| (10) | M 653 & Res 1062 --    | Council Member Michael Nelson – designation to serve as a member of the New York City Waterfront Management Advisory Board.   |
| (11) | Int 569 --             | Chinatown BID   |
| (12) | Int 655-A --           | 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.  |
| (13) | Res 1031 --            | Environmental review conducted for Proposed Int. No. 655-A.   |
| (14) | L.U. 387 & Res 1034 -- | App. <b>20115746 HAK</b> , 1413 Pitkin Avenue, Council District no. 41, Borough of Brooklyn.  |
| (15) | L.U. 388 & Res 1035 -- | App. <b>20115747 HAK</b> 1690 St. Marks Avenue, Council District no. 37, Borough of Brooklyn.   |
| (16) | L.U. 449 & Res 1036 -- | App. <b>20115607 TCM</b> , 195 Spring Street, Borough of Manhattan, Council District no. 3 ( <b>Coupled to be Filed pursuant to a Letter of Withdrawal</b> ).   |
| (17) | L.U. 456 & Res 1037 -- | App. <b>C 110252 ZMK</b> amendment of the Zoning Map, Section Nos. 16c, Borough of Brooklyn, Council District no. 27.   |
| (18) | L.U. 465 & Res 1038 -- | App. <b>C 110272 HAQ</b> , at 58-03 Rockaway Beach Boulevard and the disposition of the city owned property, Borough of Queens, Council District no. 31.  |
| (19) | L.U. 469 & Res 1039 -- | App. <b>C 110047 ZMK</b> , 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.   |
| (20) | L.U. 470 & Res 1040 -- | App. <b>C 110048 ZSK</b> , 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900), Borough of Brooklyn, Community District 11.   |
| (21) | L.U. 471 & Res 1041 -- | App. <b>C 110049 ZSK</b> , 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900), Borough of Brooklyn, Community District 11.   |
| (22) | L.U. 472 & Res 1042 -- | App. <b>C 110050 ZSK</b> , 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900), Borough of Brooklyn, Community District 11.   |
| (23) | L.U. 473 & Res 1043 -- | App. <b>C 110051 ZSK</b> , 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. |

- (24) L.U. 474 & Res 1044 -- App. N 110052 ZAK, 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900) , Borough of Brooklyn, Community District 11.
- (25) L.U. 475 & Res 1045 -- App. N 110285 ZRY, 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.
- (26) L.U. 476 & Res 1046 -- App. C 100063 ZMM, submitted by 249 W. 28th Street, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map.
- (27) L.U. 477 & Res 1047 -- App. C 110064 ZSM, submitted by 249 W. 28th Street Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special.
- (28) L.U. 478 & Res 1048 -- App. 20125021 HKK (N 120022 HKK, concerning the designation by the Landmarks Preservation Commission of the Wallabout historic district (List No.445, LP-2445), Council District no.35.
- (29) L.U. 479 & Res 1049 -- App. 20125004 HKK (N 120007 HKK, concerning the designation by the Landmarks Preservation Commission of the Crown Heights North (List No.444, LP-2361), Council District no. 35, 36.
- (30) L.U. 480 & Res 1050 -- App. 20125001 HKM (N 120006 HKM), concerning the designation by the Landmarks Preservation Commission of the Fisk-Harkness House located at 12 East 53rd Street (Block 1288, Lot 63) (List No.444, LP-2406), Council District no.3.
- (31) L.U. 481 & Res 1051 -- App. 20125003 HKM (N 120004 HKM), 154 West 14th Street Building located at 154 West 14th Street (Block 609, Lot 7) (List No.444, LP-2419), Council District no.3.
- (32) L.U. 482 & Res 1052 -- App. 20125002 HKM (N 120004 HKM), 135 Bowery (Block 423, Lot 4) (List No.444, LP-2439), Council District no.1 **(Coupled to be Disapproved).**
- (33) L.U. 483 & Res 1063 -- 138-49 Elder Avenue, Block 5137, Lot 118, Queens, Council District No. 20.
- (34) Resolution approving various persons Commissioners of Deeds.

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

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 50.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for M-638 & Res No. 1057:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, 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, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – 49.

**Abstention** – Oddo – 1.

The following was the vote recorded for Int No. 655-A:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 46.

**Negative** – Comrie, Halloran, Ulrich, Vallone, Jr. – 4.

The following was the vote recorded for Res 1031:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, 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, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

**Negative** – Vallone, Jr. – 1.

The following was the vote recorded for LU No. 387 & Res No. 1034:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, 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, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

**Negative** – Mealy – 1.

The following was the vote recorded for LU No. 482 & Res No. 1052:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, 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, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

**Negative** – Mendez – 1.

*he following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 569-A and 655-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:

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

Report for voice-vote Res. No. 1024

**Report of the Committee on Civil Service and Labor in favor of approving a resolution calling upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.**

The Committee on Civil Service and Labor, to which the annexed resolution was referred on September 21, 2011, respectfully

**REPORTS:**

**Introduction:**

On Monday, September 19, 2011, the Committee on Civil Service and Labor chaired by Council Member James Sanders, Jr., will hold a hearing on a preconsidered resolution, which would call upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

**Background:**

The James Zadroga 9/11 Health and Compensation Act (Zadroga Act), signed by President Barack Obama in January 2011, provides for medical monitoring and treatment of first responders, area residents, workers, students, and others affected by the 9/11 terrorist attacks. The Act only provides care and treatment for illnesses that are specifically on the list of approved World Trade Center-related health conditions. However, the Zadroga Act also requires the Administrator of the World Trade Center Health Program, currently Dr. John Howard, to periodically review scientific and medical evidence to determine if cancer or specific cancers should be added to the list.

On July 26, 2011, Dr. Howard found that insufficient evidence existed to add any cancers to the list of World Trade Center-related conditions that would be covered under the Act. Since then, a new study of New York City firefighters who worked at Ground Zero, published in The Lancet medical journal on September 1, 2011, indicated that there was a link between exposure at the World Trade Center site and increased cancer risk. This resolution calls on Dr. Howard to examine this recent study and reconsider adding cancer to the list of World Trade Center-related health conditions covered by the Zadroga Act.

**Preconsidered Res. No: 1024**

This resolution would note that a significant number of workers and volunteers participated in rescue, recovery and clean-up after the terrorist attacks on the World Trade Center of September 11, 2001; and

This resolution would also note that those who participated in the rescue and recovery effort at the World Trade Center (WTC) and those who lived, worked, attended school or were otherwise present in the area around the WTC on or after September 11 were exposed to a variety of environmental toxins; and

This resolution would state that a significant number of people who continue to suffer the physical and psychological effects of the attacks may develop additional or more severe illnesses in the future; and

This resolution would further state that the WTC Centers of Excellence in the City of New York that screen and treat those affected by the 9/11 attacks have struggled to maintain and improve their services without a steady stream of federal funding; and

This resolution would then state that the James Zadroga 9/11 Health and Compensation Act (Zadroga Act), signed by President Barack Obama in January 2011, provides for medical monitoring and treatment of first responders, area residents, workers, students, and others affected by the 9/11 terrorist attacks; and

This resolution would indicate that the Zadroga Act established the World Trade Center Health Programs within the National Institute for Occupational Safety and Health (NIOSH) to provide care to those affected by the 9/11 terrorist attacks and reopened the September 11 Victims Compensation Fund to provide compensation for damages incurred by first responders and others who did not file a claim before or became ill after the Fund was previously closed; and

This resolution would then indicate that the Zadroga Act only provides care and treatment for illnesses that are specifically on the list of approved World Trade Center-related health conditions, but requires the Administrator of the World Trade Center Health Program to periodically review scientific and medical evidence to determine if cancers should be added to the list; and

This resolution would note that cancer is not currently on the list of World Trade Center-related health conditions; and

This resolution would also note that City employees and residents who were at the WTC sites on 9/11 or shortly thereafter were exposed to and inhaled cancer-causing toxins such as benzene, dioxin, asbestos and polycyclic aromatic hydrocarbons during the rescue, recovery and clean-up efforts; and

This resolution would further note that, "A Case Series on Multiple Myeloma in the World Trade Center Responders" was published in the August 2009 issue of the Journal of Occupational and Environmental Medicine, which ultimately confirmed at least 16 cases of multiple myeloma, a cancer of the white blood cells, out of approximately 28,000 responders while there are on average fewer than 7 cases per year expected for every 100,000 people in the United States; and

This resolution would state that multiple myeloma is expected to occur in less than 2 people out of 100,000 under the age of 45 yet there were 6 cases of multiple myeloma out of the approximately 28,000 responders who were diagnosed with this cancer and were under the age of 45; and

This resolution would then state that the annual number of cancer cases approved for disability by the Police Pension Board has more than tripled from approximately 6 cases per year prior to 2005 to 20 cases per year since; and

This resolution would further state that on October 13, 2009, New York City Police Commissioner Raymond W. Kelly added the names of ten uniformed members of the New York Police Department who died of cancer to the Police Wall of Remembrance, declaring that their mission to aid in the recovery effort resulted in them becoming casualties; and

This resolution would then state that in 2005, the New York State Legislature enacted Section 13-252.1 of the New York City Administrative Code (Administrative Code), known as the World Trade Center Presumption Bill, which amended the New York State Retirement and Social Security Law and the Administrative Code, to create a presumption that certain future onset health conditions or impairments, including cancer, suffered by police officers and other public employees who participated in the rescue, recovery and clean-up of the WTC sites, are presumed to have been caused by WTC-related exposure that occurred in the performance of duty, thereby entitling affected employees to an accident disability pension; and

This resolution would indicate that despite evidence to the contrary, Dr. John Howard, administrator of the World Trade Center Health Program, reviewed scientific and medical findings on Ground Zero health, and found that insufficient evidence exists to add cancer to the list of World Trade Center-related conditions that would be covered under the Zadroga Act; and

This resolution would also indicate that this decision created a great deal of controversy among many 9/11 victims, first responders and volunteers who demanded that cancer be included as one of the covered illnesses; and

This resolution would then indicate that a study recently conducted by the New York City Fire Department that was published on September 1, 2011 in The Lancet, one of the world's most respected medical journals, found that male firefighters who worked at Ground Zero had a 10 percent higher overall cancer incidence ratio when compared to a similar demographic mix from the general American male population, and a 32 percent higher cancer incidence than in male firefighters who were not exposed to Ground Zero toxins, with an elevated risk of melanoma, thyroid and prostate cancers and non-Hodgkin's lymphoma; and

This resolution would further indicate that after the release of the study in The Lancet, Representatives Jerrold Nadler, Carolyn Maloney, Peter King and Charles Rangel and Senators Charles Schumer and Kirsten Gillibrand filed a petition on September 7, 2011 pursuant to section 3312(a)(6) of the Zadroga Act, with the World Trade Center Health Program administrator, Dr. John Howard, that would require Dr. Howard to review new evidence finding a higher incidence of cancer among 9/11 responders who worked at Ground Zero and consider within sixty (60) days whether or not to add coverage for cancers under the James Zadroga 9/11 Health and Compensation Act; and

Finally, this resolution would state that it is now clear from numerous studies and reports that those who worked and volunteered at Ground Zero in rescue, recovery and rebuilding efforts were exposed to a higher risk of cancer and that those who developed cancer after working at Ground Zero should undoubtedly receive care and treatment under the James Zadroga 9/11 Health and Compensation Act.

Thus, the resolution would state that the Council of the City of New York calls upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 1024:)**

Res. No. 1024

**Resolution calling upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.**

By The Speaker (Council Member Quinn) and Council Members Arroyo, Chin, Crowley, Levin, Vallone, Jackson, Sanders Jr., Nelson, Gennaro, Recchia, Seabrook, Mark-Viverito, Comrie, Dickens, Eugene, Fidler, Gentile, James, Lander, Mendez, Rose, Van Bramer, Vann, Williams, Cabrera, Koppell, Vacca, Palma, Foster and Halloran.

**Whereas,** A significant number of workers and volunteers participated in rescue, recovery and clean-up after the terrorist attacks on the World Trade Center of September 11, 2001; and

**Whereas,** Those who participated in the rescue and recovery effort at the World Trade Center (WTC) and those who lived, worked, attended school or were otherwise present in the area around the WTC on or after September 11 were exposed to a variety of environmental toxins; and

**Whereas,** A significant number of people who continue to suffer the physical and psychological effects of the attacks, may develop additional or more severe illnesses in the future; and

**Whereas,** The WTC Centers of Excellence in the City of New York that screen and treat those affected by the 9/11 attacks have struggled to maintain and improve their services without a steady stream of federal funding; and

**Whereas,** The James Zadroga 9/11 Health and Compensation Act (Zadroga Act), signed by President Barack Obama in January 2011, provides for medical monitoring and treatment of first responders, area residents, workers, students, and others affected by the 9/11 terrorist attacks; and

**Whereas,** The Zadroga Act established the World Trade Center Health Programs within the National Institute for Occupational Safety and Health (NIOSH) to provide care to those affected by the 9/11 terrorist attacks and reopened the September 11 Victims Compensation Fund to provide compensation for damages incurred by first responders and others who did not file a claim before or became ill after the Fund was previously closed; and

**Whereas,** The Zadroga Act only provides care and treatment for illnesses that are specifically on the list of approved World Trade Center-related health conditions, but requires the Administrator of the World Trade Center Health Program to periodically review scientific and medical evidence to determine if cancers should be added to the list; and

**Whereas,** Cancer is not currently on the list of World Trade Center-related health conditions; and

**Whereas,** Both City employees and residents who were at the WTC sites on 9/11 or shortly thereafter were exposed to and inhaled cancer-causing toxins such as benzene, dioxin, asbestos and polycyclic aromatic hydrocarbons during the rescue, recovery and clean-up efforts; and

**Whereas,** "A Case Series on Multiple Myeloma in the World Trade Center Responders" was published in the August 2009 issue of the Journal of Occupational and Environmental Medicine, which ultimately confirmed at least 16 cases of multiple myeloma, a cancer of the white blood cells, out of approximately 28,000 responders when there are on average fewer than 7 cases per year expected for every 100,000 people in the United States; and

**Whereas,** Multiple myeloma is expected to occur in less than 2 people out of 100,000 under the age of 45 and there were 6 cases of multiple myeloma out of the approximately 28,000 responders who were diagnosed with this cancer and were under the age of 45; and

**Whereas,** The annual number of cancer cases approved for disability by the Police Pension Board has more than tripled from approximately 6 cases per year prior to 2005 to 20 cases per year since; and

**Whereas,** On October 13, 2009 New York City Police Commissioner, Raymond W. Kelly, added the names of ten uniformed members of the New York Police Department that died of cancer to the Police Wall of Remembrance, declaring that their mission to aid in the recovery effort resulted in them becoming casualties; and

**Whereas,** In 2005, the New York State Legislature enacted Section 13-252.1 of the New York City Administrative Code (Administrative Code), known as the World Trade Center Presumption Bill, which amended the New York State Retirement and Social Security Law and the Administrative Code, to create a presumption that certain future onset health conditions or impairments, including cancer, suffered by police officers and other public employees who participated in the rescue, recovery and clean-up of the WTC sites, are presumed to have been caused by WTC-related exposure that occurred in the performance of duty, thereby entitling affected employees to an accident disability pension; and

**Whereas,** On July 26, 2011, despite evidence to the contrary, Dr. John Howard, administrator of the World Trade Center Health Program, reviewed scientific and medical findings on Ground Zero health, and found that insufficient evidence exists to add cancer to the list of World Trade Center-related conditions that would be covered under the Zadroga Act; and

**Whereas,** This decision created a great deal of controversy, among many 9/11 victims, first responders and volunteers who demanded that cancer be included as one of the covered illnesses; and

**Whereas,** A study recently conducted by the New York City Fire Department that was published on September 1, 2011 in The Lancet, one of the world's most respected medical journals, found that male firefighters who worked at Ground Zero had a 10 percent higher overall cancer incidence ratio when compared to a similar demographic mix from the general American male population, and a 32 percent higher cancer incidence than in male firefighters who were not exposed to Ground Zero toxins, with an elevated risk of melanoma, thyroid and prostate cancers and non-Hodgkin's lymphoma; and

**Whereas,** After the release of the study in The Lancet, Representatives Jerrold Nadler, Carolyn Maloney, Peter King and Charles Rangel and Senators Charles Schumer and Kirsten Gillibrand filed a petition on September 7, 2011 pursuant to section 3312(a)(6) of the Zadroga Act, with the World Trade Center Health Program administrator, Dr. John Howard, that would require Dr. Howard to review new evidence finding a higher incidence of cancer among 9/11 responders who worked at Ground Zero and consider within sixty (60) days whether or not to add coverage for cancers under the James Zadroga 9/11 Health and Compensation Act; and

**Whereas,** It is now clear from numerous studies and reports that those who worked and volunteered at Ground Zero engaging in rescue, recovery and rebuilding efforts were exposed to a higher risk of cancer and that those who developed cancer after working at Ground Zero should undoubtedly receive care and treatment under the James Zadroga 9/11 Health and Compensation Act; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

JAMES S. SANDERS, Jr., Chairperson; MICHAEL C. NELSON; JAMES F. GENNARO, MELISSA MARK-VIVERITO, DOMENIC M. RECCHIA, Jr., LARRY B. SEABROOK, ERIC A. ULRICH; Committee on Civil Service and Labor, September 19, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 1024** to be adopted.

Adopted unanimously by the Council by voice vote.

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

Report for voice-vote Res. No. 1030

**Report of the Committee on State and Federal Legislation in favor of approving a Resolution supporting and calling on the United States Congress to immediately act on, the President's proposed American Jobs Act 2011, which would provide tax relief for American workers and businesses, put workers back on the job while building and modernizing America, and provide pathways back to work for Americans looking for jobs.**

The Committee on State and Federal Legislation, to which the annexed resolution was referred on September 21, 2011, respectfully

#### REPORTS:

#### BACKGROUND

On September 8, 2011, President Obama announced the American Jobs Act of 2011 ("American Jobs Act") in a joint session of Congress. According to the White House, the President's proposed plan would provide for a \$447 billion package of tax cuts and new government spending. The President seeks not only to stimulate the current economy, but also rebuild the American economy with the proposed American Jobs Act.

The President's proposed plan seeks to promote job creation, growth and stability. It is a response to what has become known as "The Great Recession". According to the Economic Policy Institute, the Great Recession officially lasted from December 2007 through June 2009 and has been the longest recession since the Great Depression. Its effects are still being felt throughout our nation and its residents, especially in the high numbers of unemployed and underemployed.

In August of this year, the United States Department of Labor reported that the national unemployment rate is currently 9.1%. Prior to the Great Recession in August 2006 the national unemployment rate was only 4.7%<sup>1</sup>. The New York State Department of Labor Statistics reports that New York State's unemployment rate is 8%. While New York City's unemployment rate is 8.8%, the Bronx and Brooklyn have the highest unemployment rates in the State of New York, with rates of 12.3% and 9.7% respectively.

#### PROPOSED LEGISLATION

The President's proposed American Jobs Act would provide tax relief for American workers and businesses, put workers back on the job while building and modernizing America, and provide pathways back to work for Americans looking for jobs. A summary of the proposal's key provisions follows:<sup>2</sup>

#### Title 1- Relief for Workers and Businesses

**Payroll Tax Relief:** The President's plan would cut in half taxes paid by businesses on their first \$5 million in payroll, targeting the benefit to the 98 percent of the firms that have a payroll below that threshold. The Payroll tax would be cut in half to 3.1% for employers on the first \$5 million in wages and provide for a suspension of any taxes for any growth in payroll due to new hires or wages for existing workers up to \$50 million. The reductions in payroll tax will have no impact

on the Social Security Trust Fund which will be held harmless using general revenues.

**Other Relief for Businesses:** The American Jobs Act would provide for an extension of 100 percent bonus depreciation for certain business assets, such as investments in new plants and equipment to provide an incentive for businesses to invest and hire.

Title II- Putting Workers Back on the Job While Rebuilding and Modernizing America

**Veteran's Hiring Preferences:** The American Jobs Act contains provisions for "Returning heroes and wounded warriors work opportunity tax credits" which would provide tax credits from \$5,600 to \$9,600 to encourage the hiring of unemployed veterans.

**Teacher Stabilization:** The plan proposes to invest \$35 billion to prevent teacher layoffs of up to 280,000 teachers, while supporting the hiring of tens of thousands more.

**First Responder Stabilization:** The bill proposes \$5 billion to support the hiring and retention of public safety and first responder personnel.

**School Modernization:** The Act proposes \$25 billion in investment in school infrastructure that would modernize at least 35,000 public schools, creating jobs and upgrading schools to meet the 21st century. President is also proposing a \$5 billion investment in community colleges.

**Immediate Transportation Infrastructure Investment:** The plan includes \$50 billion in immediate investments for highways, transit, rail and aviation.

Title III- Assistance for the Unemployed and Pathways Back to Work

**Extension of Emergency Unemployment Compensation and Certain Extended Benefits Provisions and Establishment of Self Employment Assistance Program:** This section of the Act generally provides for the extension of emergency unemployment compensation benefits. Emergency unemployment is granted once regular unemployment compensation is exhausted. This would extend emergency unemployment compensation by one year to January 3, 2013.

**Reemployment NOW Program:** The plan would authorize and appropriate \$4 billion for fiscal year 2012 for the Secretary of Labor to establish and carry out this program, which would facilitate the reemployment of individuals receiving emergency unemployment compensation.

**Short Time Compensation Program:** Short Time Compensation programs or work-sharing is where employers reduce their employees work week in order to avoid temporary layoffs. The Act would amend the Internal Revenue Code and the Social Security Act to make clear the treatment of Short Time Compensation Programs for tax and benefit purposes. It will provide Federal financing for States with short time compensation programs to pay partial unemployment benefits for workers participating in temporary work sharing programs. It also has provisions to ease the establishment of such programs in other States.

**Long Term Unemployed Hiring Preferences:** The President is proposing a tax credit up to \$4,000 for hiring workers who have been looking for a job over six months.

**Pathways Back to Work:** The American Jobs Act contains a proposed fund to provide hundreds of thousands of low income youth and adults with opportunities to work and achieve needed training in growth industries.

**Prohibition On Discriminating Against the Unemployed:** The President's plan would make it unlawful to refuse to hire applicants solely because they are unemployed or to include a job posting provision that unemployed persons will not be considered.

Title IV- Offsets

The American Jobs Act makes a number of proposals to pay for the costs of the program. These include:

**Limitation of Certain Deductions and Exclusions:** The Act would limit the values of all itemized deductions and certain tax expenditures for taxpayers with adjusted gross incomes of \$200,000 for individuals and \$250,000 for married couples to 28 percent. Deductions for charitable giving, state and local taxes, interest in mortgages and interest in municipal bonds are among the things that would be effected by this. Deductions like this are more important in high income/high cost areas like New York city than in other parts of the country.

**Tax Carried Interest in Investment Partnerships and Ordinary Income:** The proposed Act would tax the carried interest of managing partners as ordinary income, rather than as capital gains and would make the managing partner subject to self-employment tax on such income. Managing partners in hedge funds, private equity funds, venture capital funds and family partnerships often receive this kind of income.

**Closing loophole for Corporate Jet Depreciation:** The proposed Act would require corporate jets to be depreciated over the same number of years as any other air craft.

**Repealing Oil Subsidies:** The Act contains provisions that would repeal the deduction for Intangible Drilling and Development Costs in the case of oil and gas wells.

**Dual Capacity Taxpayers:** This proposed section of the Act would allow a dual capacity tax payer to treat as a creditable tax the portion of the foreign levy that does not exceed the foreign levy that the tax payer would pay if they were not a dual capacity taxpayer.

**Increased Target for Trigger for Joint Committee on Deficit Reduction:** The provision increases the target of the Joint Committee to reflect the cost of this bill. The Act also provides that if the Joint Select Committee on Deficit Reduction achieves additional savings in the amount of the cost of these jobs creation provisions, the offsets do not take effect.

RESOLUTION

The proposed resolution supports and calls on the United States Congress to immediately act on the President's proposed American Jobs Act 2011, which would provide tax relief for American workers and businesses, put workers back on the job while building and modernizing America, and provide pathways back to work for Americans looking for jobs.

The resolution takes note of the impacts that the "Great Recession" has had on our nation and the high unemployment that workers throughout the country, New York State and New York City are facing. The proposed resolution supports the tax relief for workers and employers and tax incentives to spur investment in plants and equipment, the proposed investments to keep teachers and first responders working, the plans for infrastructure improvements and proposals to get unemployed workers back to work. The resolution asks that careful consideration be given to certain provisions dealing with the limitation of tax deductions to guard against adverse impacts on those in areas with high costs of living where incomes may be higher such as New York City, and on charitable giving and certain family partnerships.

The proposed resolution concludes that the economic effects of the "Great Recession" make it necessary to rebuild and reform the American economy to promote growth and stability for American workers and businesses and calls on Congress to immediately act on the President's proposal.

<sup>1</sup> Bureau of Labor Statistics Data <http://data.bls.gov/timeseries/LNS14000000>

<sup>2</sup> " American Jobs Act" [www.whitehouse.gov/sites](http://www.whitehouse.gov/sites) , "Fact Sheet: The American Jobs Act/The White House [www.whitehouse.gov/sites](http://www.whitehouse.gov/sites), and "Section by Section Analysis and Explanation of the American Jobs Act of 2011"

Accordingly, this Committee recommends its adoption.

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

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, LARRY B. SEABROOK; Committee on State and Federal Legislation, September 20, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote.

Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 1030** to be adopted.

The following five Council Members formally voted against this item: Council Members Halloran, Ignizio, Ulrich, Vallone, Jr., and Oddo.

The following Council Member formally abstained from voting on this item: Council Member Gentile.

Adopted by the Council by voice vote.

**INTRODUCTION AND READING OF BILLS**

Res. No. 1024

**Resolution calling upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.**

By The Speaker (Council Member Quinn) and Council Members Arroyo, Chin, Crowley, Levin, Vallone, Jackson, Sanders, Nelson, Gennaro, Recchia, Seabrook, Mark-Viverito, Comrie, Dickens, Eugene, Fidler, Gentile, James, Lander, Mendez, Rose, Van Bramer, Vann, Williams, Cabrera, Koppell, Vacca, Palma, Foster and Halloran.

**Whereas,** A significant number of workers and volunteers participated in rescue, recovery and clean-up after the terrorist attacks on the World Trade Center of September 11, 2001; and

**Whereas,** Those who participated in the rescue and recovery effort at the World Trade Center (WTC) and those who lived, worked, attended school or were otherwise present in the area around the WTC on or after September 11 were exposed to a variety of environmental toxins; and

**Whereas,** A significant number of people who continue to suffer the physical and psychological effects of the attacks, may develop additional or more severe illnesses in the future; and

**Whereas,** The WTC Centers of Excellence in the City of New York that screen and treat those affected by the 9/11 attacks have struggled to maintain and improve their services without a steady stream of federal funding; and

**Whereas,** The James Zadroga 9/11 Health and Compensation Act (Zadroga Act), signed by President Barack Obama in January 2011, provides for medical monitoring and treatment of first responders, area residents, workers, students, and others affected by the 9/11 terrorist attacks; and

**Whereas,** The Zadroga Act established the World Trade Center Health Programs within the National Institute for Occupational Safety and Health (NIOSH) to provide care to those affected by the 9/11 terrorist attacks and reopened the September 11 Victims Compensation Fund to provide compensation for damages incurred by first responders and others who did not file a claim before or became ill after the Fund was previously closed; and

**Whereas,** The Zadroga Act only provides care and treatment for illnesses that are specifically on the list of approved World Trade Center-related health conditions, but requires the Administrator of the World Trade Center Health Program to periodically review scientific and medical evidence to determine if cancers should be added to the list; and

**Whereas,** Cancer is not currently on the list of World Trade Center-related health conditions; and

**Whereas,** Both City employees and residents who were at the WTC sites on 9/11 or shortly thereafter were exposed to and inhaled cancer-causing toxins such as benzene, dioxin, asbestos and polycyclic aromatic hydrocarbons during the rescue, recovery and clean-up efforts; and

**Whereas,** "A Case Series on Multiple Myeloma in the World Trade Center Responders" was published in the August 2009 issue of the *Journal of Occupational and Environmental Medicine*, which ultimately confirmed at least 16 cases of multiple myeloma, a cancer of the white blood cells, out of approximately 28,000 responders when there are on average fewer than 7 cases per year expected for every 100,000 people in the United States; and

**Whereas,** Multiple myeloma is expected to occur in less than 2 people out of 100,000 under the age of 45 and there were 6 cases of multiple myeloma out of the approximately 28,000 responders who were diagnosed with this cancer and were under the age of 45; and

**Whereas,** The annual number of cancer cases approved for disability by the Police Pension Board has more than tripled from approximately 6 cases per year prior to 2005 to 20 cases per year since; and

**Whereas,** On October 13, 2009 New York City Police Commissioner, Raymond W. Kelly, added the names of ten uniformed members of the New York City Police Department that died of cancer to the Police Wall of Remembrance, declaring that their mission to aid in the recovery effort resulted in them becoming casualties; and

**Whereas,** In 2005, the New York State Legislature enacted Section 13-252.1 of the New York City Administrative Code (Administrative Code), known as the World Trade Center Presumption Bill, which amended the New York State Retirement and Social Security Law and the Administrative Code, to create a presumption that certain future onset health conditions or impairments, including cancer, suffered by police officers and other public employees who participated in the rescue, recovery and clean-up of the WTC sites, are presumed to have been caused by WTC-related exposure that occurred in the performance of duty, thereby entitling affected employees to an accident disability pension; and

**Whereas,** On July 26, 2011, despite evidence to the contrary, Dr. John Howard, administrator of the World Trade Center Health Program, reviewed scientific and medical findings on Ground Zero health, and found that insufficient evidence exists to add cancer to the list of World Trade Center-related conditions that would be covered under the Zadroga Act; and

**Whereas,** This decision created a great deal of controversy, among many 9/11 victims, first responders and volunteers who demanded that cancer be included as one of the covered illnesses; and

**Whereas,** A study recently conducted by the New York City Fire Department that was published on September 1, 2011 in *The Lancet*, one of the world's most respected medical journals, found that male firefighters who worked at Ground Zero had a 10 percent higher overall cancer incidence ratio when compared to a similar demographic mix from the general American male population, and a 32 percent higher cancer incidence than in male firefighters who were not exposed to Ground Zero toxins, with an elevated risk of melanoma, thyroid and prostate cancers and non-Hodgkin's lymphoma; and

**Whereas,** After the release of the study in *The Lancet*, Representatives Jerrold Nadler, Carolyn Maloney, Peter King and Charles Rangel and Senators Charles Schumer and Kirsten Gillibrand filed a petition on September 7, 2011 pursuant to section 3312(a)(6) of the Zadroga Act, with the World Trade Center Health Program administrator, Dr. John Howard, that would require Dr. Howard to review new evidence finding a higher incidence of cancer among 9/11 responders who worked at Ground Zero and consider within sixty (60) days whether or not to add coverage for cancers under the James Zadroga 9/11 Health and Compensation Act; and

**Whereas,** It is now clear from numerous studies and reports that those who worked and volunteered at Ground Zero engaging in rescue, recovery and rebuilding efforts were exposed to a higher risk of cancer and that those who developed cancer after working at Ground Zero should undoubtedly receive care and treatment under the James Zadroga 9/11 Health and Compensation Act; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Civil Service and Labor).

Int. No. 673

By Council Members Barron, Dickens, Eugene, James, Mendez, Rose, Sanders, Seabrook, Williams and Foster.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the New York City Police Department to report on arrests of juveniles.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-150 of the administrative code of the city of New York is amended by adding a new paragraph 9 to read as follows:

9. A report of the total number of individuals aged eighteen and under arrested for violations, and for each arrest (i) the charge, whether penal law or other section of law; (ii) the age of the individual arrested; (iii) the race of the individual arrested; (iv) the precinct of the arrest; and (v) whether or not the location of the arrest corresponds to the address of a school run by the Department of Education.

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

Referred to the Committee on Public Safety.

Res. No. 1025

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation requiring City marshals to carry credit card devices to allow drivers and vehicle owners to pay for traffic tickets to prevent their vehicles from being towed.**

By Council Members Barron, Dickens, Eugene, Fidler, Gentile, James, Nelson, Rose, Seabrook, Vann, Williams, Foster and Halloran.

**Whereas,** The New York City Civil Court Act authorizes the Mayor to appoint up to eighty-three City marshals to serve as enforcement officers of the Civil Court; and

**Whereas,** The Appellate Division of the Supreme Court is responsible for promulgating rules and regulations concerning the performance of official duties by City marshals; and

**Whereas,** City marshals are independent public officers whose income comes from collecting fees from the private litigants whose judgments they enforce and also from retaining five percent of any money they collect on such judgments; and

**Whereas,** City marshals enforce court orders related to evictions, money judgments, traffic infractions, and orders for the seizure of property; and

**Whereas,** If a vehicle owner has past-due traffic tickets amounting to over three hundred and fifty dollars, the New York City Department of Finance can obtain a judgment against the vehicle owner and hire a marshal to enforce it; and

**Whereas,** The marshal may locate and tow the car and the owner will have ten business days to pay the judgment, the tow charge, and any additional marshal's fees, in order to redeem the car; and

**Whereas,** Vehicles that are not redeemed within ten business days are auctioned at a regularly scheduled auction held by the City marshal's office; and

**Whereas,** Vehicle owners can pay City marshals at either the marshal's office or the tow yard by cash, certified check, money orders, or certain types of credit cards; and

**Whereas,** If a vehicle owner or driver could pay the traffic fines before the vehicle is towed by a marshal, it would prevent the owner from being without his or her vehicle and would allow the owner to avoid the additional charges associated with towing; 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 requiring City marshals to carry credit card devices to allow drivers and vehicle owners to pay for traffic tickets to prevent their vehicles from being towed.

Referred to the Committee on Transportation.

Res. No. 1026

**Resolution calling upon the New York State Legislature to pass a law that would make it illegal for employers to ask prospective job applicants whether they have been convicted of a crime or have been incarcerated.**

By Council Members Barron, Williams, Rose and Foster.

**Whereas,** It is legal in New York for prospective employers to ask in applications and during interviews whether an individual has a criminal record or has been incarcerated; and

**Whereas,** It is illegal in New York to discriminate against prospective employees on the basis of past criminal record unless there is a direct relationship between their offence and the employment sought or there is an unreasonable risk to property or the safety of people; and

**Whereas,** According to the New York State Corrections law, the public policy of this state is to encourage the employment of persons previously convicted of criminal offenses; and

**Whereas,** According to federally compiled statistics, 30 percent of all people released from prison are rearrested within the following six months, 44 percent within the first year, and 67.5 percent within three years; and

**Whereas,** According to published reports, one of the reasons the recidivism rate is so high, is that individuals with criminal records have difficulty obtaining gainful employment because of their criminal record; and

**Whereas,** Published studies have found that an individual's likelihood of committing a crime is correlated with their work status; and

**Whereas,** Published reports have also found that employers discriminate against individuals with criminal records, even when the position sought is completely unconnected to the previous crime; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass a law that would make it illegal for employers to ask prospective job applicants whether they have been convicted of a crime or have been incarcerated.

Referred to the Committee on Civil Service and Labor.

Res. No. 1027

**Resolution honoring the life and legacy of Sam Cooke and declaring that January 22<sup>nd</sup> of each year be celebrated as a holiday in memory of this great and renowned singer and songwriter.**

By Council Members Barron, Foster, James, Lander, Nelson, Rose, Sanders, Seabrook, Vann and Williams.

**Whereas,** Sam Cooke is known as an American icon, a renowned singer and songwriter, having written and sung an incredible array of songs in genres including Rhythm and Blues, Soul, Gospel and Pop; and

**Whereas,** According to the music collection, "The Man Who Invented Soul," Sam Cooke had 29 Top 40 hits in the United States between 1957 and 1964, including "You Send Me," "A Change Is Gonna Come," "Chain Gang," "Wonderful World," and "Bring It On Home To Me;" and

**Whereas,** Sam Cooke is also widely known to be among the first modern black performers and composers that was actively involved with the business side of his illustrious career, whereby using his entrepreneurial skills to establish both a record label and a publishing company; and

**Whereas,** As noted in a Newsweek article, Sam Cooke was acclaimed as "a bravura vocal stylist who blazed the path for a generation of singers from Otis Redding and Wilson Pickett to Aretha Franklin and Al Green;" and

**Whereas,** Many music historians and admirers believe that Sam Cooke may have been the most important soul singer in history, was the inventor of soul music, and was a most popular and beloved performer in both the black and white communities; and

**Whereas,** According to Gale Musician Profiles, Cooke also introduced black phrases into the popular music lover's vocabulary with songs like "Bring It On Home To Me" and his posthumous release "A Change Is Gonna Come," which according to Gale gave new social overtones to a familiar black expression; and

**Whereas,** Sam Cooke died a tragic death at the age of 33 in December 1964; and

**Whereas,** Posthumous honors for Sam Cooke include his 1986 induction as a charter member of the Rock and Roll Hall of Fame, his 1999 Grammy Lifetime Achievement Award, being listed as #16 in 2004 by Rolling Stone on their list of "100 Greatest Artists of All Time," and the 2008 declaration by Rolling Stone to be the fourth "Greatest Singer of All Time;" now, therefore, be it

**Resolved,** That the New York City Council honors the life and legacy of Sam Cooke and declares that January 22<sup>nd</sup> of each year be celebrated as a holiday in memory of this great and renowned singer and songwriter.

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

Res. No. 1028

**Resolution calling on the Chancellor of the New York City Department of Education to amend Chancellor's Regulation A-655, regarding mandatory members of School Leadership Teams (SLT), to include one parent of a child with an Individualized Education Program (IEP).**

By Council Members Crowley, Barron, Chin, Foster, Gennaro, James, Koppell, Lander, Mendez, Recchia, Rose, Seabrook, Vacca, Williams and Halloran.

**Whereas,** The New York City Department of Education (DOE) is the largest system of public schools in the United States, serving about 1.1 million students in nearly 1,700 schools; and

**Whereas,** The DOE is led by the New York City Schools Chancellor, who promulgates rules and regulations called the Chancellor's Regulations; and

**Whereas,** The Chancellor's Regulations address a wide range of policies and are categorized into four Volumes; and

**Whereas,** Volume A addresses student-related issues, from admissions to promotion, Volume B addresses school-based budgeting, Volume C addresses employee issues, from hiring to termination, and Volume D addresses parent and community involvement; and

**Whereas,** Currently, Chancellor's Regulation A-655 requires the establishment of School Leadership Teams (SLTs) in every New York City public school, which, according to the DOE, are a "vehicle for developing school-based educational policies and ensuring that resources are aligned to implement those policies;" and

**Whereas,** Chancellor's Regulation A-655 further states that the SLTs should have a minimum of 10 members and a maximum of 17 members; and

**Whereas,** SLT membership must include the school's principal, the Parent Association/Parent-Teacher Association (PA/PTA) President and the United Federation of Teachers (UFT) Chapter Leader, or their designees; and

**Whereas,** In addition to those mandatory members, the SLTs must also include other parents from the school and school staff (pedagogic and/or non-pedagogic) in equal numbers; and

**Whereas,** Currently, there is no requirement that one of the parents on the SLT be the parent of a child with an Individualized Education Program (IEP); and

**Whereas,** The IEP is a written document that is developed for each public school child who is eligible for special education and sets forth recommended goals and services designed to meet the student's educational needs; and

**Whereas,** The DOE recognized the importance of including the parent of a student with an IEP when creating educational policy in Chancellor's Regulation D-140, which mandates that each Community Education Council have at least one member who is a parent of a student with an IEP; and

**Whereas,** Parents of children with IEPs would be an asset to the SLT because they often have a unique perspective and experience of the school's performance and needs and are an important voice in the school community; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Chancellor of the New York City Department of Education to amend Chancellor's Regulation A-655, regarding mandatory members of School Leadership Teams (SLT), to include one parent of a child with an Individualized Education Program (IEP).

Referred to the Committee on Education.

Res. No. 1029

**Resolution calling upon the 112<sup>th</sup> United States Congress to pass, and the President to sign, the Immigration Oversight and Fairness Act (H.R. 933), to reform immigration detention procedures and help ensure more just detention policies and procedures.**

By Council Members Dromm, Brewer, Chin, Dickens, Ferreras, James, Koslowitz, Lander, Mendez, Rose, Seabrook, Williams, Foster and Mark-Viverito.

**Whereas,** According to the Pew Research Center, undocumented immigrants residing in the United States totaled 11.2 million in the year 2010; and

**Whereas,** With approximately 625,000 undocumented immigrants, New York State is home to the third largest such population in the nation; and

**Whereas,** New York City is home to approximately three million immigrants; and

**Whereas,** United States Immigration and Customs Enforcement (ICE) is the largest investigative arm of the United States Department of Homeland Security (DHS); and

**Whereas,** ICE has two operating components, one of which is Enforcement and Removal Operations (ERO); ERO's primary responsibility is to identify and apprehend undocumented immigrants, transport immigrants, manage immigrants in custody, provide access to legal resources and advocacy groups, and remove immigrants from the United States who were ordered to be deported; and



**Whereas**, According to DHS, approximately 32,000 undocumented immigrants are held in detention centers on a daily basis and approximately 400,000 undocumented immigrants were deported in both FY 2009 and FY 2010; and

**Whereas**, On August 6, 2009, ICE announced major reforms to its immigration detention system and created the Office of Detention Policy and Planning (ODPP); and

**Whereas**, According to ICE, ODPP is charged with shaping the future designs, locations, and standards for civil immigration detention facilities; and

**Whereas**, For example, through ODPP, ICE introduced an online detainee location system that allows families to locate a relative in ICE's custody; and

**Whereas**, Reports indicate that ICE has improved some aspects of immigration detention procedures, but more needs to be done to ensure that a humane system is in place in immigration detention centers; and

**Whereas**, ICE's operation manual entitled "Performance Based National Detention Standards" is evaluated and updated annually; and

**Whereas**, According to the American Civil Liberties Union, many immigration detention centers are privately run and, therefore, are not bound to, or covered by, ICE's Performance Based National Detention Standards; and

**Whereas**, To ensure that ICE is held to a higher standard, on March 3, 2011, United States Congress Members Lucille Roybal-Allard, Jared Polis, and Barney Frank introduced the Immigration Oversight and Fairness Act (H.R. 933); and

**Whereas**, If enacted, the Immigration Oversight and Fairness Act would direct DHS to (1) convene a detention advisory committee; (2) promulgate regulations regarding detainee care and custody; (3) implement secure alternatives to detention, including programs under which eligible detainees are released under supervision, assistance, and monitoring that ensure their appearance at all immigration interviews, appointments, and hearings; and (4) provide protective detention alternatives for specified categories of vulnerable detainees; and

**Whereas**, If enacted, the Immigration Oversight and Fairness Act would allow ICE to notify immigrant detainees of their rights to: (i) access medical care; (ii) access telephones in order to communicate with their family members, attorneys, and foreign consulates; and (iii) be eligible for alternative detention programs; and

**Whereas**, The Immigration Oversight and Fairness Act would require DHS to convene a detention advisory committee, which would ensure government accountability and enforce compliance with the laws regarding immigrant detainees; and

**Whereas**, The Immigration Oversight and Fairness Act would also allow for the expansion of community based alternatives to detention for eligible immigrants in ICE's custody; and

**Whereas**, In 2010, as part of ICE's major overhaul of its detention procedures, ICE announced the closure of the Varick Federal Detention Facility, the only immigration detention center in New York City; and

**Whereas**, Due to the closure of the Varick Federal Detention Facility, immigrant detainees were transferred to other detention centers, sometimes out of state and far away from their families, support systems, and attorneys; and

**Whereas**, Enacting this bill is of vital importance to the City's immigrant community because New York City no longer hosts an immigration detention center, and this bill would allow detainees the opportunity to pursue alternative forms of detention that would allow them to be closer to their families and their support systems; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the 112<sup>th</sup> United States Congress to pass, and the President to sign, the Immigration Oversight and Fairness Act (H.R. 933), to reform immigration detention procedures and help ensure more just detention policies and procedures.

Referred to the Committee on Immigration.

Res. No. 1030

**Resolution supporting and calling on the United States Congress to immediately act on, the President's proposed American Jobs Act 2011, which would provide tax relief for American workers and businesses, put workers back on the job while building and modernizing America, and provide pathways back to work for Americans looking for jobs.**

By Council Members Foster, Koslowitz, Jackson, Reyna, Dickens, Arroyo, Chin, Comrie, James, Koppell, Lander, Mendez, Rose, Sanders, Seabrook, Van Bramer, Vann and Williams.

**Whereas**, On September 8, 2011, President Obama announced the American Jobs Act in a joint session of Congress; and

**Whereas**, The President's proposed plan would provide for a \$447 billion package of tax cuts and new government spending; and

**Whereas**, The President seeks to not only stimulate the current economy, but also rebuild the American economy with the proposed American Jobs Act ; and

**Whereas**, According to the New York State Department of Labor's most recent statistics the unemployment rate in New York City is 8.8% and New York State 8.0% ; and

**Whereas**, According to the United States Department of Labor, the unemployment rate for the country is 9.1%

**Whereas**, Reuters has reported on September 15, 2011, that the number of Americans filing new claims for state unemployment aid rose unexpectedly to 428,000 in the week ended on September 10, 2011; and

**Whereas**, The American Jobs Act proposes three tax cuts to provide immediate incentives to hire and invest; and

**Whereas**, The American Jobs Act would cut the pay roll tax in half to 3.1% for employers on the first \$5 million in wages and provide for a suspension of any taxes for any growth in payroll due to new hires or wages for existing workers up to \$50 million; and

**Whereas**, The proposed plan calls for the largest temporary investment incentive in history, allowing all firms to take an immediate deduction on investments in new plants and equipment; and

**Whereas**, The President is proposing to invest \$35 billion to prevent teacher layoffs of up to 280,000 teachers, while supporting the hiring of tens of thousands more and keeping police officers and firefighters on the job; and

**Whereas**, The proposed plan calls for a series of infrastructure improvements such as modernizing over 35,000 public schools, improving roads, rail roads , airports and refurbishing foreclosed abandoned properties; and

**Whereas**, The American Jobs Act seeks to provide increased assistance to unemployed workers seeking employment, requiring states to design more rigorous reemployment services for the long term unemployed; and

**Whereas**, The President's plan will provide continued tax cuts for all American workers and their families averaging \$1,500 for a family earning \$50,000 per a year and; and

**Whereas**, Certain provisions dealing with the limitation of tax deductions should be carefully considered to guard against adverse impacts on those in areas with high costs of living where incomes may be higher such as New York City, and on charitable giving and certain family partnerships;

**Whereas**, In order to ensure that that the American Jobs Act is fiscally prudent the President will call on the Joint Select Committee on Deficit Reduction to determine additional deficit reduction necessary to pay for the Act and still meet its deficit target ; and

**Whereas**, According to the Economic Policy Institute, the most recent recession, known as "The Great Recession" officially lasted from December 2007 through June 2009, this has been the longest recession since the Great Depression; and

**Whereas**, As 2011 comes to a close the Country, State and City are still experiencing the negative impacts of the Great Recession. It is necessary to rebuild and reform the American economy to promote growth and stability for American workers and businesses ; now, therefore, be it

**Resolved**, That the Council of the City of New York supports and calls on the United States Congress to immediately act on, the President's proposed American Jobs Act 2011, which would provide tax relief for American workers and businesses, put workers back on the job while building and modernizing America, and provide pathways back to work for Americans looking for jobs.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on State & Federal Legislation).

Int. No. 674

By Council Members Garodnick, Ferreras, Dromm, Chin, Comrie, Gennaro, James, Lander, Rose, Seabrook, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to creating and requiring the use of a model contract for the sale of used automobiles.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter eleven of chapter two of title twenty of the New York city administrative code is amended by adding a new section 20-274 to read as follows:

§ 20-274 **Model contract for the sale of secondhand automobiles.** a. Contract to be created by the department of consumer affairs. On or before January first two-thousand and twelve, the department shall create a model contract in English and Spanish to be used for the sale of a secondhand automobile in the city of New York, which shall be written in a size and style to be determined by the commissioner. Such model contract shall require, at minimum, the following information: (i) the make and model of such automobile; (ii) an itemized list of costs associated with such automobile, including options such as air conditioning, audio systems, power-assisted brakes, heated seats, rear window defroster, power mirrors and alarm systems; (iii) the final cost of such automobile including taxes and other fees; (iv) if the automobile is to be leased or paid in monthly installments the total number of monthly installments, the total cost of each monthly installment and the date upon which such monthly installments shall cease; (v) any charges related to such automobile dealer's provision of registration and/or certificate of title to the buyer in accordance with section 396-QQ of article twenty-six of the New York state general

business law; and (vi) disclosures related to the buyer's guide and warranty pursuant to the Federal Trade Commission and section 198-b of article 11-A of the New York state general business law.

b. Model contract use required. Secondhand automobile dealers licensed by the department in accordance with section 20-265 of the administrative code shall be required to use such model contract in any and all sales of secondhand automobiles.

c. Penalties. Failure to use the model contract as required by subdivision b of this section may result in suspension or revocation of a secondhand automobile license by the commissioner.

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

Referred to the Committee on Consumer Affairs.

Int. No. 675

By Council Members Garodnick, Dromm, Ferreras, Barron, Chin, Comrie, Fidler, Foster, Gennaro, James, Koslowitz, Lander, Mendez, Seabrook and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting and distribution of information related to secondhand automobile buyers' rights.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter eleven of chapter two of title twenty of the administrative code of the city of New York is amended by adding a new section 20-274 to read as follows:

§ 20-274. **Required disclosures related to secondhand automobile buyers' rights.** a. List of secondhand automobile buyer's rights to be created by the department of consumer affairs. On or before January first two-thousand and twelve, the department shall create a list of secondhand automobile buyers' rights that shall be: (i) posted in secondhand automobile dealerships; and (ii) distributed to prospective secondhand automobile buyers. Such disclosures shall include, at minimum, the following: (i) all secondhand automobile dealers in New York city are required to have a valid secondhand automobile dealers license prominently displayed at the dealership; (ii) prospective secondhand automobile buyers may retrieve the complaint history of a secondhand automobile dealer by calling "311" and referencing the secondhand automobile dealer's license number; (iii) every secondhand automobile on display in a dealership must pursuant to federal law have a "Used Car Buyer Guide" displayed in its window that describes warranty rights; (iv) in New York State, secondhand automobile dealers must provide written warranties on used automobiles priced at one thousand and five hundred dollars or more with a mileage of less than one hundred thousand miles; and (v) "bait and switch" tactics are prohibited—a secondhand automobile dealer may not advertise an automobile with no intention to sell such advertised automobile.

b. Required posting of secondhand automobile buyer's rights. Secondhand automobile dealers licensed by the department in accordance with section 20-265 of the administrative code shall conspicuously post such list of buyer's rights, in English and Spanish, and in a size and style to be determined by the commissioner, in dealership showrooms where secondhand automobiles are displayed for purchase.

c. Required distribution of secondhand automobile buyers' rights. At the time a secondhand automobile dealer licensed by the department in accordance with section 20-265 of the administrative code presents a sales contract to a prospective buyer for the buyer's signature, such dealer shall provide such prospective buyer with such list of buyer's rights in English and Spanish, and in a size and style to be determined by the commissioner.

§ 2. This local law shall take effect immediately upon enactment; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

Int. No. 676

By Council Members Lappin, James, Koslowitz, Seabrook and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the number of hours certain owners of individual taxicab medallions are required to personally drive their vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-504.1 to read as follows:

§ 19-504.1. Minimum requirements waived. Notwithstanding any other provision of law, there shall be no minimum number of hours, days, or shifts, for which an owner of a single taxicab medallion shall be required to personally operate said taxicab, where the owner of such taxicab medallion is:

a. An individual who has attained at least the age of 62 years;

b. An individual who has served in the United States military, including but not limited to the military reserves or a state national guard, during any period designated by the United States department of veterans affairs as a period of war; or

c. Any individual who obtained said taxicab medallion as the result of the death of a spouse who owned said taxicab license at the time of his or her death.

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

Referred to the Committee on Transportation.

Res. No. 1031

**Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 655-A.**

By Council Member Lappin.

**Whereas**, The enactment of Proposed Int. No. 655-A is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

**Whereas**, The Mayor's Office of Environmental Coordination has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement for this bill, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

**Whereas**, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

**Whereas**, After such consideration and examination, the Council has determined that a Negative Declaration should be issued; and

**Whereas**, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

**Resolved**, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

Adopted by the Council (preconsidered and approved by the Committee on Health).

Int. No. 677

By Council Members Recchia, Comrie, Dickens, Rose, Seabrook, Williams and Koo (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in seven business improvement districts.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 34<sup>th</sup> Street business improvement district beginning on July 1, [2008] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine million two hundred ninety-one thousand five hundred dollars (\$9,291,500)] *nine million nine hundred forty thousand dollars (\$9,940,000)*.

§ 2. Subdivision a of section 25-427 of the administrative code of the city of New York, as amended by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Grand Central business improvement district beginning on July 1, [2005] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eleven million five hundred sixty-five thousand five hundred forty dollars (\$11,565,540)] *twelve million seven hundred nine thousand three hundred seventy-two dollars (\$12,709,372)*.

§ 3. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125<sup>th</sup> Street business improvement district beginning on July 1, [2010] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight hundred sixty-seven thousand three hundred ninety dollars (\$867,390)] *nine hundred forty-seven thousand eight hundred twenty dollars (\$947,820)*.

§ 4. Subdivision a of section 25-445 of the administrative code of the city of New York, as amended by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Kings Highway business improvement district beginning on July 1, [2005] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred fifty thousand dollars (\$250,000)] *two hundred ninety thousand dollars (\$290,000)*.

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-449.1 to read as follows:

§ 25-449.1 *Mosholu-Jerome-East Gun Hill Road business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Mosholu-Jerome-East Gun Hill Road business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred fifty-nine thousand dollars (\$259,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Mosholu-Jerome-East Gun Hill Road business improvement district plan.*

§ 6. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-464.1 to read as follows:

§ 25-464.1 *Fordham Road business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fordham Road business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of six hundred twenty-five thousand dollars (\$625,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Fordham Road business improvement district plan.*

§ 7. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-474.1 to read as follows:

§ 25-474.1 *Bayside Village business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bayside Village business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of*

*this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one hundred fifty-five thousand dollars (\$155,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Bayside Village business improvement district plan.*

§ 8. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2011.

Referred to the Committee on Finance.

Res. No. 1032

**Resolution concerning the increase in the annual expenditure for the 34<sup>th</sup> Street, the Grand Central, the 125<sup>th</sup> Street, the Kings Highway, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.**

By Council Members Recchia, Cabrera, Comrie, Dickens, Seabrook, Williams and Koo.

**Whereas**, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law") the City established the 34<sup>th</sup> Street, the Grand Central, the 125<sup>th</sup> Street, the Kings Highway, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts in the City of New York; and

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

**Whereas**, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

**Whereas**, the seven Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2011 as follows: 34<sup>th</sup> Street, \$9,940,000; Grand Central, \$12,709,372; 125<sup>th</sup> Street, \$947,820; Kings Highway, \$290,000; Mosholu-Jerome-East Gun Hill Road, \$259,000; Fordham Road, \$625,000; and Bayside Village, \$155,000; and

**Whereas**, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) \_\_\_\_\_ is the date and the City Council Hearing Room, 16<sup>th</sup> floor, 250 Broadway, Manhattan is the place and \_\_\_\_\_ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the seven Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the 34<sup>th</sup> Street, the Grand Central, the 125<sup>th</sup> Street, the Kings Highway, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road, and the Bayside Village Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the seven Business Improvement Districts.

Referred to the Committee on Finance.

Res. No. 1033

**Resolution calling on the New York State Legislature to pass A.2988-A and S.2328-A, which would expand the provision of school bus transportation to students in cities having a population of one million or more.**

By Council Members Rose, Ignizio, Oddo, Chin, Ulrich, Halloran, Arroyo, Barron, Brewer, Eugene, Gentile, Gonzalez, James, Koslowitz, Mendez, Seabrook, Vacca, Van Bramer, Vann, Williams, Comrie, Cabrera, Dickens, Mark-Viverito and Lappin.

**Whereas**, There are areas in New York City, such as Staten Island, where there is a lack of adequate school transportation options for students; and

**Whereas,** For example, Staten Island has the largest geographical school district in New York State, but lacks the same access to public transportation available in the other four boroughs; and

**Whereas,** According to the New York City Department of City Planning, the population in Staten Island grew by 24.4 percent over the past ten years, and its public school population is expected to grow by 8 percent; and

**Whereas,** New York State Assembly bill A.2988-A, by Assemblyman Michael Cusick, and Senate bill S.2328-A, by Senator Andrew Lanza, would close the gap in the school transportation system that currently exists for students in New York City; and

**Whereas,** These bills expand eligibility for school bus service to grades 7 and 8 where the student lives more than 1 mile away from school and to siblings of K-2 students who are in grades 3-5 and live more than .5 mile away from school; and

**Whereas,** A lack of school transportation services is potentially creating a dangerous situation for students who have to travel long distances and cross dangerous intersections; and

**Whereas,** On June 28, 2011, Aniya Williams, age 13, a resident of Staten Island and student at the Staten Island School of Civic Leadership, was fatally struck by a tractor-trailer as she was crossing a busy intersection to catch a public bus after leaving school; and

**Whereas,** These bills will decrease these unnecessary and potentially dangerous student trips; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass A.2988-A and S.2328-A, which would expand the provision of school bus transportation to students in cities having a population of one million or more.

Referred to the Committee on Transportation.

Int. No. 678

By Council Members Van Bramer, Brewer, Ferreras, Fidler, James, Koppell, Lander, Rose, Williams, Mark-Viverito and Halloran.

**A Local Law to amend the New York city charter, in relation to community involvement in decisions of the board of standards and appeals.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 9 of section 666 of the New York city charter, as amended by local law 49 of 1991, is hereby amended to read as follows:

9. To afford an equal right to the city planning commission, community boards, and borough boards and lessees and tenants as well as owners to appear before it for the purpose of proposing arguments or submitting evidence in respect of any matter brought before it pursuant to the zoning resolution of the city of New York. *The board shall promulgate rules in order to establish a formal procedure by which it will consider arguments and evidence submitted by any such party. In rendering a final determination on any matter before it in which any such party has proposed arguments or submitted evidence, the board shall refer to such arguments or evidence in its final determination and describe the extent to which the board considered such arguments or evidence in reaching its final determination.*

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

Referred to the Committee on Governmental Operations.

Int. No. 679

By Council Members Van Bramer, Ferreras, Fidler, James, Koppell, Lander, Seabrook and Williams.

**A Local Law to amend the New York city charter, in relation to expanding the membership of the board of standards and appeals.**

*Be it enacted by the Council as follows:*

Section 1. Section 659 of the New York city charter, as amended by local law 49 of 1991, is hereby amended to read as follows:

§ 659. Constitution and apportionment. a. There shall be an independent board of standards and appeals located within the office of administrative trials and hearings. The board of standards and appeals shall consist of [five] *sixteen* members to be termed commissioners, *five* to be appointed by the mayor, *one* to be appointed by the public advocate, *five* to be appointed, *one* each, by the borough presidents, and *five* to be appointed by the council, each for a term of six years.

b. One of the members *appointed by the mayor, and one of the members appointed by the council,* shall be a planner with professional qualifications and at least ten years' experience as a planner. One of the members *appointed by the mayor,*

*and one of the members appointed by the council,* shall be a registered architect and shall have had at least ten years' experience as an architect. One of the members *appointed by the mayor, and one of the members appointed by the council,* shall be a licensed professional engineer and shall have had at least ten years' experience as an engineer. The mayor shall designate one of the members, who shall have the required experience as an architect, planner or as an engineer, to serve as chair and shall designate one of the members to serve as vice-chair, who shall act as chair in the absence of the chair or in the event that a vacancy exists in the office of chair. Of the *five* members *appointed by the mayor and the five members appointed by council, respectively,*[no more than two] *each* shall be a resident[s] of [any one]*a different borough.*

c. Every member of the board shall receive a salary, which shall not be reduced during his or her term of office except in case of general reduction of salaries and in proportion to reductions of salaries of other officers with similar salaries. A member shall not engage in any other occupation, profession or employment. Members shall attend the hearings and executive sessions of the board, and shall perform such other duties as may be required by the chair.

d. Vacancies shall be filled by [the mayor] *whomever made the appointment* for the unexpired term of the member whose place has become vacant and with a person having his or her qualifications.

§ 2. Subdivision 6 of section 666 of the New York city charter, as amended by local law 49 of 1991, is hereby amended by adding a new paragraph d, to read as follows:

*(d) each appeal shall be decided by a panel made up of the members appointed by the mayor, the members appointed by the council, the member appointed by the public advocate, and the member appointed by the borough president for the affected borough. A majority vote of these twelve panel members shall be required to render a decision. For purposes of this subdivision the term "affected borough" shall mean the borough in which land at issue in an appeal is located. In the event that more than one borough is affected, the chair shall select one commissioner of an affected borough to be on the panel deciding the appeal.*

§ 3. This local law shall become effective ninety days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 680

By Council Members Van Bramer, Ferreras, James, Rose, Seabrook, Williams and Mark-Viverito.

**A Local Law to amend the New York city charter, in relation to the creation of a community advisory review panel for zoning variance and special permit applications.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 4 of subdivision a of Section 668 of the New York city charter is amended to read as follows:

4. (i) The receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, shall constitute an authorization to the board of standards and appeals to review the application and to make a decision[.], *unless such application is referred to the community advisory review panel.*

*(ii) No later than three days after an application to vary the zoning resolution or application for a special permit first appears on the board's published hearing calendar, any person or persons residing within the affected community district may file a petition to have the matter referred to the community advisory review panel. The petition shall be signed and notarized, and shall state the basis for referral. The board shall then refer the matter to the community advisory review panel, except that the board may decline to refer a matter to the community advisory review panel if it finds that a petition was filed in bad faith.*

*(iii) A matter referred to the community advisory review panel shall be reviewed by a panel that consists of three members, including a representative of the city planning commission, a representative of the community board for the affected community district, and a representative of the council member for the affected council district. Within thirty days of the date on which a matter is referred to the panel, the panel may hold a public hearing on the matter and submit a recommendation to the board. In the event the panel does not convene within such period, the matter shall be returned to the board with no recommendation.*

*(iv) Upon receipt of a recommendation from the panel, the board shall proceed with its review of the application before it. In rendering a decision, the board shall consider the panel's recommendation and explain its basis for adopting or rejecting the panel's recommendation.*

*(v) For purposes of this paragraph, the term "affected community district" shall mean the community district in which land at issue in an application is located; the term "affected council district" shall mean the council district in which land at issue in an application is located.*

§ 2. This local law shall become effective ninety days after its enactment; provided, however, that the board of standards and appeals shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Governmental Operations.

Int. No. 681

By Council Members Van Bramer, Ferreras, Fidler, Gennaro, James, Koppell, Seabrook, Williams, Mark-Viverito and Halloran.

**A Local Law to amend the New York city charter, in relation to requiring the advice and consent of the city council for commissioners of the board of standards and appeals.**

*Be it enacted by the Council as follows:*

Section 1. Section 659 of the New York city charter, as amended by local law 49 of 1991, is hereby amended to read as follows:

§ 659. Constitution and apportionment. a. There shall be an independent board of standards and appeals located within the office of administrative trials and hearings. The board of standards and appeals shall consist of five members to be termed commissioners to be appointed by the mayor, each for a term of six years; *provided, however, that each member shall be subject to the advice and consent of the council after a public hearing. Within thirty days after the first stated meeting of the council after receipt of a mayoral nomination for such an appointment, the council shall hold a hearing and act upon such nomination. In the event the council does not act within such period, the nomination shall be deemed to be confirmed.*

§ 2. This local law shall become effective ninety days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 682

By Council Members Van Bramer, Cabrera, Comrie, Ferreras, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Recchia, Rose, Seabrook, Vacca, Williams, Foster and Mark-Viverito.

**A Local Law to amend the New York city charter, in relation to requiring the department of design and construction to provide notice to residents prior to the scheduled interruption of water service.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 55 of the New York city charter is amended by adding a new section 1206 to read as follows:

§1206. *Notice of water service shut off. When, as the result of non-emergency planned work, the department schedules a water shut off that affects residential property, notice of the shut off must be provided to all occupants of such property at least seventy-two hours before the scheduled water shut off is to take place. Such notice shall be delivered to occupants of each residential unit and shall include information relating to the duration of the planned work.*

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

Referred to the Committee on Environmental Protection.

Int. No. 683

By Council Members Van Bramer, Ferreras, Gentile, James, Koppell, Koslowitz, Rose, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to providing reflective equipment to operators of bicycles used for commercial purposes.**

*Be It enacted by the Council as follows:*

Section 1. Paragraph (2) of subdivision a of section 10-157 of the administrative code of the city of New York is amended to read as follows:

(2) by requiring each bicycle operator to wear a *reflective* jacket, vest, or other wearing apparel on the upper part of the cyclist's body while making deliveries, or otherwise riding a bicycle on behalf of the business, the back of which shall indicate the business name and the bicycle operator's individual identification number in lettering and numerals so as to be plainly readable at a distance of not less than ten feet.

§2. Subparagraph (ii) of paragraph (1) of subdivision e of section 10-157 of the administrative code of the city of New York is amended to read as follows:

(ii) *have reflective material affixed thereon and* be readily available at each employment site for use by each bicycle operator; and

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

Referred to the Committee on Transportation.

L.U. No. 483

By Council Member Recchia:

**138-49 Elder Avenue, Block 5137, Lot 118, Queens, Council District No. 20**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 484

By Council Member Comrie:

**Application no. 20115826 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of SDNY 19 Mad Park, LLC d.b.a. SD 26, to establish, maintain and operate an unenclosed sidewalk café located at 19 East 26<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. 485

By Council Member Comrie:

**Application no. C 100310 ZMX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, Council District no. 15, 17.**

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

L.U. No. 486

By Council Member Comrie:

**Application no. N 100311 ZRX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of City of New York concerning Appendix F (Inclusionary Housing designated areas) and related Sections pertaining to the establishment of Inclusionary Housing designated areas in community Districts 3 and 6 and the modification of Section 74-743 within the boundaries of Community District 3.**

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

L.U. No. 487

By Council Member Comrie:

Application no. C 100312 ZSX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, lots 9, 15 & 45) within a Large-Scale General Development bounded by Bone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172<sup>nd</sup> Street, Borough of the Bronx, Community District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by 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. 488

By Council Member Comrie:

Application no. C 100313 ZSX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745 of the Zoning Resolution to allow the distribution of required or permitted accessory off-street parking spaces without regard for zoning lot lines, in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, lots 9, 15 & 45) within a Large-Scale General Development, bounded by Bone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172<sup>nd</sup> Street Borough of the Bronx, Community District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by 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. 489

By Council Member Comrie:

Application no. C 110297 ZSX submitted by Industco Holdings, 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 of the Zoning Resolution to allow residential and non residential uses to be arranged within a building without regard for the use regulation set forth in Section 32-42 (Location within buildings), in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, lots 9, 15 & 45) within a Large-Scale General Development bounded by Bone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172<sup>nd</sup> Street (Block 6491, Lots 207 292 and 8900), Borough of the Bronx, Community District 3 This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by 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. 490

By Council Member Comrie:

Application no. C 110234 HAX submitted by Industco Holdings, LLC, an Urban Development Action Area Designation and Project, located at 1525 West Farms Road and the disposition of this property, Borough of the Bronx, Council District, 15, 17. This matter is subject to Council Review and action pursuant to Sections 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 Zoning and Franchises.

L.U. No. 491

By Council Member Comrie:

Application no. C 110384 ZMX submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 1d, 2a and 2b, Borough of the Bronx, Council District no. 12.

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

L.U. No. 492

By Council Member Comrie:

Application no. 20125039 HKM (N 120042 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Citizens Savings Bank located at 58 Bowery a.k.a. 54-58 Bowery, 150 Canal Street (Block 202, Lot 18) (List No.446, LP-2466).

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

L.U. No. 493

By Council Member Comrie:

Application no. C 110260 PQX submitted by the Administration of Children’s Services and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 629 Courtlandt Avenue (Block 2411, Lot 41) for continued use as a child care center, Community District 1, Borough of the Bronx. 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 Landmarks, Public Siting and Maritime Uses.

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

**ANNOUNCEMENTS:**

Thursday, September 22, 2011

★ *Deferred*  
Committee on ~~ECONOMIC DEVELOPMENT~~ jointly with the  
Committee on ~~COMMUNITY DEVELOPMENT~~ .....10:00 A.M.  
Oversight — Will Under-Banked Communities in New York City benefit from  
banking Development Districts in a post “Great Recession” Economic Climate?  
Queens Borough Hall — 120-55 Queens Boulevard  
..... Karen Koslowitz, Chairperson  
..... Albert Vann, Chairperson

Committee on ~~YOUTH SERVICES~~ .....10:00 A.M.  
Oversight - Addressing the Needs of New York City’s Latino Disconnected Youth.  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Lewis A. Fidler, Chairperson

Committee on ~~GENERAL WELFARE~~ .....10:00 A.M.  
Int. 648 - By Council Members Brewer and Palma - A Local Law to amend the  
administrative code of the city of New York, in relation to requiring the Human  
Resources Administration to prominently display all information relating to youths  
and young adults who apply for public assistance on the agency’s website.

Int. 649 - By Council Members Fidler and Palma - A Local Law to amend the administrative code of the city of New York, in relation to requiring the Human Resources Administration to create a youth and young adult applicant plan.

Int. 657 - By Council Members Palma and Fidler - A Local Law to amend the administrative code of the city of New York, in relation to collecting and reporting data related to youth and young adult access to public assistance.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Annabel Palma, Chairperson

★ *Time Change*

Committee on **AGING** ..... ★1:00 P.M.

Oversight - Evaluating the city’s efforts to assist unemployed New Yorker’s between the ages of 55 – 64 years old.

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Jessica Lappin, Chairperson

Committee on **GOVERNMENTAL OPERATIONS** ..... 1:00 P.M.

Res. 671 - By Council Members Fidler, Dromm, Gennaro, Gentile, Gonzalez, Jackson, James, Koslowitz, Lander, Mark-Viverito, Mendez, Palma, Rose, Seabrook, Vann, Williams, Nelson, Halloran, Koo and Ulrich - Resolution calling on the New York State Legislature to pass and the New York State Governor to sign into law legislation that would require that paper ballots be designed in a more user-friendly manner.

Oversight - Evaluating the Board of Elections’ Performance in the 2011 Primary Election.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... :2:00 P.M.

Oversight - The Revised Environmental Impact Statement on Hydraulic Fracturing and the New York City Drinking Water Infrastructure

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Gennaro, Chairperson

Friday, September 23, 2011

Committee on **PARKS AND RECREATION** jointly with the

Committee on **IMMIGRATION** ..... 1:00 P.M.

Oversight - Concerns Faced by Immigrant New Yorkers Relating to the NYC Parks Department

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

..... Melissa Mark-Viverito, Chairperson

..... Daniel Dromm, Chairperson

Committee on **EDUCATION** ..... 1:00 P.M.

Oversight - DOE’s New School Development Process

Committee Room– 250 Broadway, 14<sup>th</sup> Floor ..... Robert Jackson, Chairperson

Monday, September 26, 2011

★ *Committee Addition*

Committee on **ECONOMIC DEVELOPMENT** jointly with the

Committee on **COMMUNITY DEVELOPMENT** and the

★Committee on **CIVIL RIGHTS** .....10:00 A.M.

Oversight – Will Under-Banked Communities in New York City benefit from Banking Development Districts in a post “Great Recession” Economic Climate?

Queens Borough Hall – 120-55 Queens Boulevard

..... Karen Koslowitz, Chairperson

..... Albert Vann, Chairperson

..... Deborah Rose, Chairperson

Committee on **TRANSPORTATION** .....10:00 A.M.

Int. 412 - By Council Members Fidler, Nelson, Cabrera, Chin, Foster, Greenfield, Halloran, Jackson, James, Koo, Koppell, Koslowitz, Lappin, Oddo, Recchia, Reyna, Rivera, Ulrich, Vallone, Weprin, Brewer, Mealy, Mendez, Rose, Williams, Rodriguez, Gonzalez and Levin - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to hold hearings with affected community boards before a bike lane is constructed.

Int. 626 - By Council Members Vacca, Chin, Comrie, Ferreras, Fidler, Gentile, James, Van Bramer, Nelson, Mendez and Koo - A Local Law to amend the administrative code of the city of New York, in relation to interagency consultation prior to major transportation projects.

Int. 671 - By Council Member Vacca - 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.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Vacca, Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**.....10:00 A.M.

Oversight - The Impact of Pop-Up Art Installations in Vacant Spaces.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

..... James Van Bramer, Chairperson

★ *Deferred*

Committee on **IMMIGRATION** .....10:00 A.M.

Agenda to be announced

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

★ *Deferred*

Committee on **CIVIL SERVICE AND LABOR**..... 1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Sanders, Chairperson

★ *Deferred*

★ *Topic and Committee Addition*

Committee on **VETERANS** jointly with the

Committee on ~~MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM,~~

**DRUG ABUSE AND DISABILITY SERVICES** ..... 1:00 P.M.

Oversight – The Increased Rate of Suicides Among Veterans.

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mathieu Eugene, Chairperson

..... Oliver G. Koppell, Chairperson

★ *Deferred*

Committee on **CIVIL RIGHTS**..... 1:00 P.M.

Agenda to be announced

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Deborah Rose, Chairperson

Tuesday, September 27, 2011

★ *Addition*

Committee on **VETERANS** jointly with the

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM,**

**DRUG ABUSE AND DISABILITY SERVICES**.....10:00 A.M.

Oversight - The Increased Rate of Suicides Among Veterans.

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mathieu Eugene, Chairperson

..... Oliver G. Koppell, Chairperson

★ *Deferred*

Committee on ~~MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM,~~

**DRUG ABUSE AND DISABILITY SERVICES** .....10:00 A.M.

Agenda to be announced

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Oliver G. Koppell, Chairperson

★ *New Topic*

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the

Committee on **TECHNOLOGY** and the

Committee on **PUBLIC SAFETY** .....10:00 A.M.

Proposed Res. 870-A - By Council Members Vallone, James and Williams - Resolution calling on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.911), which amends the Communications Act of 1934 to provide public safety providers an additional ten (10) megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the Federal Communications Commission to hold incentive auctions to provide funding to support such a network.

★Oversight - First Responder Communications Ten Years After 9-11

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

..... Elizabeth Crowley, Chairperson

..... Fernando Cabrera, Chairperson

..... Peter Vallone, Chairperson

Committee on **PUBLIC HOUSING** jointly with the

Committee on **GENERAL WELFARE**.....10:00 A.M.

Oversight – NYCHA’s Implementation of the Improving the Customer Experience Program for its Section 8 Rental Assistance Program.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Rosie Mendez, Chairperson  
 ..... Annabel Palma, Chairperson

Committee on **FINANCE** jointly with the  
 Committee on **AGING** ..... **1:00 P.M.**  
 Oversight - Examining the Department of Finance's implementation of the senior citizen rent increase exemption  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Domenic Recchia, Chairperson  
 ..... Jessica Lappin, Chairperson

★ *Addition*  
 Committee on **SANITATION AND SOLID WASTE MANAGEMENT** ..... **1:00 P.M.**  
 Tour: Build it Green  
 Location: 317 26th Avenue  
 Astoria, NY 11102  
 Details Attached..... Letitia James, Chairperson

★ *Deferred*  
 Committee on **ECONOMIC DEVELOPMENT** ..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Karen Koslowitz, Chairperson

★ *Deferred*  
 Committee on **EDUCATION** ..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson

★ *Deferred*  
 Committee on **COMMUNITY DEVELOPMENT** ..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Albert Vann, Chairperson

**Wednesday, September 28, 2011**

★ *Deferred*  
 Committee on **PUBLIC SAFETY** ..... **10:00 A.M.**  
 Agenda to be Announced  
 Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Peter Vallone, Chairperson

Committee on **CONTRACTS** ..... **10:00 A.M.**  
 Oversight - The Scope and Impact of Retroactive Contracts  
 Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Darlene Mealy, Chairperson

Committee on **HOUSING AND BUILDINGS** ..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Erik Martin-Dilan, Chairperson

Committee on **CONSUMER AFFAIRS** ..... **10:00 A.M.**  
 Oversight - Strengthening Protections for Consumers of Electronic Goods: Putting Consumers in “Charge”  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Daniel Garodnick, Chairperson

**Monday, October 3, 2011**

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**  
 See Land Use Calendar Available Thursday, September 29, 2011  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

Committee on **IMMIGRATION** ..... **10:00 A.M.**  
 Int. No. 656 - By Council Members Mark-Viverito, the Speaker (Council Member Quinn), Dromm, Foster, Brewer, Chin, Jackson, Koslowitz, Lappin, Mendez, Palma, Rodriguez, Rose, Barron, Gonzalez, Ferreras, Levin, Comrie, Vann, Cabrera,

Dickens, Arroyo, James, Van Bramer, Eugene, Reyna, Seabrook, Sanders, Rivera, Crowley, Koppell, Williams, Lander, Garodnick, Wills, Mealy and Koo - A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** ..... **11:00 A.M.**  
 See Land Use Calendar Available Thursday, September 29, 2011  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** ..... **1:00 P.M.**  
 See Land Use Calendar Available Thursday, September 29, 2011  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

**Tuesday, October 4, 2011**

Committee on **LAND USE** ..... **10:00 A.M.**  
 All items reported out of the subcommittees  
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

**Wednesday, October 5, 2011**

*Stated Council Meeting* ..... *Ceremonial Tributes – 1:00 p.m.*  
 ..... *Agenda – 1:30 p.m.*  
*Location* ..... *~ Emigrant Savings Bank ~ 49-51 Chambers Street.....*



MEMORANDUM

September 21, 2011

**TO:** ALL COUNCIL MEMBERS

**RE:** TOUR BY THE COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

**Please be advised that all Council Members are invited to attend a tour to:**

**Build it Green**  
**Location:** 317 26th Avenue, Astoria, NY 11102

The tour will be on **Tuesday, September 27, 2011 beginning at 1:00 p.m.** A van will be leaving City Hall at **12:15 p.m. sharp.**

Council Members interested in riding in the van should call Jarret Hova at 212-788-9104.

Hon. Letitia James, Chairperson  
Committee on Sanitation and  
Solid Waste Management

Hon. 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, October 5, 2011.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

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