

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, JULY 29, 2009

THE COUNCIL

*Minutes of the
STATED MEETING*

of
Wednesday, July 29, 2009, 2:52 p.m.

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

Council Members

Christine C. Quinn, Speaker

| | | |
|-------------------------|---------------------|-------------------------|
| Maria del Carmen Arroyo | James F. Gennaro | Michael Nelson |
| Tony Avella | Vincent J. Gentile | James S. Oddo |
| Maria Baez | Alan J. Gerson | Annabel Palma |
| Charles Barron | Eric N. Gioia | Domenic M. Recchia, Jr. |
| Gale A. Brewer | Sara M. Gonzalez | Diana Reyna |
| Leroy G. Comrie, Jr. | Vincent M. Ignizio | James Sanders, Jr. |
| Elizabeth S. Crowley | Robert Jackson | Larry B. Seabrook |
| Bill De Blasio | Letitia James | Helen Sears |
| Inez E. Dickens | Melinda R. Katz | Kendall B. Stewart |
| Erik Martin Dilan | G. Oliver Koppell | Eric A. Ulrich |
| Mathieu Eugene | Jessica S. Lappin | James Vacca |
| Simcha Felder | John C. Liu | Peter F. Vallone, Jr. |
| Julissa Ferreras | Darlene Mealy | David I. Weprin |
| Lewis A. Fidler | Rosie Mendez | Thomas White, Jr. |
| Helen D. Foster | Kenneth C. Mitchell | David Yassky |
| Daniel R. Garodnick | | |

Excused: Council Members Mark-Viverito, Rivera and Vann.

The Public Advocate (Ms. Gotbaum) was not present at this Meeting. The Deputy Majority Leader (Council Member Comrie) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

There is presently a vacancy in the 10th Council District following the July 14, 2009 resignation of Council Member Miguel Martinez.

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 Comrie).

There were 47 Council Members present at this Stated Meeting.

INVOCATION

The Invocation was delivered by Rev. Anita Burson, Associate Minister, Holy Trinity Baptist Church, 10 Ralph Avenue, Brooklyn, NY 11221.

Let us prepare ourselves.

Will everyone under the sound of my voice
please breathe in and breathe out slowly?

Oh Holy Creator of all things seen and unseen,
we ask you to bless this day as we pause in gratitude.
Will you give those who have been entrusted with leadership
concern enough to be informed,
wisdom enough to be leaders of integrity and ability,
American enough to rise above party loyalty
and responsible enough to vote for the sake of justice
as we know it under you as Creator?

Save us from misuse of freedom without restraint.
Help us to seek not the good of any faction
but of all citizens.
Ever sustained with a high vision of righteousness,
guide these city officers
to develop our communities and this city in your ways.
For your namesake, Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

Fran Berman, wife of former Council Member Herbert Berman, who died on July 26, 2009 after a very long illness. She was an educator who served until retirement as assistant principal of P.S. 101 in Brooklyn. Mrs. Berman was survived by her husband, her children, and her grandchildren.

Frank McCourt, New York City Irish-American writer and teacher, who died on July 16, 2009 at the age of 78. He was the author of "Angela's Ashes" and was renown as a teacher and educator at Stuyvesant High School in Manhattan.

At this point, the Speaker (Council Member Quinn) yielded the floor to Council Member Brewer who spoke in memory of her friend, Frank McCourt.

ADOPTION OF MINUTES

Council Member Garodnick moved that the Minutes of the Stated Council Meeting of May 20, 2009 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-1509

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

July 21, 2009

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 Ernest Cavallo to the City Council for advice and consent prior to his appointment to the Environmental Control Board.

Judge Cavallo is a Judicial Hearing Officer for the New York State Unified Court System and previously served the Civil Court of the City of New York. He earned an A.B. from Hamilton College, a M.A. from New York University, and a J.D. from Fordham University. He will fill a vacancy on the Board for a member of the public and serve for the remainder of a four-year term that will expire on March 5, 2011.

Thank you for reviewing this appointment,

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges & Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1510

Communication from the Manhattan Borough President - Submitting the name of Anna Levin to the Council for its advice and consent regarding her appointment to the City Planning Commission, pursuant to Section 192 (a) of the New York City Charter.

July 1, 2009

Speaker Christine Quinn
City Councilmember, Speaker
City Hall
New York, NY 10007

Re: Appointment to the City Planning Commission

Dear Speaker Quinn:

I am writing to inform you of my decision to appoint Ms. Anna Levin as my representative on the City Planning Commission, subject to the advice and consent of the City Council. Ms. Levin would replace Ms. Angela Cavaluzzi, effective **September 1, 2009**.

Given her experience as former chair of Manhattan Community Board 4's Land Use Committee and as chair of the Hudson Yards Community Advisory Committee, Ms. Levin will bring a vast knowledge of community-based planning to development projects at every scale. I am confident that she will be a dedicated and

thoughtful addition to the City Planning Commission and that her service will benefit New York City.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Scott M. Stringer
Manhattan Borough President

Referred to the Committee on Rules, Privileges and Elections.

M-1511

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Cyclone Car Service Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.



NEW YORK CITY
TAXI & LIMOUSINE
COMMISSION

Licensing & Standards Division
32-02 Queens Boulevard, 2nd Floor
Long Island City, New York 11101-2324
Tel: 212.227.6324 Fax: 718-391-5695

Matthew W. Daus, Commissioner/Chair

July 17, 2009

The Honorable Speaker Christine C. Quinn
Attention: Mr. John Lisianskiy
Council of the City of New York
City Hall
New York, New York 10007

Re: Taxi & Limousine Commission
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on July 16, 2009 the Taxi & Limousine Commission voted to approve the following 42 for-hire-vehicle base license applications:

| NEW (5): | LICENSE # | COUNCIL DISTRICT |
|---|-----------|------------------|
| Cyclone Car Service Inc. D/b/a Plaza Cars | B02305 | 47 |
| La Morenita Car & Limo. Service, Inc. | B02315 | 40 |
| Miami Car & Limo. Service, Inc. | B02320 | 43 |
| Safe Car Service, Inc. | B02321 | 43 |
| Watson Shuttle Services, Inc. | B02327 | 36 |
| RENEWALS (28): | LICENSE # | COUNCIL DISTRICT |
| 810 Car Service Corp. | B01016 | 37 |
| 910 Car Service Corp. | B00459 | 37 |
| Clifton Boulevard Car Service | B00229 | 49 |

| | | |
|--|--------|----|
| Dat Radio Dispatcher Inc. | B01061 | 18 |
| Delince Car Livery Service Corp. D/b/a White Top Car Service | B00385 | 35 |
| Diplo Radio Dispatcher Inc. | B01196 | 14 |
| FJA Livery Corp. D/b/a Village Car Service | B00023 | 50 |
| Flushing Limo. Transportation Corp. | B01711 | 19 |
| Joe M. Leasing Corp. D/b/a Four Two's Private Car Service | B00445 | 19 |
| Kingsbay Car Service, Inc. | B00151 | 48 |
| Liberty Car Service, Inc. | B00095 | 34 |
| Llama Limo. Car Service Corp. | B00811 | 16 |
| MAI Management Inc. D/b/a City Ride Car & Limo. Service | B00593 | 44 |
| Martins Belle Harbour Car Service | B00345 | 32 |
| Mega Mex Inc. | B02163 | 40 |
| Metro Car Service Corp. D/b/a Metroline Car Service | B01534 | 34 |
| Metro Luxury Inc. | B01389 | 8 |
| Moisha Express Inc. | B00373 | 39 |
| New Mexicana Car Service II D/b/a Azteca Express | B00131 | 38 |
| New Puebla Car & Limousine Service Inc. | B01674 | 26 |
| Premium Bronx Corp. | B00457 | 15 |
| Royal Car & Limo. Service | B00653 | 32 |
| SHMT Inc. D/b/a Mill Basin Car Service | B01733 | 46 |

The complete application package compiled for each of the above bases is available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697.

Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

Georgia Steele-Radway
 Director of Applicant Licensing
 Taxi & Limousine Commission

Printed on paper containing 30% post-consumer material.

Referred to the Committee on Transportation.

| | | |
|--|------------------|-------------------------|
| T-D Maintenance Corp. D/b/a Four Ones Car Service | B00009 | 30 |
| Try Management Co. Inc. D/b/a Apple Car Service | B00055 | 22 |
| Tulcingo Car Service Inc. | B01364 | 21 |
| UNC Car & Limo. Service | B00882 | 8 |
| Wakefield Leasing Maintenance Corp. | B00597 | 11 |
| RENEWAL & OWNERSHIP CHANGE (3): | LICENSE # | COUNCIL DISTRICT |
| 68 Inc. D/b/a Masada III Car & Limousine Service | B01710 | 48 |
| Professional Car Service, Inc. | B00221 | 10 |
| Rechev of Brooklyn, Inc. | B00727 | 44 |
| RENEWAL, RELOCATION & OWNERSHIP CHANGE (1): | LICENSE # | COUNCIL DISTRICT |
| Lincoln Limousine Service Inc. | B00619 | 1 |
| RENEWAL, OWNERSHIP CHANGE & NAME CHANGE (2): | LICENSE # | COUNCIL DISTRICT |
| Alexandria Limousine & Car Service (to be changed to Alexandria Car & Limo. Service, Inc.) | B00309 | 43 |
| Delta Cars Inc. (to be changed to Old Town Cars Corp. D/b/a Delta Cars) | B01808 | 49 |
| RELOCATION (2): | LICENSE # | COUNCIL DISTRICT |
| Eilat Transportation Corp. D/b/a Manhattan Car Service | B01243 | 44 |
| Munkacs Car Service Ltd. | B01559 | 39 |
| RELOCATION & NAME CHANGE (1): | LICENSE # | COUNCIL DISTRICT |
| Highland Car Service Inc. (to be changed to Brook Car & Limo. Service, Inc.) | B01313 | 16 |

M-1512

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license La Morenita Car & Limo. Service, Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1513

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Miami Car & Limo. Service, Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1514

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Safe Car Service, Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1515

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Watson Shuttle Services, Inc., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1516

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 810 Car Service Corp., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1517

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 910 Car Service Corp., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1518

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Clifton Boulevard Car Service., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1519

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Dat Radio Dispatcher Inc., Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1520

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Delince Car Livery Service Corp., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1521

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Diplo Radio Dispatcher Inc., Council District 14, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1522

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license FJA Livery Corp., Council District 50, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1523

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Flushing Limo. Transportation Corp., Council District 19, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1524

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Joe M. Leasing Corp., Council District 19, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1525

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Kingsbay Car Service, Inc., Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1526

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Liberty Car Service, Inc., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1527

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Llama Limo. Car Service Corp., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1528

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license MAJ Management Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1529

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Martins Belle Harbour Car Service., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1530

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mega Mex Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1531

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Metro Car Service Corp., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1532

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Metro Luxury Inc., Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1533

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Moisha Express Inc., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1534

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Mexicana Car Service II., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1535

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Puebla Car & Limousine Service Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1536

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Premium Bronx Corp., Council District 15, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1537

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Royal Car &

Limo. Service., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1538

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license SHMT Inc., Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1539

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license T-D Maintenance Corp., Council District 30, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1540

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Try Management Co. Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1541

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Tulcingo Car Service Inc., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1542

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license UNC Car & Limo. Service., Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1543

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Wakefield Leasing Maintenance Corp., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1544

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license 68 Inc., Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1545

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Professional Car Service, Inc., Council District 10, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1546

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Rechev of Brooklyn, Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1547

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, relocation and ownership change base station license Lincoln Limousine Service Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1548

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Alexandria Car & Limo. Service, Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1549

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Old Town Cars Corp., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1550

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Eilat Transportation Corp., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1511 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1551

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Munkacs Car Service Ltd., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

Referred to the Committee on Transportation.

M-1552

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and name change base station license Brook Car & Limo. Service, Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

Referred to the Committee on Transportation.

PETITIONS & COMMUNICATIONS

M-1553

Communication from Miguel Martinez - Submitting his resignation as a member of the New York City Council effective July 14, 2009.

July 14, 2009

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

Dear Speaker Quinn,

Effective today, July 14, 2009 I am submitting my resignation to the New York City Council.

Sincerely,

Miguel Martinez
Council Member, 10th District

Received, Ordered, Printed & Filed.

LAND USE CALL UPS

M-1554

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 080012 PCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1555

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. 20095609 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1556

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. 20095375 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1557

By Council Member Garodnick:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 090003 ZSM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1558

By Council Member Gerson:

Pursuant to Rule 11.20(b) of the Council and Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an enclosed sidewalk café located at 101 Rivington Street, CB 3, Application no. 20095590 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, De Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **47**.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Civil Service and Labor

Override Report for Int. No. 992-A

Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York in relation to residency requirements for city employees.

The Committee on Civil Service and Labor, to which was referred on May 20, 2009 (Minutes, page 2009) and originally adopted by the Council on June 19, 2009 (Minutes, page 2457) but vetoed by the Mayor on June 29, 2009, the annexed amended proposed local law, respectfully

REPORTS:

INTRODUCTION

On July 28, 2009, the Committee on Civil Service and Labor, chaired by Council Member Nelson will hold a hearing on Int. No. 992-A, a local law to amend the Administrative Code of the City of New York (“Administrative Code”), in relation to the residency requirements for City employees. On June 18, 2009, the Committee held a hearing on Int. No. 992-A. The Committee held its first hearing on Int. No. 992 on May 21, 2009.

BACKGROUND

Currently, Section 12-120(a) of the Administrative Code requires a person who enters City service on or after September 1, 1986 to be a resident of the City on the date that he or she enters City service or establish City residence within ninety days of employment and maintain City residence as a condition of employment. The failure of such persons to establish or maintain City residence constitutes grounds for dismissal, though the employee shall be given notice of and opportunity to contest.¹ Section 12-120(b) currently provides that certain union employees who have completed two years of City employment under conditions described in such subdivision shall be deemed to be in compliance with this section’s residency requirements if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam Counties.

INT. NO. 992-A

Bill section 1 of Int. No. 992-A would amend subdivision b of section 12-120 of the Administrative Code to allow employees who have completed two years of City service to be deemed in compliance with the residency requirements if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam County. Bill section 1 of Int. No. 992-A would also amend subdivision b of section 12-120 to allow the Mayor to require deputy mayors, heads of mayoral agencies, as defined in section 385 of the New York City Charter, deputy commissioners, assistant commissioners and general counsels of such agencies to have completed more than two years of City service to be in compliance with the residency requirements of this section.

Additionally, bill section 1 of Int. No. 992-A would amend subdivision b of section 12-120 to allow the Speaker of the City Council to require the Council’s chief of staff, deputy chiefs of staff, general counsel and division directors to have completed more than two years of City service to be in compliance with the residency requirements of this section. Under bill section 1 of Int. No. 992-A, subdivision b of section 12-120 would also allow the comptroller to require the chief of staff, deputy comptrollers, assistant comptrollers and general counsel to have completed more than two years of City service to be in compliance with the residency requirements of this section, and would allow the borough presidents to require their chiefs of staff, deputy borough presidents and general counsels to have completed more than two years of City service to be in compliance with the residency requirements of this section. Similarly, under bill section 1 of Int. No. 992-A, subdivision b of section 12-120 would allow the public advocate to require the chief of staff, deputy advocates and general counsel to have completed more than two years of City service to be in compliance with the residency requirements of this section.

This bill would eliminate non-residency eligibility requirements relating to certain titles, collective bargaining agreements and consent determinations and certain date restrictions established by Local Law 10 for the Year 2009.

Bill section 2 of Int. No. 992-A would provide that the amendments in this local law would not be construed to affect administrative or judicial actions taken to enforce the residency requirements in effect prior to the effective date of bill, nor to supersede, alter or affect any provision of the public officers law requiring that a person appointed to a position in City service be a resident. Additionally, Section 2 of Int. No. 992-A would provide that the amendments in this bill would not be construed to require the termination of any certification issued by the Commissioner

for the Lower Ma_____

¹ In 2004, the New York Court of Appeals upheld the City’s residency law. *Felix v. New York City Department of Citywide Administrative Services*, 3 N.Y.3d 498 (2004).

of Citywide Administrative Services pursuant to Section 12-121(a) of the Administrative Code, as such subdivision was in effect prior to the effective date of this local law, or to require the recertification of any positions so certified prior to such effective date.

Section 3 of Int. No. 992-A would provide that this local law would take effect immediately.

UPDATE

On June 18, 2009, the Committee passed this legislation by a vote of three in the affirmative, zero in the negative and no abstentions.

Accordingly, the Committee recommended its adoption.

On June 19, 2009, Int. No. 992-A was approved by the Council and sent to the Mayor. On June 29, 2009, this item was disapproved by the Mayor.

(The following is from the text of the Fiscal Impact Statement for Int. No. 992-A:)

FISCAL IMPACT STATEMENT:

| | Effective FY10 | FY Succeeding Effective FY 11 | Full Fiscal Impact FY 11 |
|-------------------------|----------------|-------------------------------|--------------------------|
| Revenues (+) | (See below) | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: Although this legislation might lead to a decrease in residency in New York City by city employees, too many variables exist to either meaningfully forecast or quantify the fiscal impact of such a decrease. Given that this amendment pertains to all city employees, including those within collective bargaining units as well as those who are not in titles certified to a collective bargaining representative, there may be some impact on the potential number of people who may choose to live within Nassau, Westchester, Suffolk, Orange, Rockland or Putnam county after their mandatory two years of service.

Pursuant to Charter Section §1127, non-resident city employees are contractually obligated to pay to the city an amount equal to the NYC resident income tax less any city earnings of personal income tax imposed on them. The city revenue may be subject to marginal changes in other taxes no longer being paid by these employees (i.e sales), however, the overall effect on city revenue that would occur as a result of the city employees in question moving out of the city will likely be marginal, and is difficult to quantify at this stage.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division, General Counsel, Office of Management and Budget

ESTIMATE PREPARED BY: Scott Crowley, Deputy Director
Ksenia Koban, Legislative Financial Analyst
City Council Finance Division

HISTORY: On May 20th, 2009, Int.992 was introduced by the Full council and referred to civil service and labor committee. On May 21st, 2009 a hearing was held in Int. 992 and the legislation was laid over. An amendment was proposed on the legislation and the amended version, proposed Int. 992-A was considered and voted out of committee on 6/18/09. On June 19th, 2009, Proposed Int.992 passed the full council. On June 29th, 2009, the Mayor vetoed Proposed Int.992-A. On June 28, 2009, the committee on civil service and labor will consider Proposed Int. 992; followed by consideration of the full council on 7/29/09.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 992-A:)

Int. No. 992-A

By Council Members de Blasio, Sears, Vallone, Jr., Jackson, Avella, Yassky, Fidler, Gonzalez, James, Koppell, Liu, Mealy, Nelson, Recchia, Reyna, Seabrook, Stewart, Weprin, Katz, Sanders, Gerson, Vacca, Gennaro and Mitchell.

A Local Law to amend the administrative code of the city of New York in relation to residency requirements for city employees

Be it enacted by the Council as follows:

Section 1. Section 12-120 of the administrative code of the city of New York, as added by local law number 40 for the year 1986, and as amended by local law number 10 for the year 2009, is amended to read as follows:

§12-120 Residency requirements. a. Except as otherwise provided in section 12-121, any person who enters city service on or after September first nineteen hundred eighty-six (i) shall be a resident of the city on the date that he or she enters city service or shall establish city residence within ninety days after such date and (ii) shall thereafter maintain city residence as a condition of employment. Failure to establish or maintain city residence as required by this section shall constitute a forfeiture of employment; provided, however, that prior to dismissal for failure to establish or maintain city residence an employee shall be given notice of and the opportunity to contest the charge that his or her residence is outside the city.

b. Notwithstanding subdivision a of this section, employees who have completed two years of city *service* [employment and are either (i) in titles certified to a collective bargaining representative that has entered into an agreement with the city dated September 29, 2006 on or before the effective date of this local law to modify the residency requirements contained herein or (ii) represented by or affiliated with said representative and hold titles covered by Section 220 of the New York State Labor Law which subsequently enter into collective bargaining agreements or consent determinations to modify the residency requirements,] shall be deemed to be in compliance with the residency requirements of this section if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam county; *provided, however, that*

(i) *the mayor may require deputy mayors, heads of mayoral agencies as defined in section 385 of the charter, deputy commissioners, assistant commissioners and general counsels of such agencies to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

(ii) *the speaker of the council may require the council's chief of staff, deputy chiefs of staff, general counsel and division directors to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

(iii) *the comptroller may require the chief of staff, deputy comptrollers, assistant comptrollers and general counsel to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

(iv) *the borough presidents may require their chiefs of staff, deputy borough presidents and general counsels to have completed more than two years of city service to be in compliance with the residency requirements of this section, and*

(v) *the public advocate may require the chief of staff, deputy advocates and general counsel to have completed more than two years of city service to be in compliance with the residency requirements of this section,*

§2. The amendments to the administrative code enacted by this local law shall not be construed to affect administrative or judicial actions taken to enforce the residency requirements in effect prior to the effective date of this local law, or to supersede, alter or affect any provision of the public officers law requiring that a person appointed to a position in city service be a resident. In addition, such amendments shall not be construed to require the termination of any certification issued by the commissioner of citywide administrative services pursuant to subdivision a of section 12-121 of such code, as such subdivision was in effect prior to the effective date of this local law, or to require the recertification of any positions so certified prior to such effective date.

§3. This local law shall take effect immediately.

MICHAEL C. NELSON, JAMES F. GENNARO, LARRY B. SEABROOK, MELISSA MARK-VIVERITO, Committee on Civil Service and Labor, July 28, 2009.

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-1466

Report of the Committee on Civil Service and Labor in favor of filing a Communication from the Mayor regarding the Mayors veto and disapproval message of Introductory Number 992-A, in relation to the residency requirement for city employees.

The Committee on Civil Service and Labor, to which was referred on June 30, 2009 (Minutes, page 3477) the annexed communication, respectfully

REPORTS:

Since Int No. 992-A is being re-passed today notwithstanding the objection of the Mayor, this Committee recommends the filing and removal from the Council's legislative calendar of M-1466 (the Mayor's veto and disapproval message of Int. No. 992-A).

Accordingly, Your Committee recommends the filing of M-1466.

MICHAEL C. NELSON, JAMES F. GENNARO, LARRY B. SEABROOK, MELISSA MARK-VIVERITO, Committee on Civil Service and Labor, July 28, 2009.

Coupled to be Filed.

Report of the Committee on Consumer Affairs

Report for Int. No. 1031-A

Report of the Committee on Consumer Affairs in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to licensing of pedicabs.

The Committee on Consumer Affairs, to which was referred on June 30, 2009 (Minutes, page 3783) the annexed amended proposed local law, respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, July 29, 2009 the Consumer Affairs Committee, chaired by Leroy Comrie, will consider and vote on Proposed Introductory Bill Number 1031-A ("Intro. 1031-A"), a Local Law to amend the administrative code of the city of New York, in relation to pedicab licensing. The Committee held a previous hearing on Intro 1031-A on June 29, 2009 at which the Department of Consumer Affairs, representatives from the pedicab industry, the taxi and limousine industry, Broadway theaters, and other interested parties testified.

II. BACKGROUND

a. New York City's Pedicab Industry

As the pedicab industry has developed during the last decade from a novel trend into a full industry, New York City has seen a marked increase in the number of these vehicles operating on the streets. Pedicabs have evolved into a prevalent mode of for-hire transportation for residents and tourists. Today, pedicabs are ubiquitous in midtown Manhattan, the Broadway theater district and the Central Park area.¹ Pedicab owners themselves estimate that there may be up to 1,000 pedicabs currently operating in the city.²

Pedicabs are often described as "bicycle" or "tricycle" taxis.³ The pedicab vehicle itself is manufactured in various incarnations, but the most common version is the "three-wheeled bicycle," in which the operator sits ahead of the main cabin atop a specifically designed seat. A set of handlebars attached to the front tire is steered by the operator's hands. The operator's feet rest upon pedals that are connected by a chain to the vehicle's rear axle. The vehicle's rear cabin is typically set over the rear axle, allowing a wide passenger compartment. The operator moves, stops, and directs the vehicle, as he or she would control a bicycle. Pedicabs typically cost approximately \$4,000 per vehicle.⁴ The vehicles are unmetered and passenger rates are generally negotiable. However, fares for street pickups generally begin at \$15 to \$20 and \$40 to \$60 for rides around Central Park, and subject to additional fees where applicable.⁵

Like taxis, pedicab drivers roam the streets, most often in Midtown Manhattan, in search of customers willing to pay for their services. Because of the pedicab's relatively small size and quick maneuverability, these vehicles may weave through the congested streets of Manhattan, possibly making better time than a taxicab. Environmentally conscious travelers appreciate that the pedicab operates without fuel and emits no hazardous exhaust fumes.⁶

San Francisco, California boasts the largest concentration of pedicabs in the United States. Similar vehicles are also popular in Europe and Asia, where rickshaws and pedicabs are a common transportation option.⁷

b. Local Law 19 of 2007

In 2007, the Council passed Introductory Bill No. 331-A, a Local Law in relation to regulation and licensing of pedicabs. Key features of the legislation were: (i) a licensing scheme and insurance requirements for all

pedicab businesses and drivers; (ii) a cap of 325 pedicabs that could be operated in the city at any one time; (iii) a limit of 30 pedicabs that could be owned or operated by any one business owner; (iv) the requirement that each pedicab conspicuously post the method by which the fare would be calculated; and (v) a ban on pedicabs operated by anything other than human power. The law also required each pedicab to conform to certain safety standards. Specifically, this included: (i) seating for no more than three passengers; (ii) brakes that must be impervious to rain or wet conditions; (iii) headlights, tail lights, and turn lights; and (iv) seat belts for each passenger. Furthermore, all pedicabs were to be inspected by DCA annually and were required to display a DCA-issued license plate.

In March 2007, the Mayor vetoed the bill, citing his belief that the free market should determine the number of pedicabs on the street. The following month, the City Council overrode the Mayor's veto and the bill became Local Law 19 of 2007.⁷

c. Litigation

After Local Law 19 was enacted in April 2007, DCA promulgated rules to effectuate the distribution of pedicab business licenses and registration plates. The New York City Pedicab Owners' Association sued DCA in September 2007, claiming the promulgated rules were inconsistent with the language and intent of Local Law 19. The New York State Supreme Court immediately stayed the implementation of the law and any regulations adopted thereunder. Subsequently, the Court entered a judgment in January 2008 declaring the regulations invalid and ordering DCA to revise the regulations to conform with the intent of the local law. DCA appealed the ruling to the First Department, which upheld the lower court ruling in April of 2009. As a result of the First Department's ruling, and the amount of time that elapsed between Local Law 19's enactment and the First Department decision, new action by the Council is required. The introduction being discussed today creates a new licensing scheme and timeline for pedicabs and pedicab businesses.

III. PROPOSED INTRO. 1031-A

Proposed Intro. 1031-A would create a window of time during which pedicab owners could apply to DCA for pedicab business licenses and registration plates. DCA would accept applications from owners for sixty days, beginning on the fortieth day after enactment of the law, for both pedicab business licenses and pedicab registration plates. After the sixty days, no new business licenses or registration plates would be issued. An applicant would be required to have a valid pedicab business license in order to obtain a pedicab registration plate. According to section 20-250 of the Administration Code, a pedicab business license may be issued only to an applicant that provides DCA with (i) a list of all the pedicabs he or she owns, leases or controls; and (ii) proof that the applicant has valid liability insurance for each pedicab listed on the application. A pedicab business licensee must then obtain registration plates for each of the pedicabs listed on his or her business license application; however, the proposed legislation would limit to thirty the number of registrations any licensee could hold. DCA would only issue registration plates to those pedicabs that pass a mandatory inspection confirming they comply with the safety features outlined in section 20-254 of the Administrative Code, including breaks, headlights and taillights, seat belts, among other requirements. Under section 20-255, no pedicab could operate unless it had been inspected DCA and had a valid registration plate. Furthermore, the legislation would penalize owners who fail to obtain registration plates for those pedicabs listed on their business license application by permitting the commissioner to deny or revoke their business license. Pedicab business licensees would be permitted to transfer pedicab registration plates upon approval of the commissioner as long as no licensee holds more than thirty plates at any time.

The final version of Intro 1031-A imposes additional safety requirements on the pedicab industry, including mandating that business owners provide training for all pedicab drivers, prohibiting pedicabs from operating in public plazas and specifying harsh penalties for those drivers who operate a pedicab with a suspended or revoked motor vehicle license (mandatory three month suspension of pedicab driver's license) or while intoxicated (mandatory revocation of pedicab driver's license). A pedicab business owner would be jointly liable for all pedicab driver actions and the commissioner could suspend or revoke an owner's business license based on a determination that the number and/or type of violations issued to drivers of his or her pedicab(s) indicates a threat to public safety. In addition, Intro. 1031-A mandates that a pedicab business license be suspended for one month if a pedicab owned by such business is found to be operating without proper registration. The business's license would be revoked up to one year if any pedicabs are found to be operating without registration three time within twelve months. Once a pedicab business license is revoked or suspended, all associated pedicab registration plates would become void.

Intro 1031-A contains a provision that would end the restriction on issuing licenses eighteen months after its effective date. Prior to the sunset date, the Council intends to carefully review the operation and effectiveness of the law to determine whether it would be in the best interest of City residents to permit the licensing restriction to sunset or to extend the licensing restriction beyond eighteen months.

¹ See Carl Skutsch, "Keep the Big Wheels Turning," *New York Times* (December 18, 2005).

² Grynbaum, M., "Stalled Plan To License Pedicabs Advances," *N.Y. Times*, June 15, 2009, at 17.

³ See Adam Gopnik, "Comment: Social Mobility," *The New Yorker* (July 26, 2004).

⁴ See Lisa Carucci, "One Man's Love of Biking Leads to A New Staple of NY Transportation," *NYU Livewire* (November 23, 2004).

⁵ Stewart, S, "It's the Pedi Cure – Haul of a Way to Go in Cab Stop," *N.Y. Post*, October 18, 2007, at 72..

⁶ *Supra* note 7, at 6.

⁷ *Ibid.*

⁸ Hicks, J., "Pedicab Limit Withstands Mayor's Veto," *N.Y. Times*, April 24, 2007, at 3.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1031-A:)

FISCAL IMPACT STATEMENT:

| | Effective FY 10 | FY Succeeding Effective FY 11 | Full Fiscal Impact FY 10 |
|-------------------------|--------------------|-------------------------------|--------------------------|
| Revenues (+) | \$46,250-\$132,000 | \$46,250-\$132,000 | \$46,250-\$132,000 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$46,250-\$132,000 | \$46,250-\$132,000 | \$46,250-\$132,000 |

IMPACT ON REVENUES: There is a potential impact on revenues ranging from \$46,250 – \$132,000 as a result of this legislation. This calculation assumes that all of the estimated 750 – 1,200 pedicabs currently operating in New York City will register and apply for licensing. The lower end of the estimate is based on the assumption that each of the 750 pedicabs are owned by pedicab businesses possessing the maximum number of 30 registration plates. Under this assumption, 25 companies would pay \$110 for their first pedicab license and registration plate and \$60 for the remaining 29 registration plates. The higher range of the estimate assumes that 1,200 pedicabs are owned by individual pedicab drivers who are each paying \$110 for their license and registration plate.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Walter Pitts, Legislative Financial Analyst

HISTORY: On June 29, 2009, the Committee on Consumer Affairs held a hearing on the legislation, which was considered as a preconsidered introduction, and the item was laid over. This legislation was introduced by the Council and referred to the Committee on Consumer Affairs on June 30, 2009 as Int. 1031. An amendment has been proposed and the Committee on Consumer Affairs will reconsider the legislation as Proposed Int. 1031-A.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1031-A:)

Int. No. 1031-A

By the Speaker (Council Member Quinn) and Council Members Garodnick, Jackson, Gennaro, Koppell, Lappin, Recchia, Stewart, Vallone Jr., White, Gerson, Nelson and Mitchell.

A Local Law to amend the administrative code of the city of New York, in relation to licensing of pedicabs.

Be it enacted by the Council as follows:

Section 1. Section 20-249 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended by adding a new subdivision j to read as follows:

j. "Registration plate" shall mean a unique identification tag issued by the commissioner pursuant to section 20-255.

§2. Subdivision c of section 20-250 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

c. A pedicab business license shall be valid for a term of one year, *except that business licenses issued prior to November 1, 2010 shall expire on November 1, 2010.* There shall be an annual fee of one hundred and ten dollars for such license that shall include the fee for registration, required by section 20-255, of one pedicab. The registration fee for each additional pedicab shall be sixty dollars. *The annual fee may be pro-rated by the commissioner for the initial license period.*

§3. Section 20-250 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. *The commissioner shall have the authority to deny or revoke a pedicab business license if a pedicab owner fails to obtain the registration plates required pursuant to section 20-255 for the pedicab(s) identified on the list submitted by such owner pursuant to paragraph 1 of subdivision b of this section.*

§4. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-251 to read as follows:

§20-251 *Applications for, and issuance of, registration plates.* a. *The commissioner shall commence accepting applications for registration plates, pursuant to section 20-255, on the fortieth day after enactment of the local law that added this section, and shall continue accepting applications for sixty consecutive days following such commencement. During such sixty day period, persons submitting applications for registration plates shall also submit applications for pedicab business licenses pursuant to section 20-252.*

b. *The department has the authority to inspect pedicabs to determine whether the pedicabs are equipped with the features set forth in subdivision a of section 20-254 and comply with the requirement set forth in subdivision b of section 20-254.*

c. *The commissioner shall issue registration plates only to a pedicab owner who has submitted the materials required by subdivision b of section 20-250 to obtain, amend or renew a pedicab business license or to a pedicab owner who has already obtained a pedicab business license.*

d. *The commissioner shall not issue registration plates to more than thirty pedicabs for any pedicab business. No pedicab business or pedicab owner shall hold more than thirty registration plates at any one time. A pedicab business shall be deemed to have more than thirty registration plates if:*

(1) *an owner of such pedicab business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty pedicab registration plates;*

(2) *a family member of the owner of such business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty registration plates;*

(3) *a person who has a direct or indirect beneficial interest in such pedicab business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty registration plates; or*

(4) *a family member of a person who has a direct or indirect beneficial interest in such pedicab business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty registration plates.*

e. *The commissioner shall issue registration plates only to a pedicab business or owner with respect to pedicabs listed and identified in accordance with paragraph 1 of subdivision b of section 20-250 on the application of such business or owner for a pedicab business license.*

f. *A pedicab registration plate shall become void upon the revocation or suspension of the pedicab owner's pedicab business license.*

§5. The heading and subdivision a of section 20-255 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

§20-255 Inspection; [pedicab] registration plate.

a. It shall be unlawful for a pedicab business to operate or authorize the operation of, or for a pedicab driver to operate, a pedicab unless:

1. it has been inspected by the department;

2. it has been issued a registration plate that indicates on such plate[, or by a replaceable registration tag or decal,] the expiration date of the current registration; and

3. such registration is in effect.

§6. Subdivisions b, c, e, and f of section 20-255 the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended, subdivision g of such section is relettered as subdivision f and as so relettered is amended, and a new subdivision g is added to such section, to read as follows:

b. The registration shall be valid for a period no longer than one year and the expiration date of such registration plate [or replaceable registration tag or decal] shall be a date specified by the commissioner by rule, *except that the registrations issued prior to November 1, 2010 shall expire on November 1, 2010.*

c. If the commissioner determines after such inspection that a pedicab is equipped with the features set forth in subdivision a of section 20-254, and complies with the requirement set forth in subdivision b of section 20-254, upon payment of the registration fee provided by section 20-250 of this subchapter, the department shall issue a registration plate [or replaceable registration tag or decal] to the pedicab business that [leased or otherwise] authorized the operation of such pedicab.

e. [The registration plate may, in the discretion of the commissioner, be of a permanent nature with a replaceable registration tag or decal attached thereto, indicating the expiration date of the current registration tag or decal.

f.] The registration plate [and the replaceable registration tag or decal] shall be of such material, form, design, and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe.

[g]f. A pedicab business shall pay an additional fifty-five dollars as the re-inspection fee for any pedicab that *fails to appear at an inspection scheduled by the department or that is determined upon inspection not to meet the requirements of this section and such business re-applies for a registration plate [or replaceable registration tag or decal]. The commissioner shall also have the authority to determine the circumstances under which reinspections of pedicabs shall be permitted.*

g. *It shall be unlawful for a person to whom a registration plate has been issued to transfer any interest in such plate to any other person unless:*

1. *the pedicab, if intended to be transferred with the registration plate, complies with all applicable requirements imposed by this subchapter;*

2. *such transfer will not result in a violation of subdivision d of section 20-251; and*

3. *the commissioner approves such transfer.*

§7. Subdivision d of section 20-257 of the administration code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

d. To be eligible for *or to maintain* a pedicab driver license, an applicant *or licensee* shall:

1. be at least eighteen years of age;

2. possess a currently valid motor vehicle driver's license *that is in full force and effect;*

3. not have his or her [New York State] motor vehicle driver's license suspended or revoked; and

4. meet such fitness requirements as the commissioner may determine by rule.

§8. Section 20-257 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. *Service of a violation, and any related notices, on a pedicab driver shall constitute service on the pedicab business that authorized the operation of such pedicab by virtue of employment, lease, or any other arrangement and shall afford the pedicab business the opportunity to participate in any hearing held on such violation.*

§9. Paragraph 3 of subdivision b of section 20-259 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

3. operate a pedicab on any bridge or in any tunnel or in any bicycle lane, or within any pedestrian plaza. *For purposes of this section "pedestrian plaza" shall mean an area designated by the New York city department of transportation for use by pedestrians located fully within the bed of a roadway, which may vary in size and shape; may abut a sidewalk; may be at the same level as the roadway or raised above the level of the roadway; may be physically separated from the roadway by curbing, bollards, or other barrier; may be treated with special markings and materials; and may contain benches, tables or other facilities for pedestrian use.*

§10. Section 20-259 of the administrative code of the city of New York is amended by adding new subdivisions h and i to read as follows:

h. *A pedicab business shall design and implement policies and procedures to train all pedicab drivers that operate any pedicabs owned by such pedicab business of the obligation to follow all provisions of state and local law governing the operation of a bicycle, as described in subdivision a of this section, and shall require such drivers to provide a copy of any summons, complaint, or notice of violation of any law or regulation received while operating a pedicab to such pedicab business, as well as a copy of the disposition of such summons, complaint or notice of violation to such pedicab business, within five business days of such drivers' receipt of such documents. It shall be unlawful for a pedicab business to fail to train pedicab drivers to ensure compliance with such requirements.*

i. *A pedicab driver who is arrested, or who receives a summons or complaint for a traffic-related offense or other notice of violation of any law or regulation, while operating a pedicab, shall provide a copy of the record of such arrest or a copy of such summons, complaint or notice of violation to the pedicab business to which such pedicab is registered within five business days of such driver's receipt of such documents. A pedicab driver shall also provide a copy of the disposition of such arrest, summons, complaint, or notice of violation to such pedicab business within five days of receipt of such disposition. It shall be unlawful for a pedicab driver to fail to provide any of these documents to the pedicab business.*

§11. Paragraph 3 of subdivision a of section 20-261 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

3. the operation of a pedicab, owned by the pedicab business, that has not been inspected or that does not have affixed to it a registration plate [or replaceable registration tag or decal] as required by section 20-255 of this subchapter; or

§12. Paragraph 2 of subdivision c of section 20-261 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

2. the operation of a pedicab that has not been inspected or that does not have affixed to it a registration plate [or replaceable registration tag or decal] as required by section 20-255 of this subchapter; or

§13. Subdivisions e and f of section 20-261 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended, and a new subdivision h is added, to read as follows:

e. Any [pedicab business that has been found, or] pedicab driver who has been found, to have committed [at least three violations of this subchapter] *one violation of paragraph 7 of subdivision b of section 20-259* within any twelve-month period shall have [its,] his or her license suspended by the commissioner for a period of not less than three months. *Any pedicab driver who has been found to have committed one violation of paragraph 6 of subdivision b of section 20-259 within any twelve-month period shall have his or her license revoked by the commissioner.* [For purposes of this subdivision only, all violations committed on any one day shall constitute a single violation.]

f. [Notwithstanding the provisions of subdivision e of this section, any] *Any pedicab business that has been found[, or pedicab driver who has been found, to have committed at least five violations of this subchapter] to have been in violation of section 20-255 at least one time* within any twelve month period shall have its[, his or her] *business license [revoked] suspended* by the commissioner *for a period of not less than one month.* *Any pedicab business that has been found to have been in violation of section 20-255 at least three times within any twelve month period shall have its business license suspended by the commissioner for a period of not less than one year.* For purposes of this subdivision only, all violations committed on any one day shall constitute a single violation.

h. *In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter, the commissioner, after due notice and an opportunity to be heard, may suspend, revoke, deny or refuse to renew a pedicab business license based on a determination that the number and/or type of violation or violations issued to drivers of pedicabs owned by such business indicate that the operation of such business poses a threat to public safety.*

§14. Subdivision a of section 20-262 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

a. In any civil, criminal, or administrative action or proceeding, the failure to display the registration [tag or decal] *plate* on the pedicab on which it is required to be displayed as provided in section 20-255 of this subchapter shall be presumptive evidence that such pedicab has not been inspected and is not duly registered as required by this subchapter.

§15. The Commissioner shall have the authority to promulgate any rules necessary for the implementation of this local law.

§16. This local law shall take effect immediately, except that section five of this local law shall take effect one hundred days after it shall have become a law, and provided that pedicab businesses may continue to operate without a pedicab business license, and pedicab drivers may continue to operate pedicabs without a registration plate and without a pedicab driver’s license, until the expiration of one hundred days of the effective date of this local law, and provided that subdivisions a, b, and d of section 20-251 of the administrative code of the city of New York, as added by section four of this local law, shall be deemed repealed eighteen months after the sixtieth day of the application period for registration plates.

LEROY G. COMRIE, Chairperson; CHARLES BARRON, JAMES F. GENNARO, G. OLIVER KOPPELL, JOHN C. LIU, Committee on Consumer Affairs, July 28, 2009.

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 Finance

Report for Int. No. 598

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 tax on coin-operated amusement devices.

The Committee on Finance, to which was referred on June 27,2007 (Minutes, page 3008) the annexed proposed local law, respectfully

REPORTS:

BACKGROUND

A Coin Operated Amusement Device (“COAD”) is “any machine, contrivance, apparatus, booth or other device which is operated, played, or permitted to function by the insertion or deposit of any coin, currency, slug, token or thing of value, and which provides amusement, diversion or entertainment”.¹

COADs, such as jukeboxes, pinball machines, mechanical games, electronic games, pool tables, shuffle alleys, electronic darts, video games, kiddie rides, prize dispensing machines, and slot machines, can be found in a variety of locations. Primary locales include taverns and bars, restaurants, retail stores, and shopping malls, which often include one or more video arcade establishments. Other locales in which coin-operated amusement devices can be found include bus terminals, hotels, grocery stores, and truck stops. COADs often spur patron activity because of the low-cost entertainment value generated from such devices.

In 1985, the New York State legislature enacted legislation that placed a tax on COADs for the privilege of maintaining COADs.² This legislation also enabled New York City to impose such a tax.³ Until 1989, the tax, which was collected by the Department of Finance, was imposed at a rate of \$25. In 1989, an additional tax was imposed on COADs in the amount of \$150, bringing the total amount of the tax to \$175.⁴

Under the law, a stamp denoting payment of the COAD tax was required to be conspicuously posted on any device subject to the COAD tax.⁵ COAD owners who failed to place or keep such stamp or other indicia conspicuously posted on any such device, were guilty of a misdemeanor and subjected to a fine.⁶

When the tax increased to \$175 in 1989, small business owners criticized the increase as burdensome, especially in regard to the seasonal use of many devices, such as COADs used outdoors during summer months.

In response, in 1997, the City Council passed legislation that that prohibited the levying of taxes on coin operated devices after August 1, 1997—essentially eliminating the tax.⁷

Although the tax on COADs was eliminated over 10 years ago and rendered ineffective by Local Law 48 of 1997, chapter 15 of the administrative code and section 11-4013 of the administrative code remain on the books. These sections of law set forth duties and responsibilities relating to the imposition of the tax on the coin operated device, the requirement that COAD owners display a stamp indicating payment of the tax. As a result, many owners of such devices in New York City have complained that they have erroneously received summonses for their failure to comply with section 11-4013 of the administrative code, which requires COAD owners to conspicuously display the stamp on their COADs.

Int. 598

Int. 598 repeals the provisions of the administrative code of the city of New York relating to the COAD tax. Specifically, the bill repeals, in its entirety, Chapter 15 of title 11 of the administrative code of the city of New York, which relates to the COAD tax, and repeals section 11-4013 of the administrative code of the city of New York, which requires the conspicuous placement of a stamp on the COAD to indicate payment of the COAD tax.

¹ N.Y.C. Admin. Code §11-1501 (2).

² See Chapter 907 of the Laws of 1985.

³ See *id.*

⁴ See Local Law 63 of 1989.

⁵ See N.Y.C. Admin. Code §§11-1507 and 11-4013.

⁶ See *id.* at § 11-4013.

⁷ See Local Law 48 of 1997, codified as N.Y.C. Admin. Code § 11-1502 (f). Local Law 48 of 1997 added a new subdivision (f) to section 11-1502 of the administrative code, which provides that “Notwithstanding any provision of law to the contrary, no tax shall be imposed pursuant to this chapter for any tax year beginning on or after August first, nineteen hundred ninety-seven.”

(The following is from the text of the Fiscal Impact Statement for Int. No. 598:)

FISCAL IMPACT STATEMENT:

| | Effective FY 10 | FY Succeeding Effective FY 11 | Full Fiscal Impact FY 10 |
|------------------|-----------------|-------------------------------|--------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION:New York City Council Finance Division

ESTIMATE PREPARED BY: Zaid Sadoun, Legislative Analyst

Raymond Majewski, Deputy
Director/Chief Economist
City Council Finance Division

FIS HISTORY: This bill was introduced as Intro. No. 598 by the full Council on June 27, 2007 and was referred to the Committee on Finance. On July 29, 2009, the Committee on Finance will consider the legislation, vote it out of committee; then submit the Intro to the full Council.

Date Submitted to Council: **JUNE 27, 2007.**

Accordingly, Your Committee recommends its adoption.

(The following is the text of Int. No. 598:)

Int. No. 598

By Council Members Weprin, Gerson, Nelson, Stewart, Comrie, Fidler, Jackson, Gentile and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to the tax on coin-operated amusement devices.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 11 and section 11-4013 of the administrative code of the city of New York are REPEALED.

§2. This local law shall take effect immediately.

DAVID I. WEPRIN, Chairperson; DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, July 29, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for L.U. No. 1161

Report of the Committee on Finance in favor of approving a Full exemption from real property taxes for rental housing for the elderly, located at Findlay Plaza in Council District 16, Bronx, pursuant to Section 577 of the Private Housing Finance Law.

The Committee on Finance, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

July 29, 2009

TO: Hon. David Weprin
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of July 29, 2009-Resolution approving tax exemptions for two preconsidered Land Use Items (Council District's 16, 42).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: Livonia Terrace Apartments located at Alabama Avenue in Council Member Barron's District and Findlay Plaza located at Findlay Avenue in Council Member Foster's District.

The Livonia Terrace Apartments contains seventeen multiple dwellings that together provide 171 units of rental housing for persons of low income. The owner and sponsor, Livonia Terrace Housing Development Fund Company, will finance the acquisition and rehabilitation of the property with a loan from HPD, bond financing from HDC and low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$123,303 in the first year of the exemption and \$9.2 million over the 40-year length of the exemption

Findlay Plaza will contain three new multiple dwellings that provides 162 units of rental housing for low income families. The owner and sponsor, Findlay Teller Housing Development Fund Corporation, will finance the acquisition and rehabilitation of the project with a loan from HPD, a mortgage subsidy from the State of New York Division of Housing and Community Renewal and low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$362,700 in the first year of the exemption and \$27.3 million over the 40-year length of the exemption

These items have the approval of Council Members Barron and Foster.

Accordingly, Your Committee recommends the adoption of L.U. Nos. 1161 and 1163.

(For coupled resolution of L.U. No. 1163, please see the Report of the Committee on Finance for L.U. No. 1163 printed in these Minutes; for text of coupled resolution of L.U. No. 1161, please see immediately below:)

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

Res. No. 2097

Resolution approving an exemption from real property taxes for property located at (Block 2435, Lots 45) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1161).

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 22, 2009 that the Council take the following action regarding a housing project to be located at (Block 2435, Lots 45) Bronx ("Exemption Area");

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 July 29, 2009;

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) "Current Owner" shall mean Findlay Plaza Housing Development Fund Corporation.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and New Owner enter into the Regulatory Agreement.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2435, Lot 45 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the

Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- (e) "Foreclosure Sale Use Agreement" shall mean a use agreement between the New Owner and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent not-for-profit owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate as affordable rental housing for elderly persons of low income for twenty (20) years from the date of conveyance of the Exemption Area to the New Owner or such earlier time as the HUD Secretary may specify in writing.
- (f) "HDFC" shall mean Findlay Teller Housing Development Fund Corporation.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (i) "HUD Mortgage" shall mean the original loan made by HUD to the Current Owner in connection with the Section 202 Supportive Housing Program for the Elderly, which loan is secured by a mortgage on the Exemption Area."
- (j) "New Exemption" shall mean the exemption from real property taxation, commencing on the Effective Date, provided hereunder with respect to the Exemption Area.
- (k) "New Owner" shall mean, collectively, the HDFC and the Partnership.
- (l) "Partnership" shall mean Findlay Teller L.P.
- (m) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on November 16, 1978 (Cal. No. 188).

- (n) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is forty (40) years from the Effective Date, and requires that (i) notwithstanding any term of the Foreclosure Sale Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Foreclosure Sale Use Agreement until a date which is forty (40) years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Foreclosure Sale Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the New Owner shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants, and (iv) the New Owner shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.

- (o) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any government entity.

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. 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 New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area, for itself and its successors and assigns, shall (i) execute and record a Foreclosure Sale Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, 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.

DAVID I. WEPRIN, Chairperson; DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, July 29, 2009.

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 have been **preconsidered** by the Committee on Finance and have been favorably reported for adoption.

Report for L.U. No. 1163

Report of the Committee on Finance in favor of approving a Full exemption from real property taxes for the rehabilitation of housing for low income families located at the Livonia Terrace Apartments in Council District 43, Brooklyn, pursuant to Section 577 of the Private Housing Finance Law.

The Committee on Finance, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for L.U. No. 1161 printed above.)

Accordingly, Your Committee recommends its adoption.

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

Res. No. 2098

Resolution approving a partial exemption from real property taxes for property located at (Block 3803, Lots 1 and 11, and Block 3802, Lot 38) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1163).

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated July 6, 2009 that the Council take the following action regarding a housing project to be located at (Block 3803, Lots 1 and 11, and Block 3802, Lot 38) Brooklyn ("Exemption Area"):

Approve a partial 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 July 29, 2009;

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 later of (i) the date of conveyance of the Exemption Area to the HDFC or (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
- (b) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3803, Lots 1 and 11 and Block 3802, Lot 38 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) "HDC" shall mean the New York City Housing Development Corporation.
- (e) "HDFC" shall mean Livonia Terrace Housing Development Fund Company.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "New Exemption" shall mean the partial exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (h) "Owner" shall mean, collectively, the HDFC and the LLC.
- (i) "LLC" shall mean Livonia Terrace LLC.

(j) "Prior Exemption" shall mean the partial exemption from real property taxation for the Exemption Area approved by the Board of Estimate on July 24, 1969 (Cal. No. 167).

(k) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of at least thirty (30) years, all rentable units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.

(l) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(m) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax.

Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement real property taxation of provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall not apply to any building constructed on the Exemption Area which 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, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID I. WEPRIN, Chairperson; DIANA REYNA, MARIA BAEZ, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, DAVID YASSKY,

VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, July 29, 2009.

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 Health

Report for Int. No. 642-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 prohibiting smoking on and around hospital grounds.

The Committee on Health, to which was referred on November 15, 2007 (Minutes, page 4838) the annexed amended proposed local law, respectfully

REPORTS:

INTRODUCTION

On July 27, 2009, the Committee on Health, chaired by Council Member Joel Rivera, will hold a hearing on Proposed Int. No. 642-A, a local law that would prohibit smoking on and around hospital grounds. The Committee previously heard testimony on this legislation on May 21, 2009.

BACKGROUND

More than one million people in New York City are smokers.¹ In addition, a study by the DOHMH found that 57 percent of non-smoking adults in New York City, or 2.5 million people, had been exposed to high enough levels of second-hand smoke to leave measurable residue in their bodies.² Both smoking and second-hand smoke can cause health problems in adults and children, including cancers and heart disease.³ To help combat these problems, the City created its first Smoke-Free Air Act in 1988.⁴ The law was amended in 1995 and major new protections were added in 2002.⁵ The Smoke-Free Air Act bans smoking in a variety of indoor and outdoor areas.⁶ The Act prohibits smoking inside health care facilities including hospitals, clinics, psychiatric facilities, residential health care facilities, physical therapy facilities, convalescent homes and homes for the aged.⁷ New York State's law on smoking is similar to the City law with respect to hospitals.⁸

Other states and localities also ban smoking inside of health care facilities and some go further by restricting smoking outside the buildings and grounds. For example, Arkansas prohibits smoking in and on the grounds of all facilities owned and operated by hospitals, except for psychiatric facilities.⁹ Colorado proscribes smoking inside health care facilities and within a radius outside of the front or main doorway of the facility.¹⁰ The radius is 15 feet or whatever is determined by local authorities.¹¹ In Hawaii, smoking is banned in all enclosed or partially enclosed areas open to the public, including health care facilities.¹² The definition of health care facility is expansive and includes any:

office or institution, including all waiting rooms, hallways, private rooms, semiprivate rooms, and wards, which provides care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.¹³

In addition, health care facilities in private residences are specifically included.¹⁴ Smoking is also prohibited within a presumptively reasonable minimum distance of 20 feet from "entrances, exits, windows that open and ventilation intakes that serve" a facility where smoking is otherwise prohibited.¹⁵ Idaho outlaws smoking inside of public places, including hospitals, and within 20 feet of their public entrances and exits.¹⁶ Washington State prohibits smoking in both places of employment and public places, the definition of which includes all hospitals, health care facilities and clinics.¹⁷

In addition to these State laws, some localities have also banned smoking around medical facilities. For example, the Buffalo City Code specifically forbids smoking within 200 feet of any entrance to any of the buildings of the Roswell Park Cancer Institute in Buffalo, New York.¹⁸ Duluth, Minnesota proscribes smoking in any public place within 100 feet of the property line of any medical facility¹⁹ and defines a medical facility as a hospital, medical or dental clinic.²⁰ Finally, Sioux City, Iowa prohibits smoking while loitering or remaining on public property within 20 feet of a healthcare facility.²¹ Every health care facility, defined by law as a hospital, a medical clinic, a doctor's office including dental and chiropractic practitioners, a public health center, a medical laboratory, a mobile care unit, a nursing home, a residential care facility or a diagnostic or treatment center, is required to put up a no smoking sign.²²

PROPOSED INT. NO. 642-A

Section 1 of Proposed Int. No. 642-A would add a new subdivision mm to section 17-502 of chapter 5 of title 17 of the Administrative Code that would define "hospital" for the purposes of paragraph 6 of subdivision c of section 17-503 as a general hospital as defined in section 2801 of the Public Health Law, diagnostic center and treatment center as defined in section 751.1 of part 751 of title 10 of the New York Codes, Rules and Regulations and residential health care facilities as defined in section 2801 of the State Public Health Law. Section 1 of Proposed Int. No. 642-A also would add a new subdivision nn to section 17-502 of chapter 5 of title 17 of the Administrative Code that would define "hospital grounds" as the outdoor grounds contained within a hospital's legally defined property boundaries.

Section 2 of Proposed Int. No. 642-A would add a new paragraph 6 to subdivision c of section 17-503 of chapter 5 of title 17 of the Administrative Code that would prohibit smoking on hospital grounds, within 15 feet of any hospital entrance or exit and within 15 feet of the entrance to or exit from any hospital grounds.

Section 3 of Proposed Int. No. 642-A would provide that the local law would be effective ninety days after its enactment.

¹ N.Y. City Dep't of Health & Mental Hygiene, *Epiquery: NYC Interactive Health Data System - Community Health Survey 2007: Smoking Status*, <http://nyc.gov/health/epiquery> (last visited May 17, 2009).

² Press Release, N.Y. City Dep't of Health & Mental Hygiene, More Than 2.5 Million Non-Smoking New Yorkers Have Residue from Toxic Second-Hand Smoke in their Blood (Apr. 8, 2009).

³ Ctrs. for Disease Control and Prevention, U.S. Dep't of Health & Human Svcs., *Fact Sheet: Health Effects of Cigarette Smoking* (2008), http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/health_effects.htm; Am. Cancer Society, *Secondhand Smoke*, http://www.cancer.org/docroot/PED/content/PED_10_2X_Secondhand_Smoke-Clean_Indoor_Air.asp?sitearea=PED (last visited May 18, 2009).

⁴ N.Y. Admin. Code § 17-501 *et seq.* (2009).

⁵ *Id.*

⁶ *Id.*

⁷ N.Y. Admin. Code § 17-503(a)(14). An exception is made for smoking in designated, enclosed rooms by patients of residential facilities or day treatment facilities. *Id.*

⁸ N.Y. Pub. Health Law § 1399-O(14) (2009).

⁹ ARK. CODE ANN. §§ 20-27-705, 20-27-706 (2009).

¹⁰ COLO. REV. STAT. ANN. §§ 25-14-203(7), 25-14-204(1)(j) (2008), 25-14-204(1)(cc) (2008).

¹¹ COLO. REV. STAT. ANN. §§ 25-14-203(7).

¹² HAW. REV. STAT. § 328J-3(10) (2008).

¹³ HAW. REV. STAT. § 328J-1.

¹⁴ HAW. REV. STAT. § 328J-7(1).

¹⁵ HAW. REV. STAT. § 328J-6.

¹⁶ IDAHO CODE § 39-5502(6)(e), 39-5503(1) (2008).

¹⁷ HAW. REV. CODE §§ 70.160.020, 70.160.030 (2009).

¹⁸ Buffalo City Code § 399-9(O) (2009).

¹⁹ Duluth City Code § 28-72(c) (2009).

²⁰ Duluth City Code § 28-72(a).

²¹ Sioux City Mun. Code § 19.16.050(1)(a) (2009).

²² Sioux City Mun. Code § 19.16.050(1)(b), Sioux City Mun. Code § 19.16.050(3).

(The following is from the text of the Fiscal Impact Statement for Int. No. 642-A:)

FISCAL IMPACT STATEMENT:

| | Effective FY 09 | FY Succeeding Effective FY 10 | Full Fiscal Impact FY 09 |
|------------------|-----------------|-------------------------------|--------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Latonia Mckinney, Deputy Director
Rocco D'Angelo, Supervising
Legislative Financial Analyst

HISTORY: Int. 642 was introduced on November 15, 2007, and referred to the Committee on Health. On May 21, 2009, the Committee on Health held a hearing on Int. 642, which was amended and laid over. On June 29, 2009, the Committee on Health will consider the legislation as Proposed Int. 642-A.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 642-A:)

Int. No. 642-A

By Council Members Dickens, Brewer, Foster, James, Liu, Palma, Seabrook, Sears, Weprin, White, de Blasio, Arroyo, Stewart, Crowley, Gonzalez, Vacca, Mitchell, Koppell, Eugene, Lappin, Gennaro, Garodnick, Ferreras, Jackson and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking on and around hospital grounds.

Be it enacted by the Council as follows:

Section 1. Section 17-502 of chapter 5 of title 17 of the administrative code of the city of New York is amended by adding a new subdivision mm to read as follows:

mm. "Hospital", for the purposes of paragraph 6 of subdivision c of section 17-503, shall mean a general hospital as defined in section twenty-eight hundred one of the public health law, diagnostic center and treatment center as defined in section 751.1 of part seven hundred fifty one of title ten of the New York codes, rules and regulations and residential health care facilities as defined in section twenty-eight hundred one of the public health law.

nn. "Hospital grounds" means the outdoor grounds contained within a hospital's legally defined property boundaries.

§2. Subdivision c of section 17-503 of chapter 5 of title 17 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

6. Hospital grounds, within fifteen feet of any hospital entrance or exit and within fifteen feet of the entrance to or exit from any hospital grounds.

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

JOEL RIVERA, Chairperson; JOHN C. LIU, HELEN SEARS, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, KENNETH C. MITCHELL, Committee on Health, July 27, 2009.

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. 1071

Report of the Committee on Land Use in favor of approving Application no. N 090316 ZRY submitted by 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, an amendment to the Inclusionary Housing Text Amendment to include the creation of homeownership option for affordable units.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1736) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

CITYWIDE

N 090316 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, relating to modifications of Section 23-90 (Inclusionary Housing Program) and various related Sections of the Zoning Resolution.

INTENT

To revise regulations governing the Inclusionary Housing Program.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2099

Resolution approving the decision of the City Planning Commission on Application No. N 090316 ZRY, for amendment of the Zoning Resolution of the City of New York relating to modifications of Section 23-90 (Inclusionary Housing Program) and various related Sections of the Zoning Resolution, Citywide (L.U. No. 1071).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment of the Zoning Resolution of the City of New York, relating to modifications of Section 23-90 (Inclusionary Housing Program) and various related Sections of the Zoning Resolution, Application No. N 090282 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 July 27, 2009;

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 which was issued on February 17, 2009 (CEQR No. 09DCP046Y);

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, 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

**12-10
DEFINITIONS**

Words in the text or tables of this Resolution which are *#italicized#* shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Inclusionary Housing designated area (7/25/07)

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of sSuch #Inclusionary Housing designated areas# are identified in Section 23-922 Appendix A of Article II, Chapter 3 of this Resolution or in Special Purpose Districts, as applicable.

* * *

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

* * *

**23-144
In designated areas where the Inclusionary Housing Program is applicable**

In *#Inclusionary Housing designated areas#*, as listed in the following table, the maximum permitted *#floor area ratios#* shall be as set forth in Section 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas) Appendix A of this Chapter.

| Community District | Zoning District |
|---------------------------------------|-----------------|
| Community District 1, Brooklyn | R6 R6A R6B R7A |
| Community District 2, Brooklyn | R7A |
| Community District 3, Brooklyn | R7D |
| <u>Community District 6, Brooklyn</u> | <u>R7-2</u> |
| Community District 7, Brooklyn | R8A |
| Community District 6, Manhattan | R10 |
| Community District 7, Manhattan | R9A |
| Community District 2, Queens | R7X |

* * *

**23-15
Maximum Floor Area Ratio in R10 Districts**

R10

In the district indicated, except in *#Inclusionary Housing designated areas#*, the *#floor area ratio#* for any *#building#* on a *#zoning lot#* shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum *#floor area ratio#* shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all *#developments#* or *#enlargements#* in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum *#floor area ratio#* of 10.0.

* * *

**23-90
INCLUSIONARY HOUSING**

**23-91
General Provisions**

~~An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing in neighborhoods experiencing a shift to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-95.~~

**23-92
Applicability
23-921
R10 Districts**

~~The Inclusionary Housing Program shall apply in all R10 Districts located in *#Inclusionary Housing designated areas#*, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.~~

**23-922
Inclusionary housing designated areas**

~~The Inclusionary Housing Program shall apply in the following areas:~~

- ~~(a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK 1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:~~

~~(map deleted)~~

~~Map 1
Portion of Community District 1, Brooklyn~~

~~(map deleted)~~

~~Map 2
Portion of Community District 1, Brooklyn~~

- ~~(b) In Community District 1, in the Borough of Brooklyn, in the R7-3 Districts within the area shown on the following Map 3:~~

~~(map deleted)~~

~~Map 3
Portion of Community District 1, Brooklyn~~

- ~~(c) In Community District 7, in the Borough of Brooklyn, in the R8A District within the area shown on the following Map 4:~~

~~(map deleted)~~

~~Map 4
Portion of Community District 7, Brooklyn~~

- ~~(d) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 5 and 6:~~

~~(map deleted)~~

~~Map 5
Portion of Community District 2, Queens~~

~~(map deleted)~~

~~Map 6
Portion of Community District 2, Queens~~

- ~~(e) In Community District 2, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps 7, 8 and 9:~~

~~(map deleted)~~

~~Map 7
Portion of Community District 2, Brooklyn~~

~~(map deleted)~~

Map 8
Portion of Community District 2, Brooklyn

(map deleted)

Map 9
Portion of Community District 2, Brooklyn

(f) In Community District 7, in the Borough of Manhattan, in the R9A Districts within the areas shown on the following Map 10:

(map deleted)

Map 10
Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 11 and 12:

(map deleted)

Map 11
Portion of Community District 3, Brooklyn

(map deleted)

Map 12
Portion of Community District 3, Brooklyn

(h) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map 13:

(map deleted)

Map 13
Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 14:

(map deleted)

Map 14
Portion of Community District 3, Manhattan

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

23-93

Definitions

For the purposes of the ~~inclusionary housing program~~ this Section 23-90 (INCLUSIONARY HOUSING), inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

23-911

General Definitions

The following definitions shall apply throughout this Section 23-90 (INCLUSIONARY HOUSING), inclusive:

Administering agent

~~The~~ An "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring, pursuant to a #regulatory agreement#.

(a) ~~that each subject rental #affordable housing unit# is rented in compliance with such plan. #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or~~

(b) ~~that each subject #homeownership affordable housing unit# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.~~

~~The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, in #Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.~~

Affordable floor area

(a) ~~Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# is "affordable floor area".~~

(b) ~~Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the "affordable floor area" in such #generating site# is the sum of:~~

(1) ~~all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus~~

(2) ~~a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.~~

Affordable housing

"Affordable housing" consists of:

(a) ~~#affordable housing units#; and~~

(b) ~~#eligible common areas#.~~

Affordable housing plan

An "affordable housing plan" is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Affordable housing unit

An "affordable housing unit" is:

(a) ~~a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:~~

(1) ~~#low income households#;~~

(2) ~~where permitted by Section 23-953 (Special provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or~~

(3) ~~upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;~~

(b) ~~a #rooming unit#, other than a #super's unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by a #low income households#; or~~

(c) a ~~supportive housing unit~~ within a ~~supportive housing project~~.

~~Affordable housing units~~ that are restricted to ~~homeownership~~, as defined in Section 23-913, pursuant to a ~~regulatory agreement~~, must be ~~dwelling units~~.

Capital element

~~"Capital elements" are, with respect to any generating site, the electrical, plumbing, heating and ventilation systems in such generating site, any air conditioning system in such generating site and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such generating site and any other portions of such generating site specified in the guidelines.~~

Compensated development

A "compensated development" is a ~~development~~, an ~~enlargement~~ of more than 50 percent of the ~~floor area~~ of an existing ~~building~~ or, where permitted by the provisions of Section 23-953(d), a conversion of a non-~~residential building~~, or portion thereof, to ~~dwelling units~~, that is located within a ~~compensated zoning lot~~ which receives an increased ~~floor area ratio~~ as a result of satisfying the requirements of the inclusionary housing program.

Compensated zoning lot

A "compensated zoning lot" is a ~~zoning lot~~ that contains a ~~compensated development~~ and receives an increased ~~floor area ratio~~ pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Completion notice

A "completion notice" is a notice from ~~HPD~~ to the Department of Buildings stating that the ~~affordable housing~~ in all or a portion of any ~~generating site~~ is complete and stating the ~~affordable floor area~~ of such ~~affordable housing~~.

Development

For the purposes of this program, a "development" is a ~~development~~ as defined in Section 12-10, or an ~~enlargement~~ of more than 50 percent of the ~~floor area~~ of an existing ~~building~~.

Fair rent

At initial occupancy of ~~lower income housing~~, "fair rent" (the "Section 8 Standard") is an annual rent for each such housing equal to not more than either the public assistance shelter allowance if the ~~family~~ receives public assistance, or 30 percent of the annual income of the tenant of such housing, provided that such tenant is a ~~lower income household~~ at the time of initial occupancy pursuant to the provisions of this program.

Upon renewal of a lease for an existing tenant in ~~lower income housing~~, ~~fair rent~~ (the "Rent Stabilization Standard") is not more than the then-current ~~fair rent~~ for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of ~~lower income housing~~ to a new tenant, ~~fair rent~~ is not more than the higher of:

- (a) the then currently applicable "Section 8 Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be ~~fair rent~~, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a ~~lower income housing plan~~ making a ~~lower income household~~ responsible for the payment of utilities as long as the sum of:

- (1) the initial ~~fair rent~~; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said ~~lower income household's~~ income.

However, in ~~Inclusionary Housing designated areas~~, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting ~~lower income housing~~ will be considered ~~fair rent~~, provided that such rents do not exceed 30 percent of ~~lower income household's~~ income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any ~~lower income housing~~, no portion of the ~~fair rents~~ shall be for the payment of the principal or interest on any debt, and the ~~lower income housing~~ shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. ~~Fair rents~~ may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such ~~lower income housing~~ other than those capital improvements set forth in the ~~lower income housing plan~~.

In ~~Inclusionary Housing designated areas~~, at initial occupancy of any ~~lower income housing~~, a portion of the ~~fair rents~~ may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the ~~lower income housing plan~~, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph(e), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the ~~lower income housing plan~~.

Inclusionary Housing designated areas

"Inclusionary Housing designated areas" shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

Lower income household

A "lower income household" is a ~~family~~ having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

In ~~Inclusionary Housing designated areas~~, ~~lower income households~~ shall also include all existing households in tenancy, provided such households occupy units that are within a ~~building~~ in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a ~~lower income household~~ as provided in this Section. In determining the applicable income limit for such ~~lower income households~~, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

"Lower income housing" are ~~standard units~~ occupied or to be occupied by ~~lower income households~~. ~~Lower income housing~~ shall not include ~~standard units~~ assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions which are specifically limited to the ~~lower income housing~~; or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such ~~lower income housing~~.

However, in ~~Inclusionary Housing designated areas~~, ~~lower income housing~~ shall include ~~standard units~~ assisted under City, State or Federal programs.

Lower income housing plan

The "lower income housing plan," is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified ~~lower income housing~~ pursuant to this program, including but not limited to, choice of ~~administering agent~~, tenant

selection, rent levels in the #lower income housing# and income verification of tenants pursuant to paragraphs (b), (c) and (d) of Section 23-95.

Standard unit

A "standard unit" is a:

- (a) #dwelling unit#;
- (b) #rooming unit#; or
- (c) room used for sleeping purposes in a non profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program.

In each case, it shall be free of violations (and located in a #building# in which the common areas are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution as noted in or issued by a city or state agency as of the date of acceptance of the #lower income housing plan#.

In #standard units#, all windows shall be double glazed.

Eligible common area

"Eligible common area" includes any #residential floor area# in a #generating site# that is located within the perimeter walls of a #super's unit#, and also includes any #residential floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

Floor area compensation

"Floor area compensation" is any additional #residential floor area# permitted in a #compensated development# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Generating site

A "generating site" is a #building# or #building segment# containing either #residential affordable floor area#, or a #supportive housing project#, that generates #floor area compensation#. Non-#residential floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

Grandfathered tenant

A "grandfathered tenant" is any #household# that:

- (a) occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date# pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or
- (c) in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

Guidelines

The "guidelines" are the guidelines adopted by #HPD# pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites).

Household

Prior to #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a

"household" is, collectively, all of the persons occupying such #affordable housing unit#.

HPD

"HPD" is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

Income index

The "income index" is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for household size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

Initial occupancy

"Initial occupancy" is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, "initial occupancy" is the #regulatory agreement date#.

Low income floor area

The "low income floor area" is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, #eligible buyers#.

Low income household

A "low income household" is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

Low income limit

The "low income limit" is 80 percent of the #income index#.

Middle income floor area

The "middle income floor area" is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Middle income household

A "middle income household" is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

Middle income limit

The "middle income limit" is 175 percent of the #income index#.

Moderate income floor area

The "moderate income floor area" is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Moderate income household

A "moderate income household" is a #household# having an income greater than the #low income limit# and less than or equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

Moderate income limit

The "moderate income limit" is 125 percent of the #income index#.

New construction affordable housing

"New construction affordable housing" is #affordable housing# that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

Permit notice

A "permit notice" is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to a #compensated development# to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) state the amount of #low income floor area#, #moderate income floor area#, or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# has utilized #public funding#; and
- (d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

Preservation affordable housing

"Preservation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and
- (b) complies with the provisions of Section 23-961(e) (Special requirements for rental #preservation affordable housing#) or Section 23-962(f) (Special requirements for #homeownership preservation affordable housing#), as applicable.

Public funding

"Public funding" is any grant, loan or subsidy from any federal, state or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. "Public funding" shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a, or Section 489 of

the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

Regulatory agreement

A "regulatory agreement" is an agreement between #HPD# and the owner of the #affordable housing# that requires compliance with all applicable provisions of an #affordable housing plan#, Section 23-90 (INCLUSIONARY HOUSING), inclusive and the #guidelines#.

Regulatory agreement date

The "regulatory agreement date" is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the "regulatory agreement date" is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

Regulatory period

The "regulatory period" is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings or is otherwise under construction or in #use# in a #compensated development#.

Substantial rehabilitation affordable housing

"Substantial rehabilitation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed on the #regulatory agreement date#, and
- (b) complies with the provisions of Section 23-961(f) (Special requirements for rental #substantial rehabilitation affordable housing#) or Section 23-962(g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

Super's unit

A "super's unit" is, in any #generating site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

23-912**Definitions Applying to Rental Affordable Housing**

The following definitions shall apply to rental #affordable housing#:

Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing).

Maximum monthly rent

The "maximum monthly rent" is:

- (a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

Monthly Rent

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing), to a tenant in an affordable housing unit#.

Rent stabilization

"Rent stabilization" is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, "rent stabilization" shall be defined as set forth in the #guidelines#.

Rent-up

"Rent-up" is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, "rent-up" shall have the same meaning as #regulatory agreement date#.

Rent-up date

The "rent-up date" is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "rent-up date" is the #regulatory agreement date#.

Supportive housing project

A "supportive housing project" is a non-profit institution with sleeping accommodations as specified in Section 22-13 (Use Group 3), where:

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#; and
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

Supportive housing unit

A "supportive housing unit" is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

Utility allowance

A "utility allowance" is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

23-913**Definitions Applying to Homeownership Affordable Housing**

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section 23-913:

Appreciated price

The "appreciated price" for any #homeownership affordable housing unit# is the product of the #sale# or #resale# price of such #homeownership affordable housing unit# on the previous #sale date# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

Appreciation cap

The "appreciation cap" is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

- (a) 125 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or
- (b) 175 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

Appreciation Index

The "appreciation index" is 100 until August 1, 2010. On or after August 1, 2010, the #appreciation index# shall be a number greater than 100, representing the cumulative increase in #resale# price of a #homeownership affordable housing unit# permitted pursuant to the annual rates of increase established by #HPD#.

#HPD# shall set the annual rate of increase at the same rate as the percentage change in the Consumer Price Index for all urban consumers, as defined by the U.S. Bureau of Labor Statistics, for the twelve months ended on June 30 of that year, plus one percent per year, but the annual rate of increase shall be no less than one percent per year. #HPD# shall adjust the Consumer Price Index component of the #appreciation index# on August 1 of each calendar year, commencing on August 1, 2010, based on the percentage change in the Consumer Price Index for the twelve months ended on June 30 of that calendar year. For a fraction of a year, the components of the #appreciation index# shall be set as specified in the #guidelines#. #HPD# may adjust the methodology for calculating the #appreciation index# not more than once every two years in accordance with the #guidelines#.

Commencement date

The "commencement date" is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "commencement date" is the #regulatory agreement date#.

Condominium Association

A "condominium association" is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site#.

Cooperative corporation

A "cooperative corporation" is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

Down Payment

The "down payment" is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase an #homeownership affordable housing unit#.

Eligible Buyer

An "eligible buyer" is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

- (a) except in the case of #succession#:
 - (i) be, at the time of application for an initial #sale#, a #low income household#, #moderate income household#, or #middle income household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income. However, for a #household# that resided on a #generating site# on the date of submission of an #affordable

housing plan#. #HPD# may waive the requirement that housing costs be not less than 25 percent of such #household#'s income;

- (ii) be, at the time of application for a #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, or #middle income households#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household#'s income;
- (iii) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#. However, #HPD# may waive this requirement for a #household# that resided on a #generating site# on the date of submission of an #affordable housing plan# to #HPD#; and
- (iv) meet such additional eligibility requirements as may be specified in the #guidelines#.
- (b) in the case of #succession#:
- (i) be, at the time of application, a #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #imputed mortgage payments#, utilities and property taxes for the subject #homeownership affordable housing unit# is not less than 25 percent of such #household#'s income; and
- (ii) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit#.

Family Member

“Family member” shall have the meaning set forth in the #guidelines#.

Homeowner

A “homeowner” is a person or persons who:

- (a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#, or
- (b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

Homeownership

“Homeownership” is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

Imputed mortgage payment

An “imputed mortgage payment” is the maximum #mortgage payment# at prevailing interest rates for a qualifying #mortgage# that could be paid to purchase a #homeownership affordable housing unit# at the #maximum resale price#, calculated in accordance with the #guidelines#.

Initial price

The “initial price” is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time pursuant to a #regulatory agreement#.

Maximum resale price

The #maximum resale price# for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

Monthly Fees

The “monthly fees” are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit#'s share of the expenses of such #cooperative corporation# or #condominium association# as permitted by the #regulatory agreement#.

Mortgage

An “mortgage” is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years at every #sale# and #resale#, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

Mortgage Payment

The “mortgage payment” is any monthly repayment of principal and interest on a #mortgage#.

Resale

A “resale” is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# after the first #sale#.

Sale

A “sale” is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

Sale date

A “sale date” is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

Succession

“Succession” is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

23-92

General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

23-93

Applicability

23-931

Lower income housing plans approved prior to (date of enactment)

Any #lower income housing plan#, as defined by Section 23-93 of this Resolution prior to (date of enactment), that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95(e), as such Section existed prior to (date of enactment), shall be governed solely by the regulations in effect prior to (date of enactment) unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Sections 23-954(b) and (c) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after (date of enactment).

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 of this Resolution prior to (date of enactment), provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to (date of enactment), except as provided in this Section. Where such a #compensated development# is located in an R10 district outside of #Inclusionary Housing designated areas#, the provisions of Section 23-951 (Floor area compensation in R10 districts other than Inclusionary Housing designated areas) shall not apply, and paragraph (a) of Section 23-94 (Floor Area Compensation) as such section existed prior to (date of enactment) shall apply:

Any #lower income housing plan#, as such term was defined prior to (date of enactment), that has been approved by #HPD#, prior to such date and any legal document related thereto, may be modified by #HPD#, to apply the provisions of Section 23-961(b) (Monthly Rent) to such #lower income housing plan#.

23-932

R10 Districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of Section 23-952. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of Section 23-951 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

23-933

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in #inclusionary housing designated areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

#Inclusionary Housing designated areas# are listed in Appendix A of this Chapter.

23-94

Methods of Providing Affordable Housing

- (a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#.
- (b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.
- (c) The amount of #affordable floor area# in any #generating site# shall be determined based upon plans for such #generating site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of

#floor area# devoted to other #residential# uses. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the guidelines.

- (d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# shall be determined in the same manner as the calculation of #affordable floor area#.
- (e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

23-95

**Floor Area Compensation
Compensated Zoning Lots**

23-941951

Floor area compensation in R10 districts other than Inclusionary Housing designated areas

The #residential floor area ratio# of a #compensated zoning lot development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #compensated zoning lot development# provides #lower income affordable housing# that is restricted to #low income floor area# pursuant to Section 23-95 (Lower Income Housing Requirements).

For each square foot of #floor area# provided for #lower income a type of #affordable housing# listed in Column A and which meets the requirements set forth in Section 23-95, the #floor area# of the #compensated zoning lot development# may be increased by the number of square feet set forth in Column B. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

| Column A | Column B |
|---|----------|
| On-site Without #public funding#: | |
| #New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing# | 3.75 |
| Without #public funding#: | |
| #Preservation Affordable Housing# | 2.0 |
| With #public funding#: | |
| #New Construction Affordable Housing#, #Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing# | 1.25 |
| On-site Substantial Rehabilitation | 3.2 |
| Off-site New Construction (Private Site) | 4.0 |
| Off-site New Construction (Public Site)* | 2.5 |
| Off-site Substantial Rehabilitation (Private Site) | 3.7 |

* Public sites are those made available for this program by a public agency at nominal cost.

Each structure erected and recorded as a separate #building# at the Department of Buildings as of January 1, 1987, may be considered individually in determining if #lower income housing# provided pursuant to this program shall be considered as substantial rehabilitation or preservation.

23-9452

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK-1 and in R7-3 Districts within Community District 1, Borough of Brooklyn.

(a) Maximum residential floor area ratio#

The residential floor area# of a development# or enlargement# zoning lot# may not exceed the base floor area ratio# set forth in the following table, except that such floor area# may be increased on a compensated zoning lot# by one and one quarter 1.25 square feet for each square foot of low income floor area# provided for lower income, up to the maximum floor area ratio# specified in the table. However, the amount of lower income low income floor area# required to receive such bonus floor area compensation# need not exceed 20 percent of the total floor area#, exclusive of ground floor non-residential floor area#, in on the building compensated zoning lot#. In addition, the following rules shall apply:

| District | Base floor area ratio# | Maximum floor area ratio# |
|------------------|--|---------------------------|
| R6B | 2.0 | 2.2 |
| R6* | 2.2 | 2.42 |
| R6**, R6A, R7-2* | 2.7 | 3.6 |
| R6A | 2.7 | 3.6 |
| R6B | 2.0 | 2.2 |
| R7A, R7-2** | 3.45 | 4.6 |
| R7D | 4.2 | 5.6 |
| R7X | 3.75 | 5.0 |
| R8, R8A | 5.40 | 7.2 |
| R9 | 6.0 | 8.0 |
| R9A | 6.5 | 8.5 |
| R10 | 9.0 | 12.0 |
| --- | | |
| * | for zoning lots#, or portions thereof, beyond 100 feet of a wide street# | |
| ** | for zoning lots#, or portions thereof, within 100 feet of a wide street# | |

(b) Height and setback

- (1) Except in Special Mixed Use Districts#, the compensated building# must be developed# or enlarged# pursuant to 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 Special Mixed Use Districts#, where the residencee district# designation has a letter suffix, the compensated building# must be developed# or enlarged# pursuant to paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the residencee district# designation does not have a letter suffix, the compensated building# must be developed# or enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the building# is developed# or enlarged# pursuant to the Quality Housing Program.

(c) Lower income housing# requirements

The lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).

**23-953
Special floor area compensation provisions in specified areas**

(ad) Optional provisions for general large-scale developments# in C4-6 or C5 Districts

Within a general large-scale development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (a)(d), inclusive, modify the provisions of paragraphs (a) and (c) of this Section, Section 23-93 (Definitions) and Section 23-95 (Lower Income Housing Requirements)952 (In inclusionary housing designated areas):

- (1) For the purposes of this paragraph, (d), inclusive, the definitions of moderate income household# and fair rent# in Section 93-231 (Definitions) shall apply.

“Moderate income housing” shall be defined as standard units# occupied or to be occupied by moderate income households#, and “middle income housing” shall be defined as standard units# occupied or to be occupied by middle income households#. Moderate income housing# and middle income housing# shall be considered lower income housing# for the purposes of the definition of lower income housing plan# in Section 23-93.

- (2) The residential floor area# of a development# or enlargement# may not exceed the base floor area ratio# set forth in the table in Section 23-942, except that the floor area# of a development# or enlargement# may be increased up to the maximum floor area ratio# specified in the table in 23-942, as follows:

(i) the floor area# of a development# or enlargement# may be increased by one and one quarter square feet for each square foot of floor area# provided for lower income housing#;

(ii) the floor area# of a development# or enlargement# may be further increased by 0.833 square feet for each one square foot of moderate income floor area# provided for moderate income housing#, or by 0.625 square feet for each one square foot of middle income floor area# provided for middle income, provided that for each square foot of such floor area compensation# increase pursuant to this paragraph, (d)(2)(ii), there is one square foot of floor area compensation# increase pursuant to paragraph (d)(2)(i) of this Section 23-952;

- (iii)(2) However, the amount of affordable lower income housing# moderate income housing# and middle income housing# required to receive such bonus floor area compensation# need not exceed the amounts specified in this paragraph (da)(2)(iii). If affordable housing# is provided for both low income and moderate income housing# and lower income housing# are provided households#, the amount of moderate income housing floor area# need not exceed 15 percent of the total floor area#, exclusive of ground floor non-residential floor area#, on the zoning lot#, provided that the amount of lower low income housing floor area# is at least 10 percent of the total floor area#, exclusive of ground floor non-residential floor area#, on the zoning lot#. If affordable housing# is provided for both middle income housing households# and lower income housing# are provided households#, the amount of middle income housing floor area# need not exceed 20 percent of the total floor area#, exclusive of ground floor non-residential floor area#, on the zoning lot#, provided that the amount of lower income low income floor area# is at least 10 percent of the total floor area#, exclusive of ground floor non-residential floor area#, on the zoning lot#.

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

- (3) The lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements), except that:

(i) the provisions of paragraphs (a), (b) and (c)(i) of Section 93-233 shall apply; and

- (ii) ~~moderate income housing# and middle income housing# shall be considered lower income housing# for the purposes of Sections 23-951, 23-952 and 23-953.~~

(b) Special provisions apply to compensated zoning lots#:

- (1) Within R6 and R8 districts in Waterfront Access Plan BK-1 and R7-3 Districts within Community District 1, Borough of Brooklyn, as set forth in Section 62-352.
- (2) Within the Special Hudson Yards District#, Special Clinton District# and Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

23-954

Additional requirements for compensated developments

(a) Height and setback in inclusionary housing designated areas#

- (1) In inclusionary housing designated areas#, except within Special Mixed Use Districts#, 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 paragraph (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.

(b) Compensated Development Building Permits

- (1) HPD# may issue a permit notice# to the Department of Buildings at any time on or after the regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a compensated development# that utilizes floor area compensation# based on the affordable housing# described in such permit notice#.
- (2) If HPD# does not receive confirmation that the regulatory agreement# has been recorded within 45 days after the later of (i) the regulatory agreement date#, or (ii) the date upon which HPD# authorizes the recording of the regulatory agreement#, HPD# shall suspend or revoke such permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such permit notice# or issue any new permit notice# until HPD# receives confirmation that the regulatory agreement# has been recorded. Upon receipt of notice from HPD# that a permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such permit notice# which is then in effect for any compensated development#.

(c) Compensated Development Certificates of Occupancy

- (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the compensated development# that utilizes floor area compensation# until HPD# has issued a completion notice# with respect to the affordable housing# that generates such floor area compensation#. However, where any story# of a compensated development# contains one or more affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such story# if such temporary or permanent certificate of occupancy either includes each affordable housing unit# located in such story# or only includes dwelling units# or rooming units# that are affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a super's unit#.
- (2) HPD shall not issue a completion notice# with respect to any portion of any generating site# unless:

- (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all affordable housing# described in such completion notice# and such certificates of occupancy have not expired, been suspended or been revoked, or

- (ii) where a generating site# contains affordable housing# that had a valid certificate of occupancy on the regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such affordable housing#, HPD# has determined that all renovation and repair work required by the applicable regulatory agreement# has been completed and all obligations with respect to the creation of such affordable housing# have been fulfilled in accordance with the applicable regulatory agreement#.

23-956

Lower Income Housing Requirements for Generating Sites

To qualify for the increased floor area#, compensated developments# must provide lower income housing# for the life of the increased floor area# in the compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such lower income housing# must meet each of the following requirements:

(a) Standards

All lower income housing# shall be in standard units#. Except in buildings# in which all standard units# are occupied by lower income housing#, the floor area# devoted to lower income housing# shall be considered only the floor area# within the perimeter walls of the standard units# of the lower income housing# and a pro-rata share of the common areas of the building# exclusive of those common areas for which a fee is charged to lower income households# for its use. In buildings# in which all of the standard units# are occupied by lower income housing#, all of the residential floor area# shall be considered as devoted to lower income housing#.

(b) Tenant selection

All incoming households of standard units# in lower income housing# must be lower income households#.

Sublessees of a lower income household# must also be lower income households#. The administering agent# shall verify the income of such sublessee households prior to their occupancy of the lower income housing#, to assure that such households are lower income households#.

On and after the issuance of a certificate of occupancy for lower income housing#, the administering agent# shall have a duty:

- (1) to maintain in a habitable condition all lower income housing#; and
- (2) to rent such housing to lower income households#.

This duty to rent shall be satisfied by the administering agent#, if such agent has in fact rented all such units to lower income households# or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(c) Rent levels

All standard units# in lower income housing# shall be rented at fair rents#. The total average annual rent for all lower income housing# approved pursuant to a lower income housing plan# shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs for such year as determined by the Commissioner of the Department of Housing Preservation and Development.

(d) Income verification

Prior to renting lower income housing#, the administering agent# shall verify the income of each household to occupy such housing, to assure that the households are lower income households#. The administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of lower income housing# are lower income households#.

(e) — Lower income housing plan

A ~~#lower income housing plan#~~ acceptable to the Commissioner of Housing Preservation and Development shall be prepared and followed by the developer.

Such plan shall include the building plans, indicate the ~~#floor area#~~ devoted to ~~#lower income housing#~~ and shall demonstrate the feasibility of creating and maintaining the specified ~~#lower income housing#~~ required in accordance with the ~~Inclusionary Housing program~~, including demonstrating that:

- (1) ~~the #lower income housing# will be managed and operated by a responsible #administering agent#;~~
- (2) ~~there will be sufficient income to provide for adequate maintenance, operation and administration of the #lower income housing#; and~~
- (3) ~~tenant selection will be on an equitable, non-discriminatory basis and achieves a reasonable range of tenant incomes within the permitted income levels and rent levels established pursuant to this program.~~

A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development, shall be recorded against the ~~#zoning lot#~~ on which the ~~#lower income housing#~~ is constructed and shall set forth the obligations, running with such ~~#zoning lot#~~, of the owner and all its successors in interest to provide ~~#lower income housing#~~ in accordance with the ~~#lower income housing plan#~~. The ~~#lower income housing plan#~~ shall be incorporated by reference into the restrictive declaration, and attached as an exhibit thereto.

No later than the date on which a ~~#lower income housing plan#~~ is first submitted to the Department of Housing Preservation and Development, a copy of the plan shall be submitted to the affected Community Board(s). Such Community Board(s) shall have 45 days to review said plan. No ~~#lower income housing plan#~~ shall be accepted by the Commissioner of Housing Preservation and Development during the Community Board review period.

A copy of any ~~#lower income housing plan#~~ that is accepted by the Commissioner of Housing Preservation and Development within 24 months of May 21, 1987, shall be furnished by the developer to the Department of City Planning immediately after such acceptance.

(f) — Permits and certificates of occupancy

No building permit for the ~~#compensated development#~~ shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable ~~#lower income housing plan#~~ has been filed and approved.

No temporary certificate of occupancy shall be issued for any part of the ~~#compensated development#~~ until a temporary certificate of occupancy for each unit of ~~#lower income housing#~~ has been issued or, in ~~#R6, R7 and R8 designated areas#~~, if the ~~#building#~~ has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the ~~#lower income housing#~~.

No permanent certificate of occupancy shall be issued for any part of the ~~#compensated development#~~ until a permanent certificate of occupancy for each unit of the ~~#lower income housing#~~ has been issued or, in ~~#R6, R7 and R8 designated areas#~~, if the ~~#building#~~ has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the ~~#lower income housing#~~. Prior to the issuance of any temporary or permanent certificate of occupancy for the ~~#compensated development#~~, the Commissioner of Housing Preservation and Development shall certify that the ~~#lower income housing#~~ is in compliance with the ~~#lower income housing plan#~~.

(g) — Insurance

The ~~#administering agent#~~ of the ~~#lower income housing#~~ shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing.

Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to ~~#lower income housing#~~, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in ~~#R6, R7 and R8 designated areas#~~, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of ~~#lower income housing#~~ that is assisted under City, State or Federal programs.

(h) — Obligations for life of increased #floor area#

The obligation to provide a specified amount of ~~#lower income housing#~~ shall run with the ~~#zoning lot#~~ containing such ~~#lower income housing#~~ for the life of the increased ~~#floor area#~~ of the ~~#compensated development#~~. In the event any portion of such housing is damaged or destroyed, no ~~#floor area#~~ may be replaced on said ~~#zoning lot#~~ unless such ~~#floor area#~~ contains the specified amount of ~~#lower income housing#~~.

(i) — Single #building# for #lower income housing#

Any ~~#building#~~ may contain ~~#lower income housing#~~ that satisfies the requirements of this program for more than one ~~#compensated development#~~, provided that no ~~#floor area#~~ in the ~~#lower income housing#~~ is counted more than once in determining the amount of increased ~~#floor area#~~ for ~~#compensated developments#~~.

(j) — Subsequent compensation

The Commissioner of Housing Preservation and Development may certify that a ~~#lower income housing plan#~~ is in compliance with the requirements of this program and that ~~#lower income housing#~~ is in compliance with said plan prior to the filing of plans for a ~~#compensated development#~~. ~~#Developments#~~ may subsequently be compensated with additional ~~#floor area#~~ under this program for such ~~#lower income housing#~~.

(k) — Applicability to rent regulation

Notwithstanding the provisions herein, no provision shall be applicable to tenants occupying units subject to the rent stabilization law or the rent control law, if such provision would be inconsistent with the rights of such tenants.

To provide for the effective implementation of the ~~Inclusionary Housing program~~, guidelines consistent with and in furtherance of the purposes and intent of such program shall be adopted, and may be modified, as follows:

The Commissioner of Housing Preservation and Development shall develop guidelines for ~~#lower income housing plans#~~, in consultation with the Board of Estimate, which shall be submitted to the Board of Estimate in time for consideration by the Board at its next regular meeting following the adoption of this Section. Such guidelines shall take effect as submitted, unless modified by the Board at the next meeting following such meeting, in which case the guidelines shall take effect as modified. The guidelines may be modified from time to time by the Commissioner of Housing Preservation and Development, provided, however, that the Commissioner of Housing Preservation and Development shall, within one year of initial adoption of the guidelines, submit the then-existing guidelines to the Board, and the Board may, within thirty days of the first regular meeting following submission, modify such guidelines. If the Board does not modify such guidelines as herein provided, the then-existing guidelines shall continue in effect. Thereafter, the Board may, not more frequently than once a year, request the Commissioner of Housing Preservation and Development to submit the then-existing guidelines to the Board.

The Board may, within thirty days of the first regular meeting following submission modify such guidelines. If the Board does not modify such guidelines as herein provided, the then-existing guidelines shall continue in effect. Any plan submitted to the Commissioner of Housing Preservation and Development under the then-existing guidelines shall not be affected by any subsequent modification thereto.

23-951**On-site new construction option**

To qualify for this option, the designated ~~#lower income housing#~~ shall meet the following requirements:

(a) ~~The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.~~

(b) ~~#Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contains two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:~~

- ~~under 600 net square feet~~
- ~~600 – 749 net square feet~~
- ~~750 – 949 net square feet~~
- ~~950 – 1149 net square feet~~
- ~~1150 or more net square feet~~

~~In #Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.~~

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Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

(a) ~~The #lower income housing# shall be located either:~~

~~(1) within the same Community District as the #compensated development#; or~~

~~(2) within an adjacent Community District and within a one half mile radius of the #compensated development#, except that #lower income housing# located within a one half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.~~

~~For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.~~

~~Furthermore, in # Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.~~

(b) ~~The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.~~

(c) ~~On site substantial rehabilitation units shall be those units on the same #zoning lot# as the #compensated development#.~~

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Preservation option

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

(a) ~~The #lower income housing# shall be located either:~~

~~(1) within the same Community District as the #compensated development#; or~~

~~(2) within an adjacent Community District and within a one half mile radius of the #compensated development#, except that #lower income housing# located within a one half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.~~

~~The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.~~

~~Furthermore, in # Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.~~

~~(b) Rent charged to #lower income households# shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program, even though such increases may be permitted under other laws regulating maximum rent levels in these units.~~

~~(c) The Commissioner of Housing Preservation and Development may require any improvements to the #building# or to the housing necessary to ensure that, with normal maintenance, the #lower income housing# will continue to provide a decent, safe and sanitary living environment for the life of the increased #floor area# in the #compensated development#.~~

~~(d) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area# in the #compensated development#.~~

~~(e) The developer of a #compensated development# must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the #lower income housing plan#, no harassment occurred that resulted in removal of previous tenants of units proposed to become #lower income housing# preserved pursuant to this Section.~~

~~#Affordable housing# in a #generating site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.~~

~~(a) Location of Generating Site and Compensated Zoning Lot~~

~~Where a #generating site# is not located within the #compensated zoning lot# for which it generates #floor area compensation#:~~

~~(1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or~~

~~(2) the #generating site and the #compensated zoning lot# shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.~~

~~However, special rules for the location of a #generating site# and a #compensated zoning lot# apply in Community District 1, Borough of Brooklyn, where the provisions of paragraph (a)(2) shall apply only to adjacent Community Districts located in the Borough of Brooklyn; in the #Special Clinton District#, pursuant to the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area); in the #Special Downtown Jamaica District#, pursuant to the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, pursuant to the provisions of Section 125-22 (Newtown Creek Subdistrict).~~

~~(b) Distribution of Affordable Housing Units~~

~~In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#:~~

~~(1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#, and~~

- (2) not more than one-third of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than one-third of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#. However, on a #residential story# with fewer than three #dwelling units# or #rooming units#, only one #dwelling unit# or #rooming unit# may be an #affordable housing unit#, unless not less than one #dwelling unit# or #rooming unit# on each floor is an #affordable housing unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

(c) Bedroom Mix of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, either:

- (i) the #dwelling units# in the #generating site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or
- (ii) not less than 50 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain one or more bedrooms.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that either is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section; or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, #HPD# may waive these requirements for any #affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.
- (3) All of the #supportive housing units# in a #generating site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.
- (4) For purposes of this paragraph (c), inclusive, fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# shall contain not less than:
- (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or

- (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
- (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
- (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.

- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Administering Agent

- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
- (2) An #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either (i) the #affordable housing# is participating in a federal, state or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#, or (ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.
- (3) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.

(f) Regulatory Agreement

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
- (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94(c).
- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.

(4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.

(5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.

(6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law,

(i) appoint a receiver to manage such #generating site# or

(ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.

(7) Where applicable in accordance with Section 23-96(g) (Monthly Rent), the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing Standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# shall be entirely free of violations of record issued by any city or state agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) Insurance

The #affordable housing# in a #generating site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under city, state or federal programs.

(i) Duration of Obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# shall run with the #zoning lot# containing such #generating site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless

(1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed, or

(2) one hundred percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) One Generating Site May Satisfy Requirements for Multiple Compensated Zoning Lots

Any #generating site# may contain #affordable housing# that satisfies the requirements of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, for more than one #compensated development#, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments#.

(k) Guidelines

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

23-961

Additional Requirements for Rental Affordable Housing

The following additional requirements shall apply # to rental #affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Tenant Selection

(1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.

(2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.

(3) A #low income household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

(b) Monthly Rent

(1) The #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.

(i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.

(ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.

(2) The #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated

rent#. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.

- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) The #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount, (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other reason.
- (6) The #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.
- (7) The #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

- (1) Each #affordable housing unit# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#.
- (2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household# or #middle income household#, as applicable.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) Affordable Housing Plan

- (1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household#'s #initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with this Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:
 - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
 - (ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and
 - (iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:
 - (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments, or
 - (ii) 45 days from the date that such proposal was submitted to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The following additional requirements shall apply to rental #preservation affordable housing#:

- (1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and

(6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(f) Special requirements for rental #substantial rehabilitation affordable housing#

The following additional requirements shall apply to rental #substantial rehabilitation affordable housing#:

(1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;

(2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and

(6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

23-962

Additional Requirements for Homeownership Affordable Housing

The following additional requirements shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Homeowner Selection

(1) Upon #sale# #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households# and #middle income households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.

(2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, or #eligible buyer#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease.

The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.

(3) A #homeowner# shall reside in the #homeownership affordable housing unit# except as provided in paragraph (a)(2) of this Section.

(4) The restrictions in this Section 23-962(a) on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this Section 23-962(a) and the #guidelines#.

(b) Price

(1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in section 23-913 (Definitions Applying to Homeownership Generating Sites).

(2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable.

(3) Prior to any #resale# of an #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.

(4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment# as specified in the #guidelines#.

(5) An #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

(1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household# or #middle income household#, as applicable, and that upon #resale#, it is an #eligible buyer#.

(2) The #administering agent# shall meet reporting requirements on each #sale and #resale# as set forth in the #guidelines#.

(3) Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of an #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) Affordable Housing Plan

(1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.

- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:
 - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#.
 - (ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and
 - (iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961(d)(3) shall apply.

(e) Housing Standards

The requirements of Section 23-96(g) shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) Special requirements for #homeownership preservation affordable housing#.

The following additional requirements shall apply to #homeownership preservation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #residential building#.
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(g) Special requirements for #homeownership substantial rehabilitation affordable housing#.

The following additional requirements shall apply to #homeownership substantial rehabilitation affordable housing#:

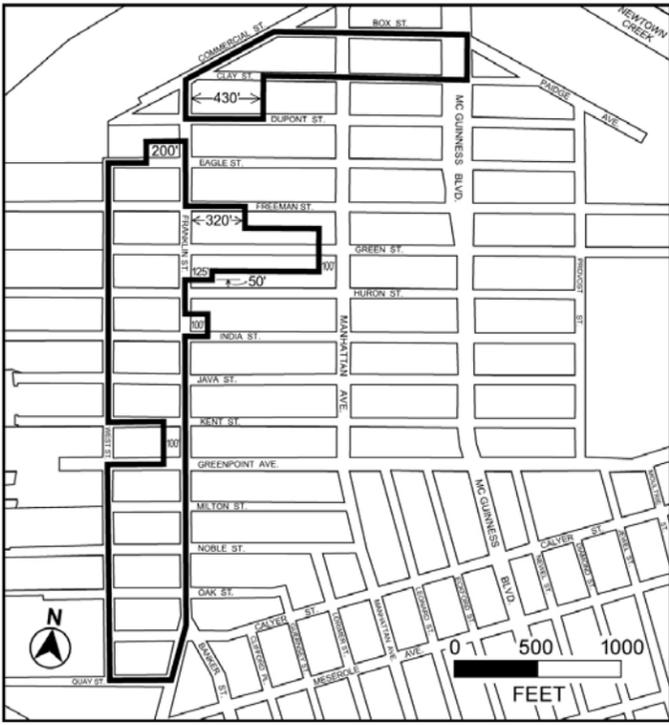
- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

* * *

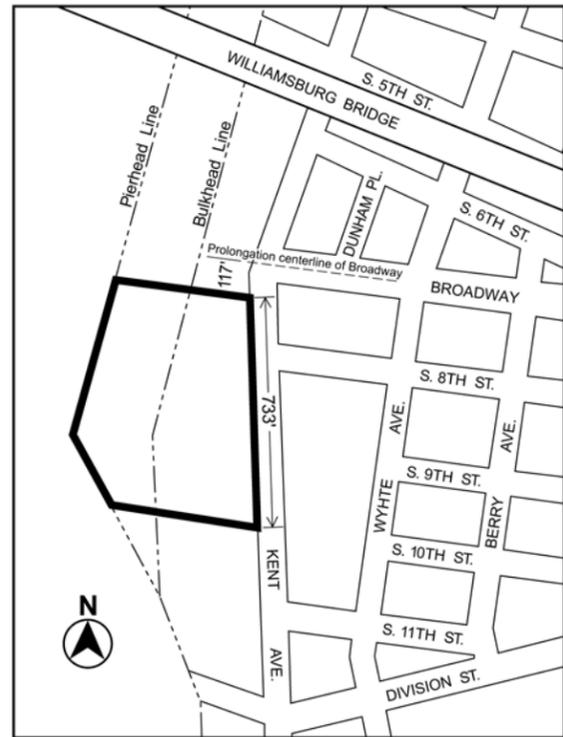
**APPENDIX A
INCLUSIONARY HOUSING DESIGNATED AREAS**

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

- (a) In Community District 1, in the Borough of Brooklyn, Waterfront Access Plan BK-1, as set forth in Section 62-352, and the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

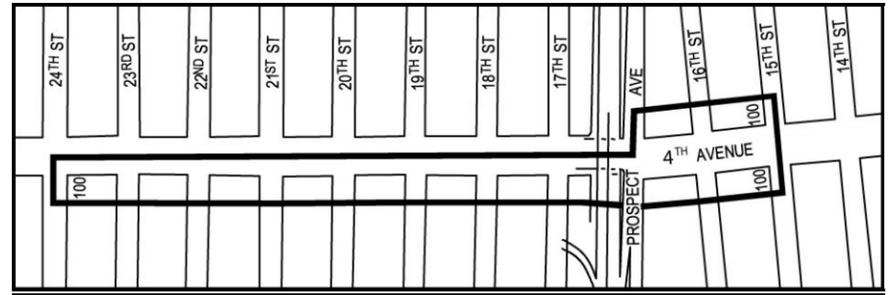


Map 1
Portion of Community District 1, Brooklyn



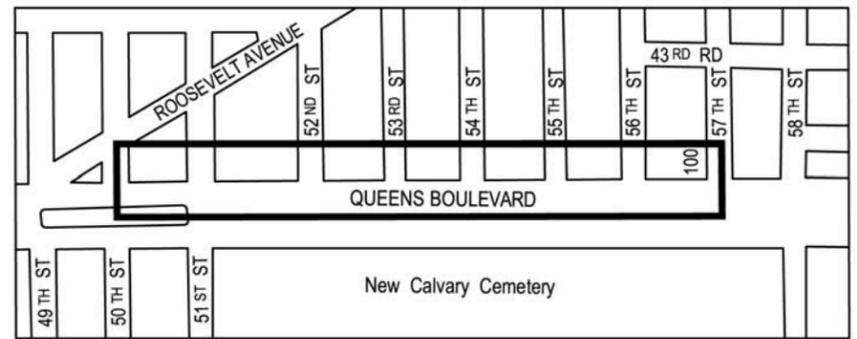
Map 3
Portion of Community District 1, Brooklyn

(c) In Community District 7, in the Borough of Brooklyn, the R8A District within the area shown on the following Map 4:

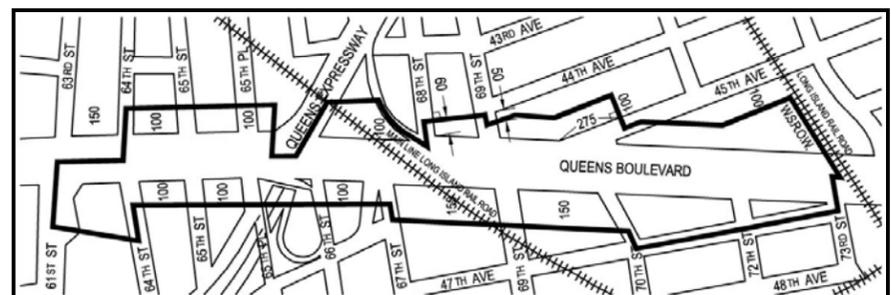


Map 4
Portion of Community District 7, Brooklyn

(d) In Community District 2, in the Borough of Queens, the R7X Districts within the areas shown on the following Maps 5 and 6:



Map 5
Portion of Community District 2, Queens



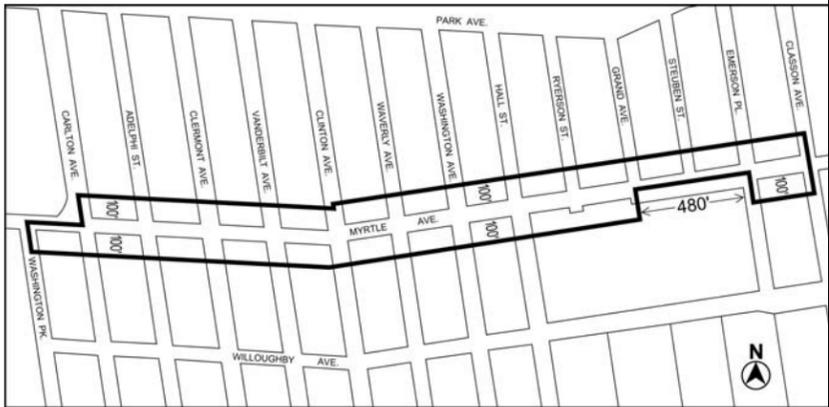
(b) In Community District 1, in the Borough of Brooklyn, the R7-3 Districts within the area shown on the following Map 3:



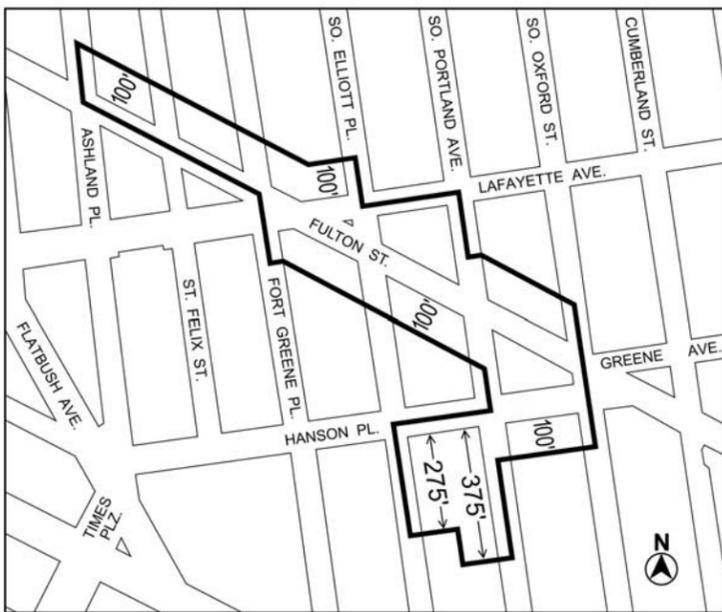
Map 2
Portion of Community District 1, Brooklyn

Map 6
Portion of Community District 2, Queens

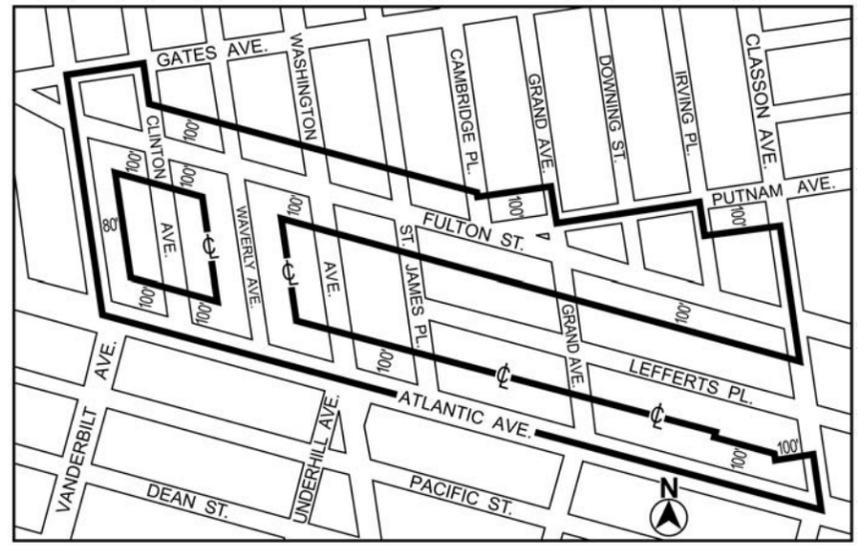
(e) In Community District 2, in the Borough of Brooklyn, the R7A Districts within the areas shown on the following Maps 7, 8 and 9:



Map 7
Portion of Community District 2, Brooklyn

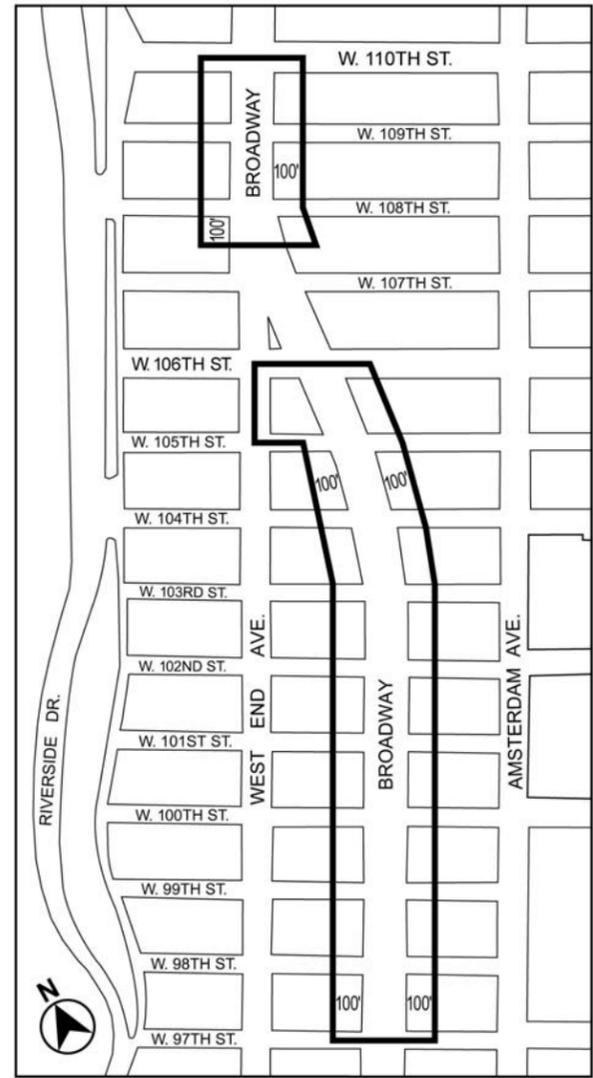


Map 8
Portion of Community District 2, Brooklyn



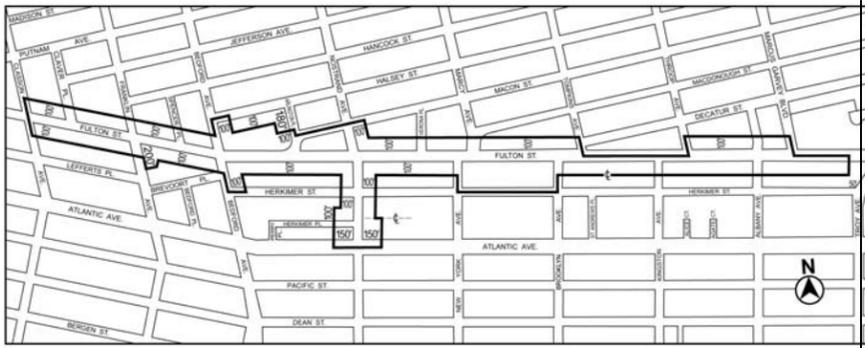
Map 9
Portion of Community District 2, Brooklyn

(f) In Community District 7, in the Borough of Manhattan, the R9A Districts within the areas shown on the following Map 10:

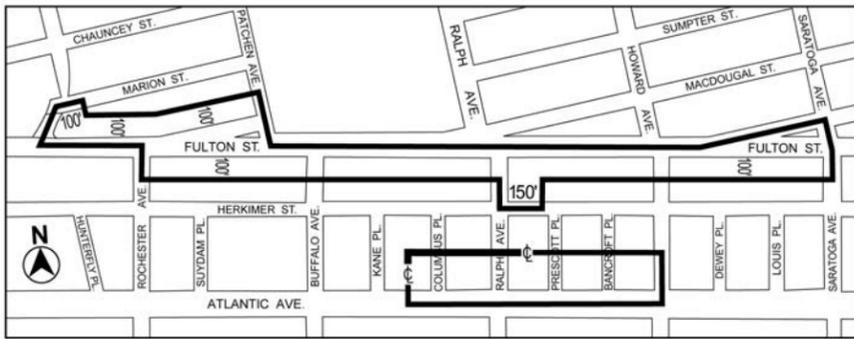


Map 10
Portion of Community District 7, Manhattan

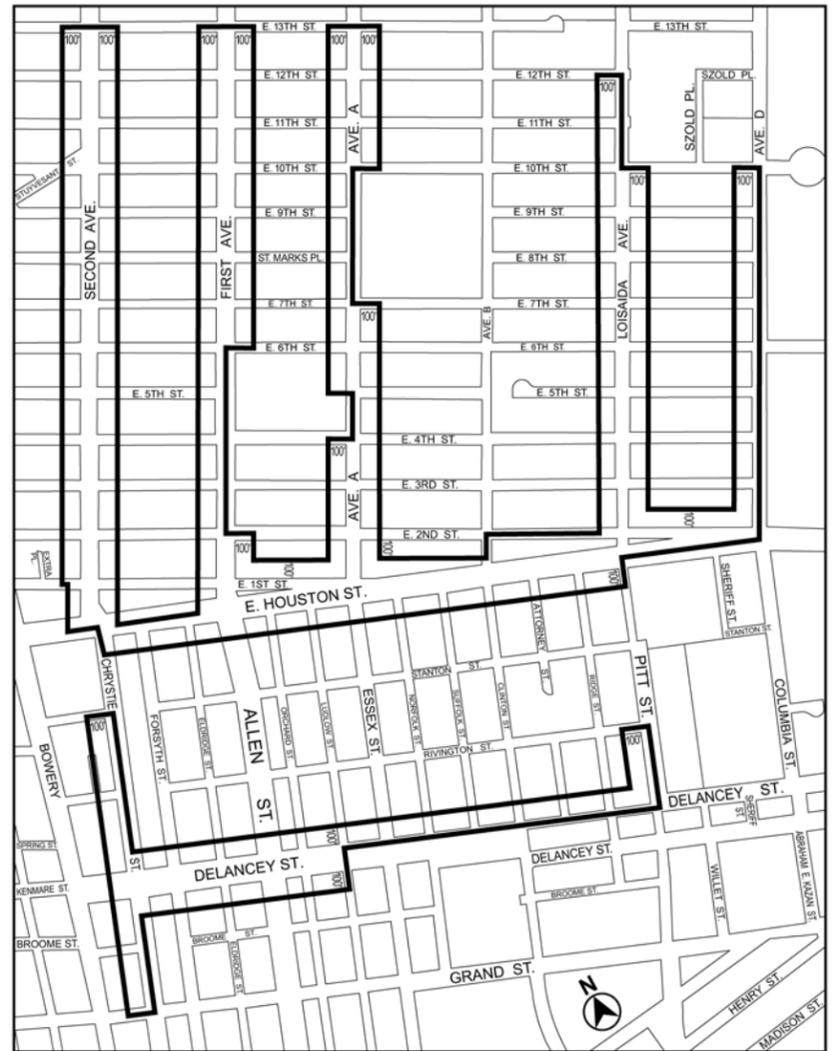
(g) In Community District 3, in the Borough of Brooklyn, the R7D Districts within the areas shown on the following Maps 11 and 12:



MAP 11
Portion of Community District 3, Brooklyn

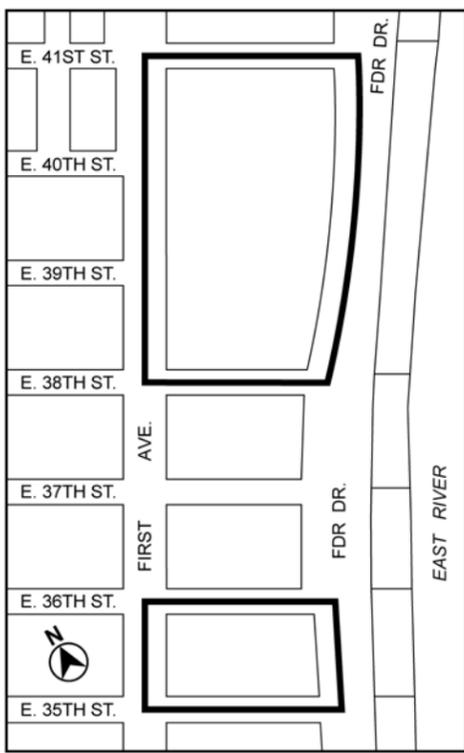


MAP 12
Portion of Community District 3, Brooklyn



Map 14
Portion of Community District 3, Manhattan

(h) In Community District 6, in the Borough of Manhattan, the R10 Districts within the areas shown on the following Map 13:



MAP 13
Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, the R7A, R8A and R9A Districts within the areas shown on the following Map 14:

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

- (1) Special Hudson Yards District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (2) Special West Chelsea District – see Section 98-26 (Modifications of Inclusionary Housing Program)
- (3) Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)
- (4) Special 125th Street District – see Section 97-421 (Inclusionary Housing)
- (5) Special Long Island City Mixed Use District – see Section 117-631 (Floor area ratio and lot coverage modifications)
- (6) Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (7) Special Southern Hunters Point District – see Section 125-22 (Newtown Creek Subdistrict)
- (8) Special Clinton District – see Section 96-81 (C6-3X Designated District)

* * *

**24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses**

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the ~~Inclusionary Housing designated areas~~ set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

* * *

**35-31
Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

In the ~~Inclusionary Housing designated areas~~ set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

* * *

**Chapter 2
Special Regulations Applying in the Waterfront Area**

* * *

**62-35
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn**

* * *

**62-352
Inclusionary Housing**

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, R7D and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections 12-10, or in Section 23-90 (INCLUSIONARY HOUSING), inclusive ~~or in this Section, as modified.~~

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (1) the then currently applicable "30 Percent Standard"; or
- (2) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income# or #moderate income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income# or #moderate income household's# income:

- (i) the initial #fair rent#; and
- (ii) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income household's# income and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

Lower income housing

For the purposes of this Section, "lower income housing" shall include #standard units# occupied, or to be occupied, by #lower income# or #moderate income households#.

Moderate income household

For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80

(b) #Floor area compensation# increase

- (1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:
 - (i) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or

(ii) ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the #moderate income floor area# is equal to at least 15 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.~~

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:

(i) ~~the amount of #low income floor area# is equal to at least 7.5 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, or~~

(ii) ~~the amount of #low income floor area# is equal to at least five percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least five percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.~~

~~Where #lower# or moderate #income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households, pursuant to this Section, shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.~~

~~For the purposes of determining the amount of #lower income housing# required to increase the maximum permitted #floor area# pursuant to this paragraph, (b), community facility #floor area# used as a philanthropic or not for profit institution with sleeping accommodations shall be considered #residential floor area#.~~

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

~~Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.~~

(c) #Lower Income Housing# Requirements

~~#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this paragraph, (c).~~

(1) ~~The provisions of Section 23-95, paragraph (b), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate income households#, and sublessees of a #moderate income household# may also be a #moderate income household#.~~

~~Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to lower or #moderate income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower# or #moderate income households#, as provided in this Section or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

(2) ~~The provisions of Section 23-95, paragraph (d), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower# or #moderate income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are lower or #moderate income households# as required by the provisions of this Section and in the approved #lower income housing# plan.~~

(3) ~~The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower# or #moderate income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing# plan.~~

(d) ~~Permits and certificate of occupancy~~

~~The requirements of paragraphs (b) and (c) of Section 23-954 shall not apply. In lieu thereof, the provisions of this paragraph (d), shall apply be modified as follows:~~

~~No building permit for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until the #HPD Commissioner# of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.~~

~~No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan regulatory agreement# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #HPD Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations has issued a #completion notice# with respect to the #lower income affordable housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# which utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.~~

~~Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, the #Commissioner# of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 3
Special Hudson Yards District

* * *

93-23
Modifications of Inclusionary Housing Program

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall be applicable within Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, except as modified in this Section. However, the modifications set forth in this Section shall not be applicable in the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90, (INCLUSIONARY HOUSING), inclusive, shall apply shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts.

93-231
Definitions

For the purposes of this Chapter, matter in italics is defined in Sections 12-10, or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. the following definitions in Section 23-93 shall be modified:

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful. However, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

If an entity other than a not-for-profit organization is proposed to serve as the #administering agent#, and the affected Community Board objects during its review period to the approval of the proposed entity, the Commissioner shall respond in writing to the Community Board's objections prior to approving the proposed entity to serve as #administering agent#.

Fair rent

"Fair rent" shall be as defined in Section 23-93 with respect to #standard units# occupied by #lower income households#, except that the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered "fair rent," provided that such rents do not exceed 30 percent of a #lower income household#'s income, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

The following definition of "fair rent" shall apply to #moderate income households# and #middle income households#. At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, #fair rent# shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

(a) — the then-currently applicable "30 Percent Standard"; or

(b) — the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following does not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:

(1) — the initial #fair rent#; and

(2) — the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

The Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household#'s income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable 30 Percent Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing# occupied by a #moderate income# or #middle income household#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (c) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

For the purposes of Section 93-23 (Modifications of Inclusionary Housing Program), inclusive, "lower income housing", as defined in Section 23-93, shall include #standard units# assisted under City, State or federal programs. #Lower income housing# shall also include #standard units# occupied or to be occupied by #lower income households#, as defined in Section 23-93, and #moderate income# or #middle income households#, as defined in this Section.

Moderate income household

For the purposes of Section 93-23, inclusive, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

Middle income household

For the purposes of Section 93-23, inclusive, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents

established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

93-232

Floor area increase

The provisions of Section 23-9452 (Floor Area Compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D and E) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:
- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, or
 - (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#, or
 - (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.
- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:
- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, or
 - (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#, or
 - (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.

For the purposes of this Section 93-232, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.

Lower income housing requirements

#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this Section.

- (a) The provisions of paragraph (b) (Tenant selection) of Section 23-95 shall apply, except that, in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#. Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent# if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

- (b) The provisions of paragraph (d) (Income verification) of Section 23-95 shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section and in the approved #lower income housing plan#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

- (c) The provisions of paragraph (g) (Insurance) of Section 23-95 may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

- (d) Permits and certificate of occupancy

The requirements of paragraph (f) of Section 23-95 shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued, or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

- (e) The provisions of Sections 23-951 (On-site new construction option), 23-952 (Substantial rehabilitation and off-site new construction option) and 23-953 (Preservation option) shall apply, except as follows:

(i) with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b), and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#;

(ii) if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the lower income housing that have size and distribution requirements conflicting with the size and distribution requirements of Section 23-951, paragraph (b), then the size and distribution requirements of Section 23-951, paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#; and

(iii) Section 23-953 (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

* * *

93-90 HARASSMENT

(a) Definitions

* * *

(16) Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#;

(ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

* * *

Chapter 6 Special Clinton District

* * *

96-10 PRESERVATION AREA

* * *

96-110 Harassment and cure

(a) Definitions

* * *

(11) Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;

(ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (b) of Section 23-951 (On-site new construction option) shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable;

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Chapter 7 Special 125th Street District

* * *

4/30/08

97-42 Floor Area Bonuses

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

4/30/08

97-421 Inclusionary Housing

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-90 (INCLUSIONARY HOUSING), inclusive.

* * *

Chapter 8 Special West Chelsea District

* * *

98-26 Modifications of Inclusionary Housing Program

~~The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive are incorporated and modified Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing program regulations of Section 23-90, inclusive, applicable as modified within the Special District, as set forth in this Section, inclusive.~~

98-261 Definitions

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The following definitions in Section 23-93 shall be modified:

~~Administering agent~~

~~The "administering agent" is not required to be a not for profit organization if the #floor area# of the #standard units# comprising the #lower income housing#~~

constitutes less than half of the total #residential floor area# or community facility #floor area used# as a not for profit institution with sleeping accommodations in the #building#.

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") shall be not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# shall be not more than the higher of:

- (a) the then currently applicable "30 Percent Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:

- (1) the initial #fair rent#, and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

#Fair rent# shall include, in addition to that rent permitted pursuant to Section 23-93, the payment of principal and interest on mortgage debt, and #lower income#, #moderate income# or #middle income housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (c) (Rent levels) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

"Lower income households" shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

For the purposes of this Section, "lower income housing" shall include #standard units# assisted under City, State or Federal programs, where such housing is occupied, or to be occupied, by #lower income#, #moderate income# or #middle income households#.

Moderate income household

For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

Middle income household

For the purposes of this Section, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

98-262

Floor area increase

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for conversions of non-#residential buildings#, or portions thereof, to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
- (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.

(b) In C6-3 Districts:

- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
- (2) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
- (3) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 10 percent of the

~~total #residential floor area# on the #zoning lot# is occupied by #middle income households#.~~

~~Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.~~

~~For the purposes of this Section 98-262, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.~~

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) Affordable Housing Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the #development#, acquisition or rehabilitation of #lower#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

Lower income housing requirements

~~#Developments# that increase #floor area# in accordance with the provisions of Section 98-262 shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this Section.~~

(a) ~~The provisions of Section 23-95, paragraph (b) (Tenant selection), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.~~

~~Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

(b) ~~The provisions of Section 23-95, paragraph (d) (Income verification), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.~~

(e) ~~The provisions of Section 23-95, paragraph (g) (Insurance), may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.~~

(d) ~~Permits and certificate of occupancy~~

~~The requirements of Section 23-95, paragraph (f), shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.~~

~~No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.~~

~~No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.~~

~~Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~

(e) ~~The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, the size and distribution requirements of Section 23-951, paragraph (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.~~

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 5
Special Downtown Jamaica District**

* * *

**115-211
Special Inclusionary Housing regulations**

(a) Applicability

R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

(b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-9542 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

| District | Base #Floor Area Ratio# |
|-----------|-------------------------|
| R7A C4-4A | 3.45 |
| R7X C4-5X | 3.75 |
| R8 C6-2 | 5.4 |
| R9 C6-3 | 6.0 |
| R10 C6-4 | 9.0 |

(c) Modification of location requirements

The requirements of paragraph (a) of Section 23-9526 (Requirements for Generating Sites Substantial rehabilitation and off-site new construction options) shall be modified as follows: A #Lower income housing generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback

The height and setback regulations of paragraph (b) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-22, inclusive, of this Chapter shall apply.

* * *

Article XI - Special Purpose Districts

Chapter 7

Special Long Island City Mixed Use District

* * *

117-631

Floor area ratio and lot coverage modifications

(a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

(b) Maximum #floor area ratio# and lot coverage for #residential uses#

(1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(2) M1-3/R7X designated district

(i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

(ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

* * *

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

* * *

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts

* * *

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas)-Appendix A of Section 23-90 (INCLUSIONARY HOUSING).

| Special Mixed Use District | Designated Residence District |
|---|-------------------------------|
| MX 8-Community District 1, Brooklyn | R6 R6A R6B R7A |
| MX 11-Community District 6, Brooklyn | R7-2 |

* * *

123-64

Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings

(a) Maximum #floor area ratio#

(1) Manufacturing or commercial portions

The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) Community facility portion

The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential# portion

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special

Mixed Use Districts shall be the applicable maximum floor area ratio permitted for residential buildings under the provisions of Section 123-63, in accordance with the designated Residence District.

(4) Maximum floor area in mixed use buildings

The maximum total floor area in a mixed use building in Special Mixed Use Districts shall be the maximum floor area permitted for either the commercial, manufacturing, community facility or residential portion of such building, as set forth in this Section, whichever permits the greatest amount of floor area.

However, in the Inclusionary Housing designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, the maximum floor area ratios permitted for zoning lots containing residential and commercial, community facility, or manufacturing uses shall be the base floor area ratio set forth in of Section 23-9542 for the applicable district. Such base floor area ratio may be increased to the maximum floor area ratio set forth in such Section only through the provision of lower income housing pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive (In Inclusionary Housing designated areas) shall apply.

* * *

Article XII - Special Purpose Districts

Chapter 5

Special Southern Hunters Point District

125-22

Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum floor area ratio shall be 2.75, and may be increased only as set forth in this Section.

(a) Floor area bonus for public amenities

For developments located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the floor area ratio may be increased from 2.75 to a maximum permitted floor area ratio of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Section 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and Section 125-45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) Floor area increase for Inclusionary Housing

(1) Within the Special Southern Hunters Point District, the Newtown Creek Subdistrict shall be an Inclusionary Housing designated area, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District.

(2) In the Newtown Creek Subdistrict, for developments that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the floor area ratio for any zoning lot with buildings containing residences may be increased from 3.75 to a maximum floor area ratio of 5.0 through the provision of lower income housing, pursuant to the provisions relating to Inclusionary Housing designated areas in Section 23-90 (INCLUSIONARY HOUSING), except that:

(i) the height and setback regulations of paragraph (b) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply; and

(ii) the provisions of paragraph (a)(2) of Section 23-9526 (Substantial rehabilitation and off site new construction options Requirements for Generating Sites) shall be modified to require that in the event the lower income housing is

not located within the same Community District as the compensated development zoning lot, it shall be located within a one-half mile radius of the compensated development zoning lot in an adjacent Community District in the Borough of Queens.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1089

Report of the Committee on Land Use in favor of approving Application no. 20095466 HAK, an Urban Development Action Area Project located at 1050 Hancock Street, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1743) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

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

| ADDRESS | BLOCK/LOT | NON-ULURP NO. | L.U. NO. | PROGRAM PROJECT |
|---|-----------|---------------|----------|-----------------|
| 1050 Hancock Avenue Interim Brooklyn Lease | 3395/11 | 20095466 HAK | 1089 | Tenant |
| 211 West 135 th Street Interim Manhattan Lease | 1941/23 | 20095470 HAM | 1093 | Tenant |
| 2460 7 th Avenue Interim Manhattan | 2029/29 | 20095471 HAM | 1094 | Tenant Lease |
| 330 Ashford Street 329 Van Siclen Avenue 9 Chestnut Street 4104/23 341 Ashford Street 342 Van Sicken Avenue 2358 Pitkin Avenue 2362 Pitkin Avenue 492 Glenmore Avenue 496 Glenmore Avenue 521 Linwood Street 525-27 Linwood Street 535 Linwood Street 315 Jerome Street Brooklyn | 3999/19 | 20095675 HAK | 1133 | New Foundations |

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition 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 577 of the Private Housing Finance Law for L.U. Nos. 1089, 1093, and 1094.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

Date: July 27, 2009 and recessed to July 28, 2009

The Committee recommends that the Council approve the attached resolution and thereby 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 connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2100

Resolution approving an Urban Development Action Area Project located at 1050 Hancock Street (Block 3395, Lot 11), 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. 1089; 20095466 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 15, 2009 its request dated April 6, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1050 Hancock Street (Block 3395, Lot 11), Community District 4, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2009;

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

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

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

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

ATTACHMENT:

20095466 HAK
Page 1 of 1
L.U. No. 1089

PROJECT SUMMARY

- 1. **PROGRAM:** TENANT INTERIM LEASE PROGRAM
- 2. **PROJECT:** 1050 Hancock Street
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 4
 - c. **COUNCIL DISTRICT:** 37
 - d. **DISPOSITION AREA:**

| BLOCK | LOT | ADDRESS |
|-------|-----|---------------------|
| 3395 | 11 | 1050 Hancock Street |
- 4. **BASIS OF DISPOSITION PRICE:** Nominal (\$250 per dwelling unit)
- 5. **TYPE OF PROJECT:** Rehabilitation
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1 Multiple Dwelling
- 7. **APPROXIMATE NUMBER OF UNITS:** 20
- 8. **HOUSING TYPE:** Cooperative
- 9. **ESTIMATE OF INITIAL MAINTENANCE CHARGES:** Approximately \$1.15 to \$1.50 per square foot.
- 10. **INCOME TARGETS:** The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median.
- 11. **PROPOSED FACILITIES:** None
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Type II
- 14. **PROPOSED TIME SCHEDULE:** Approximately six months from authorization to sale.

COMMUNITY DEVELOPMENT
 DIVISION
 JUL 29 11:41 AM '09

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1090

Report of the Committee on Land Use in favor of approving Application no. 20095467 HAK, known as Albany Crossings Apartments, a conveyance to a redevelopment company pursuant Article V of the Private Housing Finance Law, Council District no. 36, Borough of Brooklyn.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1743) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 3

20095467 HAK

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law (PHFL), for consent to the conveyance by a redevelopment company of property located at Block 1859/Lot 1, Council District 36, Borough of Brooklyn.

INTENT

To facilitate the redevelopment of the property.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2101

Resolution approving a conveyance of property located at Block 1859, Lot 1, Borough of Brooklyn (L.U. No. 1090; 20095467 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 15, 2009 its request dated April 7, 2009 that the Council take the following actions regarding the following Project (the "Project") Block 1859, Lot 1 (the "Conveyance Area"), for the conveyance of property, Community District 3, Council District 36, Borough of Brooklyn:

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

WHEREAS, the project is related to Non-ULURP No. 20085182 HAK (L.U. No. 620, Resolution No. 1177 of 2007;

WHEREAS, upon due notice the Council held a public hearing on the Project on July 27, 2009;

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

RESOLVED:

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

"Current Owner" shall mean Albany Crossings LP, a Redevelopment Company.
 "New Owner" shall mean Bedford-Stuyvesant South LLC.

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

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1091

Report of the Committee on Land Use in favor of approving Application no. 20095468 HAK, known as Kingston Heights Apartments, a conveyance to a redevelopment company pursuant to Article V of the Private Housing Finance Law, Council District no. 36, Borough of Brooklyn.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1744) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 3****20095468 HAK**

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law (PHFL), for consent to the conveyance by a redevelopment company for property located at Block 1851/Lots 58 and 61, Council District 36, Borough of Brooklyn.

INTENT

To facilitate the redevelopment of the property.

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2102

Resolution approving a conveyance of property located at Block 1851, Lots 58 and 61; Borough of Brooklyn (L.U. No. 1091; 20095468 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 15, 2009 its request dated April 7, 2009 that the Council take the following actions regarding the following Project (the "Project") Block 1851, Lots 58 and 61 (the "Conveyance Area"), for the conveyance of property, Community District 3, Council District 36, Borough of Brooklyn:

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

WHEREAS, the project is related to Non-ULURP No. 20085183 HAK (L.U. No. 621, Resolution No. 1178 of 2007;

WHEREAS, upon due notice the Council held a public hearing on the Project on July 27, 2009;

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

RESOLVED:

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

"Current Owner" shall mean Kingston Heights Apartments LP, a Redevelopment Company.

"New Owner" shall mean Bedford-Stuyvesant South LLC.

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

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS,

SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1093

Report of the Committee on Land Use in favor of approving Application no. 20095470 HAM, an Urban Development Action Area Project located at 211 West 135th Street Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1744) the annexed Land Use resolution, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 1089 printed in these Minutes.)

Accordingly, Your Committee recommends its adoption.

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2103

Resolution approving an Urban Development Action Area Project located at 211 West 135th Street (Block 1941, Lot 23), Borough of Manhattan, 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. 1093; 20095470 HAM).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 15, 2009 its request dated April 6, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 211 West 135th Street (Block 1941, Lot 23), Community District 10, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the

construction of one- to four-unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2009;

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

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

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

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

ATTACHMENT:PROJECT SUMMARY20095470 HAM
Page 1 of 1
L.U. No. 1093

- | | |
|---|---|
| 1. PROGRAM: | TENANT INTERIM LEASE PROGRAM |
| 2. PROJECT: | 211 West 135 th Street |
| 3. LOCATION: | |
| a. BOROUGH: | Manhattan |
| b. COMMUNITY BOARD: | 10 |
| c. COUNCIL DISTRICT: | 9 |
| d. DISPOSITION AREA: | <u>BLOCK</u> <u>LOT</u> <u>ADDRESS</u> |
| | 1941 23 211 West 135 th Street |
| 4. BASIS OF DISPOSITION PRICE: | Nominal (\$250 per dwelling unit) |
| 5. TYPE OF PROJECT: | Rehabilitation |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | 1 Multiple Dwelling |
| 7. APPROXIMATE NUMBER OF UNITS: | Eight |
| 8. HOUSING TYPE: | Cooperative |
| 9. ESTIMATE OF INITIAL MAINTENANCE CHARGES: | Approximately \$1.15 to \$1.50 per square foot |
| 10. INCOME TARGETS: | The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median. |
| 11. PROPOSED FACILITIES: | None |
| 12. PROPOSED CODES/ORDINANCES: | None |
| 13. ENVIRONMENTAL STATUS: | Type II |
| 14. PROPOSED TIME SCHEDULE: | Approximately six months from authorization to sale. |

LAND USE DIVISION
APR 15 A 11:46

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1094

Report of the Committee on Land Use in favor of approving Application no. 20095471 HAM, an Urban Development Action Area Project located at 2460 7th Avenue, Council District no. 7, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1745) the annexed Land Use resolution, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 1089 printed in these Minutes.)

Accordingly, Your Committee recommends its adoption.

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2104

Resolution approving an Urban Development Action Area Project located at 2460 7th Avenue (Block 2029, Lot 29), Borough of Manhattan, 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. 1094; 20095471 HAM).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 15, 2009 its request dated April 6, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 2460 7th Avenue (Block 2029, Lot 29), Community District 10, Borough of Manhattan (the "Disposition Area"):

- Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- 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;
- Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
- Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2009;

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

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

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

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

ATTACHMENT:

PROJECT SUMMARY

20095471 HAM
Page 1 of 1
L.U. No. 1094

- 1. **PROGRAM:** TENANT INTERIM LEASE PROGRAM
- 2. **PROJECT:** 2460 7th Avenue
- 3. **LOCATION:**
 - a. **BOROUGH:** Manhattan
 - b. **COMMUNITY BOARD:** 10
 - c. **COUNCIL DISTRICT:** 7
 - d. **DISPOSITION AREA:**

| BLOCK | LOT | ADDRESS |
|-------|-----|-----------------------------|
| 2029 | 29 | 2460 7 th Avenue |
- 4. **BASIS OF DISPOSITION PRICE:** Nominal (\$250 per dwelling unit)
- 5. **TYPE OF PROJECT:** Rehabilitation
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1 Multiple Dwelling
- 7. **APPROXIMATE NUMBER OF UNITS:** 52
- 8. **HOUSING TYPE:** Cooperative
- 9. **ESTIMATE OF INITIAL MAINTENANCE CHARGES:** Approximately \$1.15 to \$1.50 per square foot
- 10. **INCOME TARGETS:** The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median.
- 11. **PROPOSED FACILITIES:** None
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Type II
- 14. **PROPOSED TIME SCHEDULE:** Approximately six months from authorization to sale.

LAND USE DIVISION
2009 APR 15 A 11:46

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1131

Report of the Committee on Land Use in favor of approving Application no. 20095673 HAM submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption located at 21 Avenue C, Council District no. 2, Borough of Manhattan.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 1745) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20095673 HAM

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption for property located at 21 Avenue C, Borough of Manhattan, Council District no. 2, Borough of Manhattan.

INTENT

To facilitate the rehabilitation of the property.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2105

Resolution approving an amendment to the tax exemption for property in an Urban Development Action Area Project located at 21 Avenue C (Block 385, Lot 38), Borough of Manhattan, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 1131; 20095673 HAM).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 28, 2009 its request dated May 18, 2009 that the Council take the following action regarding the following property (the "Project") located at 21 Avenue C (Block 385, Lot 38), Community District 3, Borough of Manhattan (the "Exemption Area"):

Approve, pursuant to Section 577 of the Private Housing Finance Law a full tax exemption;

WHEREAS, the Exemption Area is contained in an Urban Development Action Area Project (20025434 HAM) that was approved by the Council on June 26, 2002 (L.U. 195, Res. No. 374 of 2002);

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2009;

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

RESOLVED:

The Council approves the full tax exemption as follows:

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

(a) "Effective Date" shall mean August 19, 2002, the date of conveyance of the Exemption Area to the HDFC.

(b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 385, Lot 38 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 UHAB Housing Development Fund Corporation.

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

(f) "New Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.

(g) "Prior Exemption" shall mean the partial exemption from real property taxation for the Exemption Area approved by the City Council on June 26, 2002 (Res. No. 374).

(h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC of the Exemption Area, providing that, for a term of 40 years, shares of ownership to seventeen (17) units must, upon vacancy, be sold to families whose incomes do not exceed 120% of area median income, while shares of ownership to the one remaining unit must, upon vacancy, be sold to a family whose income does not exceed 165% of the area median income.

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 improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Notwithstanding any provision hereof to the contrary:

(a) The New Exemption shall not become effective until both HPD and the HDFC enter into the Regulatory Agreement.

(b) The New Exemption shall terminate if HPD determines at any time that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the housing project is not being operated in accordance with the requirements of the Regulatory Agreement and such non-compliance constitutes an event of default under the Regulatory Agreement, or (iii) 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 (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

(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 date of the Regulatory Agreement.

(d) All previous resolutions providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1132

Report of the Committee on Land Use in favor of approving Application no. 20095674 HAM submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption located at 209 East 7th Street, Council District no. 2, Borough of Manhattan.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 2755) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20095674 HAM

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption for property located at 209 East 7th Street, Borough of Manhattan, Council District no. 2.

INTENT

To facilitate the rehabilitation of the property.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2106

Resolution approving an amendment to the tax exemption for property in an Urban Development Action Area Project located at 209 East 7th Street (Block 390, Lot 50), Borough of Manhattan, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 1132; 20095674 HAM).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 28, 2009 its request dated May 18, 2009 that the Council take the following action regarding the following property (the "Project") located at 209 East 7th Street (Block 390, Lot 50), Community District 3, Borough of Manhattan (the "Exemption Area"):

Approve, pursuant to Section 577 of the Private Housing Finance Law a full tax exemption;

WHEREAS, the Exemption Area is contained in an Urban Development Action Area Project (20025434 HAM) that was approved by the Council on June 26, 2002 (L.U. 195, Resolution No. 374 of 2002);

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 27, 2009;

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

RESOLVED:

The Council approves the full tax exemption as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean August 19, 2002, the date of conveyance of the Exemption Area to the HDFC.
 - (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 390, Lot 50 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 UHAB Housing Development Fund Corporation.
 - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York
 - (f) "New Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.
 - (g) "Prior Exemption" shall mean the partial exemption from real property taxation for the Exemption Area approved by the City Council on June 26, 2002 (Res. 374).
 - (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC of the Exemption Area, providing that, for a term of 40 years, shares of ownership to eighteen (18) units must, upon vacancy, be sold to families whose incomes do not exceed 120% of area median income, while shares of ownership to the one remaining unit must, upon vacancy, be sold to a family whose income does not exceed 165% of the area median income.
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 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. Notwithstanding any provision hereof to the contrary:
 - (a) The New Exemption shall not become effective until both HPD and the HDFC enter into the Regulatory Agreement.

- (b) The New Exemption shall terminate if HPD determines at any time that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the housing project is not being operated in accordance with the requirements of the Regulatory Agreement and such non-compliance constitutes an event of default under the Regulatory Agreement, or (iii) 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 (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (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 date of the Regulatory Agreement.
- (d) All previous resolutions providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1133

Report of the Committee on Land Use in favor of approving Application no. 20095675 HAK, an Urban Development Action Area Project known as Van Siclen Warwick, located in Community Board 5, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

The Committee on Land Use, to which was referred on April 22, 2009 (Minutes, page 2755) the annexed Land Use resolution, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 1089 printed in these Minutes.)

Accordingly, Your Committee recommends its adoption.

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2107

Resolution approving an Urban Development Action Area Project located at Block 3999/Lot 19, Block 4010/Lot 6, Block 4104/Lot 23, Block 4000/Lot 3, Block 4009/Lot 47, Block 4015/Lot 22, Block 4015/Lot 23, Block 3725/Lot 12, Block 3725/Lot 13, Block 4035/Lot 115, Block 4035/Lot 13, Block 4035/Lot 113, and Block 3998/Lot 6), 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. 1133; 20095675 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 28, 2009 its request dated May 4, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at Block 3999/Lot 19, Block 4010/Lot 6, Block 4104/Lot 23, Block 4000/Lot 3, Block 4009/Lot 47, Block 4015/Lot 22, Block 4015/Lot 23, Block 3725/Lot 12, Block 3725/Lot 13, Block 4035/Lot 115, Block 4035/Lot 13, Block 4035/Lot 113, and Block 3998/Lot 6), Community District 5, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve 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 July 27, 2009;

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 Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the date of issuance of the first temporary or permanent Certificate of Occupancy for a building located on the Disposition Area, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the

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

ATTACHMENT:

20095675 HAK
Page 1 of 2
L.U. No. 1133

PROJECT SUMMARY

1. **PROGRAM:** NEW FOUNDATIONS PROGRAM
2. **PROJECT:** Van Sicken/Warwick
3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 5
 - c. **COUNCIL DISTRICT:** 37
 - d. **DISPOSITION AREA:**

| BLOCKS | LOTS |
|--------|------|
| 3999 | 19 |
| 4010 | 6 |
| 4104 | 23 |
| 4000 | 3 |
| 4009 | 47 |
| 4015 | 22 |
| 4015 | 23 |
| 3725 | 12 |
| 3725 | 13 |
| 4035 | 115 |
| 4035 | 13 |
| 4035 | 113 |
| 3998 | 6 |
4. **BASIS OF DISPOSITION PRICE:** Negotiated
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** Up to 4 2-family homes, 4 3-family homes and 7 3-unit condominium buildings
7. **APPROXIMATE NUMBER OF UNITS:** Up to 41
8. **HOUSING TYPE:** 2-3 Family Homes and Condominium Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
9. **ESTIMATE OF INITIAL PRICE:** Prices will be established in compliance with the requirements of lenders, where applicable.
10. **LIENS FOR LAND DEBT:** The difference between the appraised value of the land and the purchase price ("Land Debt") and the amount of any construction financing provided through loans from the City ("City Subsidy") are apportioned pro rata to each home and may be unsecured at the time of sale based on the home's post-construction appraised value. Purchasers repay the Land Debt and City Subsidy, if any, attributable to their homes and condominium units by delivering a note and mortgage and/or conditional grant agreement to the City. The sum evidenced by the note and secured by the security instruments declines from years 6 to 15 by 1/10th of the original principal sum for each year of owner occupancy. Initial purchasers and subsequent owners are required to make payments to the City out of resale or refinancing profits.
11. **INCOME TARGETS:** 1/3 of homes and condominium units will be sold to purchasers with annual incomes at or below 80% of Area Median Income (AMI) and the remaining homes and condominium units will be sold to purchasers with annual incomes at or below 165% of AMI. Up to 10% of the homes and condominium units may be sold to over-income families, but such purchasers must repay the Land Debt and City subsidy attributable to their home in cash at closing.
12. **PROPOSED FACILITIES:** None
13. **PROPOSED CODES/ORDINANCES:** None
14. **ENVIRONMENTAL STATUS:** Type II and Negative Declaration
15. **PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

20095675 HAK
Page 2 of 2
L.U. No. 1133

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1136

Report of the Committee on Land Use in favor of approving Application no. C 090272 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 No. 28d.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3838) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 **C 090272 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. 28d.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission; the Committee further recommends that the Council first refer this item back to the City Planning Commissions for further review before approval.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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

Report for L.U. No. 1137

Report of the Committee on Land Use in favor of approving Application no. N 090273 (A) ZRK submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), Borough of Brooklyn, Community District 13.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3838) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 **N 090273 (A) ZRK**

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1),

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

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

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications; the Committee further recommends that Council first refer these modifications back to the City Planning Commission for further review before approval.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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

Report for L.U. No. 1138

Report of the Committee on Land Use in favor of approving Application no. C 090274 POK submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at Block 7074, Lots 4, 6, p/o 23, 89, p/o 105, 254, p/o 310, 340, 348 and p/o 360, Block 8694, Lot 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421, Block 8695, Lot 61, 64, p/o 72, p/o 120, and p/o 433, and Block 8696, Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3838) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 **C 090274 POK**

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

| BLOCK | LOTS |
|-------|---|
| 7074 | 4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360 |
| 8694 | 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421 |
| 8695 | 61, 64, p/o 72, p/o 120, p/o 433 |
| 8696 | 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212 |

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission; the Committee further recommends that the Council first refer this item back to the City Planning Commissions for further review before approval.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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

Report for L.U. No. 1139

Report of the Committee on Land Use in favor of approving Application no. C 090275 POK submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31), Community District 13, Borough of Brooklyn.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3839) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090275 POK

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31).

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission; the Committee further recommends that the Council first refer this item back to the City Planning Commissions for further review before approval.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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

Report for L.U. No. 1140

Report of the Committee on Land Use in favor of approving Application no. C 090276 HAK submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for an Urban Development Action Area and an Urban Development Action Area Project for such area; pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD to facilitate mixed residential and commercial development on properties located within the proposed 19-block Coney Island rezoning area located in Community District 13, Brooklyn..

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3839) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090276 HAK

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:

| <u>Block</u> | <u>Lot</u> | <u>Address</u> | |
|--------------|------------|-----------------------|---------|
| 7060 | 1 | 1918 | Mermaid |
| Avenue | | | |
| 7060 | 3 | 1920 | Mermaid |
| Avenue | | | |
| 7060 | 4 | 1922 | Mermaid |
| Avenue | | | |
| 7060 | 5 | 1924 | Mermaid |
| Avenue | | | |
| 7060 | 7 | 1928 | Mermaid |
| Avenue | | | |
| 7060 | 8 | 1930 | Mermaid |
| Avenue | | | |
| 7060 | 9 | 1932 | Mermaid |
| Avenue | | | |
| 7060 | 14 | West 19th Street | |
| 7060 | 16 | West 19th Street | |
| 7060 | 17 | West 19th Street | |
| 7060 | 18 | 2924 West 19th Street | |
| 7060 | 19 | 2926 West 19th Street | |
| 7060 | 20 | 2930 West 19th Street | |
| 7060 | 21 | 2934 West 19th Street | |
| 7060 | 22 | 2936 West 19th Street | |
| 7060 | 24 | 1901 Surf Avenue | |

| | | |
|------|-----|------------------------|
| 7060 | 27 | 1905 Surf Avenue |
| 7060 | 31 | 2929A West 20th Street |
| 7060 | 32 | 1917 Surf Avenue |
| 7060 | 35 | 1923 Surf Avenue |
| 7060 | 44 | 2923 West 20th Street |
| 7060 | 45 | 2921 West 20th Street |
| 7060 | 46 | 2919 West 20th Street |
| 7060 | 47 | 2917 West 20th Street |
| 7060 | 48 | West 19th Street |
| 7060 | 49 | West 19th Street |
| 7060 | 50 | 2938 West 19th Street |
| 7060 | 51 | 2938A West 19th Street |
| 7060 | 147 | 1924 West 20th Street |
| 7061 | 16 | West 17th Street |
| 7061 | 21 | 2930 West 17th Street |
| 7061 | 39 | West 19th Street |
| 7061 | 40 | West 19th Street |
| 7061 | 41 | West 19th Street |
| 7061 | 42 | West 19th Street |
| 7061 | 43 | 2921 West 19th Street |
| 7061 | 45 | West 19th Street |

as an Urban Development Action Area; and

an Urban Development Action Area Project for such area; and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate mixed residential and commercial development on properties located within the proposed 19-block Coney Island rezoning area located in Community District 13.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission; the Committee further recommends that the Council first refer this item back to the City Planning Commissions for further review before approval.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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

Report for L.U. No. 1141

Report of the Committee on Land Use in favor of approving Application no. C 090277 PPK submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at Block 7074 Lots, 4, 6,

p/o 20, p/o 23, 89, p/o 105, 170, p/o 190, 250, 254, p/o 256, 300, p/o 310, 340, 348, p/o 360, Block 8694 Lots 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421, Block 8695, Lots 61, 64, p/o 72, p/o 120, p/o 433, and Block 8696 Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, 211, p/o 212.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3839) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090277 PPK

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at:

A:

| BLOCK | LOTS |
|-------|--|
| 7074 | 4, 6, p/o 20, p/o 23, 89, p/o 105, 170, p/o 190 |
| 7074 | 250, 254, p/o 256, 300, p/o 310, 340, 348, p/o 360 |
| 8694 | 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421 |
| 8695 | 61, 64, p/o 72, p/o 120, p/o 433 |
| 8696 | 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, 211, p/o 212 |

B: Block 7071, Lot 142, pursuant to zoning.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications; the Committee further recommends that Council first refer these modifications back to the City Planning Commission for further review before approval.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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

Report for L.U. No. 1142

Report of the Committee on Land Use in favor of approving Application no. C 090107 MMK submitted by the Department of City Planning, Department of Parks and Recreation, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq., of the New York City Administrative Code, for an amendment to the City Map, Community District 13, Borough of Brooklyn.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3840) the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 13****C 090107 MMK**

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

- the establishment of new streets;
- the establishment of new parks and park additions;
- the modification and adjustment of grades of existing streets;
- the elimination, discontinuance and closing of portions of streets;
- the elimination of parks and portions of parks;
- the delineation of easements and corridors; and
- the extinguishment of record streets, all within an area generally bounded by West 8th Street, Surf Avenue, West 23rd Street, and the Public Beach,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2009, revised June 17, 2009, and Map Nos. Y-2715, X-2716, X-2717, and Y-2718, dated June 17, 2009, and signed by the Borough President.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 20, 2009 and recessed to July 21, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission with modifications; the Committee further recommends that Council first refer these modifications back to the City Planning Commission for further review before approval.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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

Report for L.U. No. 1143

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090220 PPM, pursuant to §197-c and §197-d of the New York City Charter concerning the disposition of two city-owned properties, located at Piers 92 and 94, Borough of Manhattan, Council District no. 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.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3840) the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 04
PPM

C 090220

City Planning Commission decision approving an application submitted by the New York City Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), pursuant to zoning.

INTENT

To facilitate the development of a trade exposition facility and public space.

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2108

Resolution approving the decision of the City Planning Commission on ULURP No. C 090220 PPM, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Street (Block 1109, Lots 5 and 30, and part of Marginal Street, Wharf or Place), Borough of Manhattan (L.U. No. 1143).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Small Business Services for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Street (Block 1109, Lots 5 and 30, and p/o Marginal Street, Wharf or Place), pursuant to ULURP Application Number C 090220 PPM, Community District 4, Borough of Manhattan (the "Application"), pursuant to zoning;

WHEREAS, the Application is related to Applications Numbers C 090221 ZSM (L.U. No. 1144), a special permit to allow a trade exposition facility with a rated capacity in excess of 2,500 persons; C 090222 ZSM (L.U. No. 1145), a special permit to modify the maximum length and maximum height of buildings or other structures pursuant to Section 62-342; and N 090223 ZAM (L.U. No. 1146), an authorization for the modification of waterfront public access requirements pursuant to Sections 62-722(a) and 62-722(b);

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 July 27, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on February 11, 2009 (CEQR No. 09SBS002M); and

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

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1144

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090221 ZSM, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit pursuant to Section 74-41 of the Zoning Resolution, Borough of Manhattan, Council District no. 3, to facilitate a proposed trade exposition facility. 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 was referred on June 30, 2009 (Minutes, page 3841) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 04 C 090221 ZSM

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

INTENT

To facilitate development of a trade exposition facility and public space.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2109

Resolution approving the decision of the City Planning Commission on ULURP No. C 090221 ZSM (L.U. No. 1144), for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution of the City of New York to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Street (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District, Borough of Manhattan.

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision") on the application submitted by the New York City Economic Development Corporation and MMPI Piers LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution of the City of New York to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Street (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District, (ULURP No. C 090221 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications Numbers C 090220 PPM (L.U. No. 1143), a disposition of City-Owned Property pursuant to zoning; C 090222 ZSM (L.U. No. 1145), a special permit to modify the maximum length and maximum height of buildings or other structures pursuant to Section 62-342; and N 090223 ZAM (L.U. No. 1146), an authorization for the modification of waterfront public access requirements pursuant to Sections 62-722(a) and 62-722(b);

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 City Planning Commission has made the findings required pursuant to Section 74-41 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on July 27, 2009 on the Decision and Application;

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 February 11, 2009 (CEQR No. 09SBS002M);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1145

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090222 ZSM, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit pursuant to Section 62-342 of the Zoning Resolution, Borough of Manhattan, Council District no. 3, to facilitate a proposed trade exposition facility. 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 was referred on June 30, 2009 (Minutes, page 3841) the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 04****C 090222 ZSM**

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

INTENT

To facilitate development of a trade exposition facility and public space.

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2110

Resolution approving the decision of the City Planning Commission on ULURP No. C 090222 ZSM (L.U. No. 1145), for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution of the City of New York to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Street (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District, Borough of Manhattan.

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision") on the application submitted by the New York City Economic Development Corporation and MMPI Piers LLC, pursuant to Sections 197-c and 201 of the New York City Charter,), for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution of the City of New York to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Street (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District, (ULURP No. C 090222 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications Numbers C 090220 PPM (L.U. No. 1143), a disposition of City-Owned Property pursuant to zoning; C 090221 ZSM (L.U. No. 1144), a special permit to allow a trade exposition facility with a rated capacity in excess of 2,500 persons; and N 090223 ZAM (L.U. No. 1146), an authorization for the modification of waterfront public access requirements pursuant to Sections 62-722(a) and 62-722(b);

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 City Planning Commission has made the findings required pursuant to Section 62-734(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on July 27, 2009 on the Decision and Application;

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 February 11, 2009 (CEQR No. 09SBS002M);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1146

Report of the Committee on Land Use in favor of approving Application no. N 090223 ZAM pursuant to §197-d of the Charter of the City of New York concerning authorizations pursuant to Sections 62-722(a) and 62-722(b) of the Zoning Resolution, Borough of Manhattan, Council District no. 3, to facilitate proposed trade exposition facility.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3841) the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 04****N 090223 ZAM**

City Planning Commission decision approving an application submitted the New York City Economic Development Corporation and MMPI Piers LLC for the grant of authorizations pursuant to the following sections of the Zoning Resolution of the City of New York:

- a. Section 62-722(a) to modify the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards); and
- b. Section 62-722(b) to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA);

in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

INTENT

To facilitate development of a trade exposition facility and public space.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2111

Resolution approving the decision of the City Planning Commission for the request of an authorization, pursuant to Section 62-722(a) of the Zoning Resolution of the City of New York requesting an authorization to modify the waterfront public access requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and Section 62-722(b) of the Zoning Resolution of the City of New York to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA), in an M2-3 District (Non-ULURP No. N 090223 ZAM; L.U. No. 1146).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision"), on the application submitted by MMPI Piers, LLC, the Economic Development Corporation (EDC), and the Department of Small Business Services (SBS), pursuant to Section 62-722(a) of the Zoning Resolution of the City of New York requesting an authorization to modify the waterfront public access requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and Section 62-722(b) of the Zoning Resolution to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) to facilitate the renovation and enlargement of Piers 92 and 94 and their associated upland areas as a venue for trade shows and exhibitions, as well as the development of new public open space and public amenity space on the project site on a zoning lot located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Street (Block 1109, Lots 5 and 30, and p/o Marginal Street, Wharf or Place), in an M2-3 District, Community District 4, Borough of Manhattan (Non-ULURP No. N 090223 ZAM) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 090220 PPM (L.U. No. 1143), a disposition of City-Owned Property pursuant to zoning; C 090221 ZSM (L.U. No. 1144), a special permit to allow a trade exposition facility with a rated capacity in excess of 2,500 persons; and C 090222 ZSM (L.U. No. 1145), a special permit to modify the maximum length and maximum height of buildings or other structures pursuant to Section 62-342;

WHEREAS, the Authorization is subject to review and action by the Council pursuant to Section 62-722 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on February 11, 2009 (CEQR No. 09SBS002M); and

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

RESOLVED:

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

Pursuant to Section 62-722 of the Zoning Resolution of the City of New York and on the basis of the Authorization and Application, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO,

INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1147

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 090320 PPQ, pursuant to §197-c and §197-d of the New York City Charter concerning the disposition of nine city-owned properties, located in the College Point Corporate Park, Borough of Queens, Council District no. 19.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3847) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

QUEENS CB - 07

C 090320 PPQ

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of nine (9) city-owned properties in College Point Corporate Park, pursuant to zoning.

INTENT

To facilitate industrial development in the College Point Corporate Park.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2112

Resolution approving the decision of the City Planning Commission on ULURP No. C 090320 PPQ, for the disposition of nine (9) city-owned properties located in College Point Corporate Park, Borough of Queens (L.U. No. 1147).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services for the disposition of nine (9) city-owned properties located in College Point Corporate Park, pursuant to ULURP Application Number C 090320 PPQ, Community District 7, Borough of Queens (the "Application"), pursuant to zoning;

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 July 27, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Corrected Negative Declaration, issued on June 10, 2009 (CEQR No. 09DME007Q); and

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

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1148

Report of the Committee on Land Use in favor of approving Application no. N 090335 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3842) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 14

N 090335 ZRK

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn.

INTENT

To preserve the scale of the lower-density detached homes areas, establish height limits in row house and apartment buildings areas and provide incentives for affordable housing.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2113

Resolution approving the decision of the City Planning Commission on Application No. N 090335 ZRK, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn (L.U. No. 1148).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, (Application No. N 090335 ZRK), Community District 14, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090336 ZMK (L.U. No. 1149), an amendment to the Zoning Map, Section Nos. 16d, 17b, 22c, & 23d, changing existing R3-1, R3-2, R4, R5, R6, R7-1, C4-2, C4-3, C1-3 and C2-3 Districts to R1-2, R3X, R4A, R5B, R5D, R6A, R6B, R7A, C4-4A and C4-2 Districts;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2009;

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 2, 2009, which included (E) designations for hazardous materials, air quality, and noise (CEQR No. 09DCP058K);

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 the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in strikeout is old, to be deleted;

Matter within # # is defined in Section 12-10;

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

* * *

Article II: Residence District Regulations

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-011

Quality Housing Program

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#,

#extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

* * *

In the Borough of Brooklyn

Ocean Parkway Area

The area bounded by Church Avenue, Stratford Road, Beverley Road, Ocean Avenue, Foster Avenue and Coney Island Avenue.

Midwood Area

The area bounded by Avenue M, Ocean Avenue, Quentin Road, and a line midway between East 10th Street and Coney Island Avenue. The area bounded by Avenue M, Coney Island Avenue, Avenue P, Ocean Avenue, Quentin Road, and a line midway between East 10th Street and Coney Island Avenue.

* * *

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

| Community District | Zoning District |
|--|-----------------|
| Community District 1, Brooklyn | R6 R6A R6B R7A |
| Community District 2, Brooklyn | R7A |
| Community District 3, Brooklyn | R7D |
| Community District 7, Brooklyn | R8A |
| <u>Community District 14, Brooklyn</u> | <u>R7A</u> |
| Community District 3, Manhattan | R7A R8A R9A |
| Community District 6, Manhattan | R10 |
| Community District 7, Manhattan | R9A |
| Community District 2, Queens | R7X |

* * *

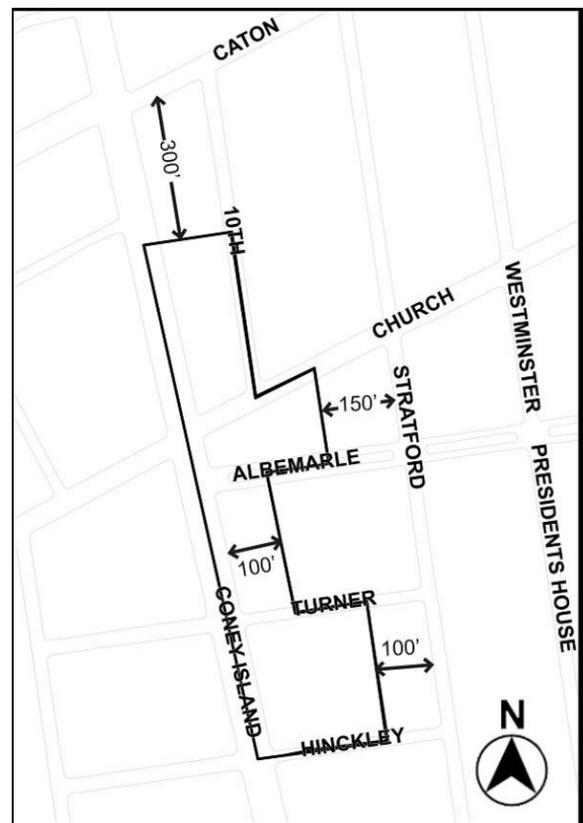
23-922

Inclusionary housing designated areas

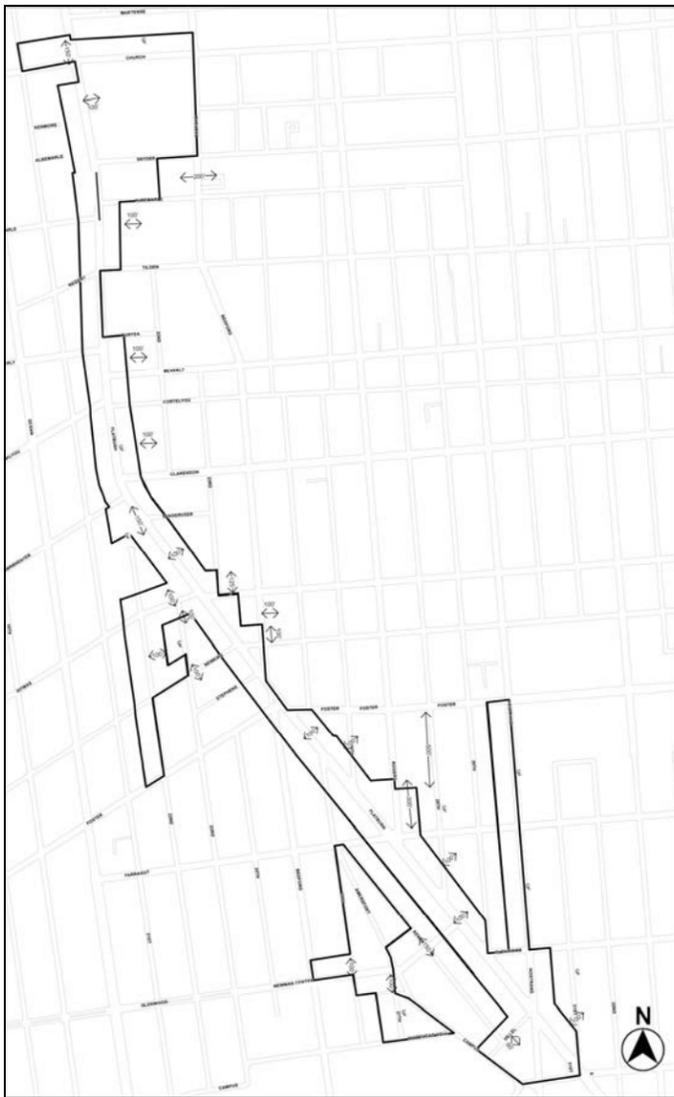
The Inclusionary Housing Program shall apply in the following areas:

* * *

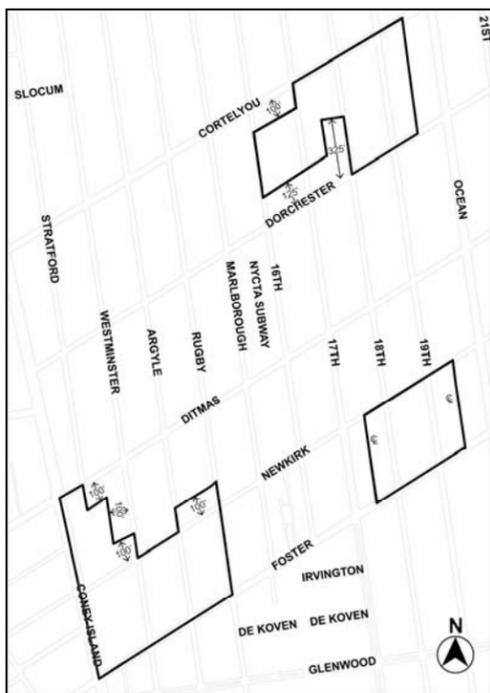
(x) In Community District 14, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps X1, X2 and X3:



Map X1. Portion of Community District 14, Brooklyn



Map X2. Portion of Community District 14, Brooklyn



Map X3. Portion of Community District 14, Brooklyn

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1149

Report of the Committee on Land Use in favor of approving Application no. C 090336 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. 16d, 17b, 22c, & 23a.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3843) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 14

C 090336 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 Nos. 22a, 22b, 22c and 22d.

INTENT

To preserve the scale of the lower-density detached homes areas, establish height limits in row house and apartment buildings areas and provide incentives for affordable housing.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2114

Resolution approving the decision of the City Planning Commission on ULURP No. C 090336 ZMK, a Zoning Map amendment (L.U. No. 1149).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090336 ZMK) (the "Application");

WHEREAS, the Application is related to Application Number N 090335 ZRK (L.U. No. 1148), an amendment to the Zoning Resolution Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) concerning the application of the Inclusionary Housing Program coterminous with portions of the proposed R7A and C4-4A districts, and to revise the boundaries of two Quality Housing Study Areas;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2009;

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 2, 2009, which included (E) designations for hazardous materials, air quality, and noise (CEQR No. 09DCP058K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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. 22a, 22b, 22c and 22d:

1. eliminating from within an existing R3-1 District a C1-3 District bounded by a line 150 feet northerly of Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and East 16th Street- Buckingham Road;
2. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Parkside Avenue, a line 150 feet easterly of Flatbush Avenue, a line midway between Parkside Avenue and Clarkson Avenue, and a line 100 feet easterly of Flatbush Avenue;
 - b. a line 150 feet northerly of Church Avenue, a line 100 feet westerly of Rugby Road, Church Avenue, and East 10th Street;
 - c. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly of Flatbush Avenue, Clarendon Road, a line 190 feet westerly of East 23rd Street, a line midway between Clarendon Road and Vanderveer Place, a line 250 feet westerly of East 23rd Street, a line 100 feet northeasterly of Flatbush Avenue, East 23rd Street, Ditmas Avenue, Bedford Avenue, Newkirk Avenue, a line 100 feet southwestwesterly of Flatbush Avenue, East 22nd Street, a line 150 feet southerly of Dorchester Road, and a line midway between East 21st Street and East 22nd Street;
 - d. a line 150 feet northerly of Cortelyou Road, East 17th Street, a line 150 feet southerly of Cortelyou Road, Stratford Road, Cortelyou Road, and a line midway between Rugby Road and Marlborough Road;
 - e. a line 120 feet northerly of Newkirk Avenue, East 16th Street, Newkirk Avenue, East 17th Street, a line 150 feet southerly of Newkirk Avenue, East 16th Street, a line 100 feet northerly of Foster Avenue, East 18th Street, Foster Avenue, Westchester Road, a line 100 feet northerly of Foster Avenue, Marlborough Road, a line 120 feet southerly of Newkirk Avenue, and Rugby Road; and
 - f. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between East 29th Street and Nostrand Avenue;
3. eliminating from within an existing R7-1 District a C1-3 District bounded by:
 - a. Parkside Avenue, a line 100 feet easterly of Flatbush Avenue, a line midway between Parkside Avenue and Clarkson Avenue, a line 150 feet easterly of Flatbush Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, a line perpendicular to the northerly street line of Caton Avenue, distant 140 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Caton Avenue and the westerly street line of Flatbush Avenue, a line 150 feet northerly of Caton Avenue, a line 140 feet westerly of Flatbush Avenue, a line perpendicular to the westerly street line of Flatbush Avenue, distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Flatbush Avenue and the northerly street line of Caton Avenue, and a line 100 feet westerly of Flatbush Avenue;

- b. a line 150 feet northerly of Church Avenue, East 21st Street, a line 150 feet southerly of Church Avenue, and the southerly prolongation of a line midway between East 16th Street- Buckingham Road and East 17th Street; and
- c. a line midway between Beverley Road and Cortelyou Road, a line midway between Flatbush Avenue and East 21st Street, a line 150 feet southerly of Cortelyou Road, and East 21st Street;
4. eliminating from within an existing R5 District a C2-3 District bounded by Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Avenue, a line midway between Westminster Road and Coney Island Avenue, Avenue H, and Coney Island Avenue;
5. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, and Coney Island Avenue;
 - b. Albemarle Road, a line 150 feet easterly of Coney Island Avenue, a line 150 feet northerly of Cortelyou Avenue, Stratford Road, Dorchester Road, and Coney Island Avenue;
 - c. Ditmas Avenue, a line 150 feet easterly of Coney Island Avenue, Newkirk Avenue, and Coney Island Avenue; and
 - d. Newkirk Avenue, Flatbush Avenue, Foster Avenue, East 26th Street, a line 250 feet southerly of Foster Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, Farragut Road, East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line 150 feet northerly of Glenwood Road, a line midway between East 29th Street and Nostrand Avenue, Glenwood Road, a line perpendicular to the southwestwesterly street line of Flatbush Avenue distant 400 feet northwestwesterly (as measured along the street line) from the point of intersection of the southwestwesterly street line of Flatbush Avenue and the northwestwesterly street line of Hillel Place, a line 100 feet southwestwesterly of Flatbush Avenue, Farragut Road, East 26th Street, a line 100 feet southwestwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, and a line 100 feet southwestwesterly of Flatbush Avenue;
6. changing from an R6 District to an R1-2 District property bounded by:
 - a. Church Avenue, a line 100 feet westerly of Stratford Road, Turner Place, and a line 100 feet easterly of Coney Island Avenue, Albemarle Road, and a line 150 feet westerly of Stratford Road;
 - b. Hinckley Place, a line 100 feet westerly of Stratford Road, Beverley Road, a line 100 feet easterly of Coney Island Avenue; and
 - c. a line 120 feet northerly of Newkirk Avenue, a line midway between East 19th Street and Ocean Avenue, Newkirk Avenue, and East 17th Street;
7. changing from an R7-1 District to an R1-2 District property bounded by:
 - a. a line 150 feet southerly of Church Avenue, the northwestwesterly boundary line of the MTA New York City Transit right-of-way, and the southerly prolongation of a line midway between East 16th Street- Buckingham Road and East 17th Street;
 - b. Dorchester Road, a line midway between Ocean Avenue and East 21st Street, Ditmas Avenue, and Ocean Avenue; and
 - c. a line 120 feet northerly of Newkirk Avenue, Ocean Avenue, Newkirk Avenue, and a line midway between East 19th Street and Ocean Avenue;
8. changing from an R3-1 District to an R3X District property bounded by Caton Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and a line 100 feet westerly of Rugby Road;

9. changing from an R3-2 District to an R3X District property bounded by:
- Beverley Road, a line midway between Marlborough Road and East 16th Street, a line 100 feet southerly of Beverley Road, a line midway between East 19th Street and Ocean Avenue, a line 150 feet northerly of Cortelyou Road, and Stratford Road;
 - Dorchester Road, the centerline of the MTA New York City Transit right-of-way, a line 120 feet northerly of Newkirk Avenue, Rugby Road, a line 100 feet northerly of Newkirk Avenue, a line 100 feet westerly of Westminster Road, a line 100 feet southerly of Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, Ditmas Avenue, and Stratford Road; and
 - Foster Avenue, Bedford Avenue, Farragut Road, a line midway between East 24th Street and Bedford Avenue, a line 100 feet northerly of Glenwood Road, Bedford Avenue, East 23rd Street, Campus Road, Avenue H, a line midway between Ocean Avenue and East 21st Street, Farragut Road, and East 21st Street;
10. changing from an R6 District to an R3X District property bounded by:
- Beverley Road, Stratford Road, a line 150 feet northerly of Cortelyou Road, a line midway between East 19th Street and Ocean Avenue, Cortelyou Road, East 17th Street, a line 75 feet northerly of Cortelyou Road, East 16th Street, a line 100 feet northerly of Cortelyou Road, a line midway between Rugby Road and Marlborough Road, Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road distant 100 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Westminster Road and the northerly street line of Cortelyou Road, a line 100 feet northerly of Cortelyou Road, Stratford Road, a line perpendicular to the westerly street line of Stratford Road distant 50 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Cortelyou Road and the westerly street line of Stratford Road, and a line 100 feet easterly of Coney Island Avenue;
 - a line perpendicular to the westerly street line of Stratford Road distant 225 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the southerly street line of Dorchester Road, Stratford Road, Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, a line 100 feet southerly of Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, Ditmas Avenue, and Coney Island Avenue; and
 - a line 100 feet southwesterly of Flatbush Avenue, a line midway between East 26th Street and Bedford Avenue, Farragut Road, and Bedford Avenue;
11. changing from an R7-1 District to an R3X District property bounded by Beverley Road, East 16th Street, a line 100 feet southerly of Beverley Road, and the westerly boundary line of the MTA New York City Transit right-of-way;
12. changing from an R3-2 District to an R4A District property bounded by:
- Farragut Road, Bedford Avenue, a line 300 feet southerly of Farragut Road, and a line midway between East 24th Street and Bedford Avenue; and
 - a line 300 feet northerly of Glenwood Road, Bedford Avenue, a line 100 feet northerly of Glenwood Road, and a line midway between East 24th Street and Bedford Avenue;
13. changing from an R4 District to an R4A District property bounded by:
- Glenwood Road, Bedford Avenue, Campus Road, and East 23rd Street; and
 - Avenue H, East 19th Street, the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and East 17th Street;
14. changing from an R6 District to an R4A District property bounded by:
- a line 100 feet southerly of Cortelyou Road, Westminster Road, a line 200 feet southerly of Cortelyou Road, Stratford Road, a line 150 feet northerly of Dorchester Road, Rugby Road, a line 100 feet southerly of Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line perpendicular to the westerly street line of Marlborough Road distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Marlborough Road and the northerly street line of Dorchester Road, Marlborough Road, a line perpendicular to the easterly street line of Marlborough Road distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Marlborough Road and the southerly street line of Cortelyou Road, a line midway between Marlborough Road and East 16th Street, a line perpendicular to the westerly street line of East 16th Street distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 16th Street and the northerly street line of Dorchester Road, East 16th Street, a line 125 feet northerly of Dorchester Road, a line midway between East 17th Street and East 18th Street, a line perpendicular to the westerly street line of East 18th Street distant 325 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 18th Street and the northerly street line of Dorchester Road, Dorchester Road, and a line 80 feet westerly of Stratford Road;
 - a line 100 feet northerly of Farragut Road, East 26th Street, a line 100 feet northerly of Glenwood Road, Bedford Avenue, a line 350 feet northerly of Glenwood Road, a line midway between Bedford Avenue and East 26th Street, a line 250 feet southerly of Farragut Road, Bedford Avenue, Farragut Road, and a line midway between Bedford Avenue and East 26th Street; and
 - Glenwood Road, East 26th Street, a line 100 feet southerly of Glenwood Road, a line midway between East 26th Street and East 27th Street, Campus Road, and Bedford Avenue;
15. changing from an R3-2 District to an R5B District property bounded by a line 300 feet southerly of Farragut Road, Bedford Avenue, a line 300 feet northerly of Glenwood Road, and a line midway between East 24th Street and Bedford Avenue;
16. changing from a R5 District to an R5B District property bounded by a line 100 feet southerly of Avenue H, East 17th Street, the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and a line midway between Coney Island Avenue and East 12th Street;
17. changing from a R6 District to an R5B District property bounded by:
- a line 100 feet southerly of Cortelyou Road, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet northerly of Clarendon Road, and a line 100 feet easterly of Flatbush Avenue;
 - a line 100 feet southerly of Clarendon Road, a line midway between East 23rd Street and Bedford Avenue, a line 125 feet northerly of Avenue D, and a line 100 feet northeasterly of Flatbush Avenue;
 - a line 100 feet southerly of Ditmas Avenue, a line 100 feet southwesterly of Flatbush Avenue, Foster Avenue, East 22nd Street, Newkirk Avenue, East 23rd Street, a line 100 feet northerly of Newkirk Avenue, and a line midway between East 22nd Street and East 23rd Street;
 - a line 100 feet northerly of Newkirk Avenue, Argyle Road, Newkirk Avenue, and Westminster Road;
 - Foster Avenue, a line midway between East 29th Street and Nostrand Avenue, Glenwood Road, East 29th Street, a line 100 feet northeasterly of Flatbush Avenue, a line midway between Rogers Avenue and East 28th Street, a line 500 feet southerly of Foster Avenue, Rogers Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) of the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, and a line 100 feet northeasterly of Flatbush Avenue;

- f. a line 250 feet southerly of Farragut Road, a line midway between Bedford Avenue and East 26th Street, a line 350 feet northerly of Glenwood Road, and Bedford Avenue; and
 - g. a line 100 feet southwesterly of Flatbush Avenue, a line 60 feet northwesterly of Hillel Place, Campus Road, Amersfort Place, a line 150 feet northwesterly of Glenwood Road, Kenilworth Place, Farragut Road, East 26th Street, a line 100 feet northerly of Farragut Road, and a line midway between Bedford Avenue and East 26th Street;
18. changing from an R7-1 District to an R5B District property bounded by Kenmare Terrace and its easterly centerline prolongation, a line 100 feet westerly of Flatbush Avenue, a line 100 feet southerly of Albemarle Terrace, and East 21st Street;
 19. changing from an R5 District to an R5D District property bounded by Avenue H, East 17th Street, a line 100 feet southerly of Avenue H, and line midway between Coney Island Avenue and East 12th Street;
 20. changing from an R5 District to an R6A District property bounded by Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Road, a line midway between Coney Island Avenue and Westminster Road, Avenue H, and Coney Island Avenue;
 21. changing from an R6 District to an R6A District property bounded by:
 - a. Caton Avenue, a line midway between Argyle Road and Rugby Road, Church Avenue, a line 100 feet easterly of East 10th Street, a line 100 feet northerly of Church Avenue, and Stratford Road;
 - b. Hinckley Place, a line 100 feet easterly of Coney Island Avenue, a line perpendicular to the westerly street line of Stratford Road distant 50 feet northerly (as measured along the street line) of the point of intersection of the westerly street line of Stratford Road and the northerly street line of Cortelyou Road, Stratford Road, a line 100 feet northerly of Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road distant 100 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Westminster Road and the northerly street line of Cortelyou Road, Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet northerly of Cortelyou Road, East 16th Street, a line 75 feet northerly of Cortelyou Road, East 17th Street, a line 100 feet southerly of Cortelyou Road, East 16th Street, a line perpendicular to the westerly street line of East 16th Street distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 16th Street and the northerly street line of Dorchester Road, a line midway between East 16th street and Marlborough Road, a line perpendicular to the southerly street line of Cortelyou Road distant 200 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Cortelyou Road and the easterly street line of Marlborough Road, Marlborough Road, a line perpendicular to the westerly street line of Marlborough Road distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Marlborough Road and the northerly street line of Dorchester Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet southerly of Cortelyou Road, Rugby Road, a line 150 feet northerly of Dorchester Road, Stratford Road, a line 200 feet southerly of Cortelyou Road, Westminster Road, a line 100 feet southerly of Cortelyou Road, a line 80 feet westerly of Stratford Road, Dorchester Road, Stratford Road, a line perpendicular to the westerly street line of Stratford Road distant 225 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the southerly street line of Dorchester Road, and Coney Island Avenue;
 - c. Cortelyou Road, Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, a 100 feet westerly of Bedford Avenue, Avenue D, East 23rd Street, a line 125 feet northerly of Avenue D, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet southerly of Clarendon Road, a line 100 feet northeasterly and easterly of Flatbush Avenue, a line 100 feet northerly of Clarendon Road, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet southerly of Cortelyou Road, and a line 100 feet easterly of Flatbush Avenue;
 - d. a line 150 feet southerly of Dorchester Road, a line 100 feet southwesterly of Flatbush Avenue, a line 100 feet northerly of
 - Ditmas Avenue, and a line midway between East 22nd Street and East 21st Street;
 - e. a line 120 feet northerly of Newkirk Avenue, East 17th Street, Newkirk Avenue, a line midway between East 17th Street and East 18th Street, Foster Avenue, and Rugby Road; and
 - f. Glenwood Road, East 32nd Street, Avenue H, East 31st Street, a line 100 feet northeasterly of Flatbush Avenue, and a line midway between East 31st Street and Nostrand Avenue;
22. changing from an R7-1 District to an R6A District property bounded by a line 100 feet northerly of Regent Place, a line 100 feet westerly of Flatbush Avenue, Beverley Road, a line midway between Flatbush Avenue and East 21st Street, Dorchester Road, East 21st Street, a line perpendicular to the easterly street line of Ocean Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Ocean Avenue and the southerly street line of Cortelyou Road, Ocean Avenue, Cortelyou Road, a line midway between Ocean Avenue and East 21st Street, a line 200 feet southerly of Beverley Road, and East 21st Street;
 23. changing from a C4-2 District to an R6A District property bounded by:
 - a. Albemarle Road, Bedford Avenue, Tilden Avenue, and a line 100 feet westerly of Bedford Avenue; and
 - b. a line 75 feet southerly of Beverley Road, Bedford Avenue, Cortelyou Road, and a line 100 feet easterly of Flatbush Avenue;
 24. changing from an R6 District to an R6B District property bounded by Caton Avenue, Stratford Road, a line 100 feet northerly of Church Avenue, a line 100 feet easterly of East 10th Street, Church Avenue, East 10th Street, a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, and Coney Island Avenue;
 25. changing from an R7-1 District to an R6B District property bounded by:
 - a. Woodruff Avenue, a line perpendicular to the southerly street line of Woodruff Avenue distant 225 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Woodruff Avenue and the easterly street line of St. Paul Place, Crooke Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, a line 100 feet southerly of Crooke Avenue, a line 100 feet easterly of St. Paul Place, and Crooke Avenue, and St. Paul Place;
 - b. a line midway between Parkside Avenue and Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, Woodruff Avenue, East 21st Street, a line perpendicular to the westerly street line of East 21st Street distant 125 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of East 21st Street and the southerly street line of Woodruff Avenue, and a line midway between East 21st Street and Ocean Avenue and its northerly prolongation;
 - c. Clarkson Avenue, a line 250 feet easterly of Flatbush Avenue, a line midway between Clarkson Avenue and Lenox Road, a line 375 feet easterly of Flatbush Avenue, Lenox Road, a line 225 feet easterly of Flatbush Avenue, Caton Avenue, a line 100 feet easterly of Flatbush Avenue; and
 - d. a line midway between Caton Avenue and Linden Boulevard, a line 350 feet westerly of Caton Avenue, Linden Boulevard, a line 425 feet westerly of Bedford Avenue, Martense Street, a line 250 feet westerly of Bedford Avenue, a line midway between Martense Street and Church Avenue, a line 475 feet westerly of Bedford Avenue, Martense Street, and a line 100 feet easterly of Flatbush Avenue;
 26. changing from a C4-2 District to an R6B District property bounded by Duryea Place, East 22nd Street, Beverley Road, Bedford Avenue, a line 75 feet southerly of Beverley Road, a line 100 feet easterly of Flatbush Avenue;
 27. changing from an R3-2 District to an R7A District property bounded by:

- a. a line 100 feet southerly of Ditmas Avenue, a line 100 feet westerly of Westminster Road, a line 100 feet northerly of Newkirk Avenue, and a line 150 feet easterly of Coney Island Avenue; and
- b. Foster Avenue, East 21st Street, Farragut Road, and a line midway between Ocean Avenue and East 21st Street;
28. changing from an R4 District to an R7A District property bounded by Avenue H, a line midway between East 19th Street and Ocean Avenue; the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and East 19th Street;
29. changing from an R6 District to an R7A District property bounded by:
- a. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, a line 150 feet westerly of Stratford Road, Albemarle Road, a line 100 feet easterly of Coney Island Avenue, Turner Place, a line 100 feet westerly of Stratford Road, Hinckley Place, and Coney Island Avenue;
- b. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly and northeasterly of Flatbush Avenue, a line 125 feet northerly of Avenue D, East 23rd Street, Avenue D, a line 100 feet westerly of Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, Bedford Avenue, Flatbush Avenue, Foster Avenue, a line 100 feet northeasterly of Flatbush Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, Farragut Road, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, a line 100 feet southwesterly of Flatbush Avenue, a line 100 feet southerly of Ditmas Avenue, a line midway between East 22nd Street and East 23rd Street, a line 100 feet northerly of Newkirk Avenue, East 23rd Street, Newkirk Avenue, East 22nd Street, Foster Avenue, a line midway between East 22nd Street and East 21st Street, a line 100 feet northerly of Ditmas Avenue, a line 100 feet southwesterly of Flatbush Avenue, East 22nd Street, a line 150 feet southerly of Dorchester Road, a line midway between East 21st Street and East 22nd Street, Dorchester Road, and a line midway between East 21st Street and Flatbush Avenue;
- c. Cortelyou Road, a line midway between East 19th Street and Ocean Avenue, Dorchester Road, East 18th Street, a line perpendicular to the westerly street line of East 18th Street distant 325 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 18th Street and the northerly street line of Dorchester Road, a line midway between East 17th Street and East 18th Street, a line 125 feet northerly of Dorchester Road, East 16th Street, a line 100 feet southerly of Cortelyou Road, and East 17th Street;
- d. Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, a line 100 feet southerly of Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, a line 100 feet northerly of Newkirk Avenue, Westminster Road, Newkirk Avenue, Argyle Road, a line 100 feet northerly of Newkirk Avenue, Rugby Road, Foster Avenue, and Coney Island Avenue;
- e. Newkirk Avenue, a line midway between East 19th Street and Ocean Avenue, Foster Avenue, a line midway between East 17th Street and East 18th Street;
- f. Farragut Road, Kenilworth Place, a line 150 feet northwesterly of Glenwood Road, Amersfort Place, Campus Road, a line midway between East 27th Street and East 26th Street, a line 100 feet southerly of Glenwood Road, East 26th Street, Glenwood Road, Bedford Avenue, a line 100 feet northerly of Glenwood Road, and East 26th Street; and
- g. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between Nostrand Avenue and East 29th Street;
30. changing from an R7-1 District to an R7A District property bounded by Parkside Avenue, Flatbush Avenue, Clarkson Avenue, a line 100 feet easterly of Flatbush Avenue, Caton Avenue, a line 225 feet easterly of Flatbush Avenue, Lenox Road, a line 375 feet easterly of Flatbush Avenue, a line midway between Clarkson Avenue and Lenox Road, a line 250 feet easterly of Flatbush Avenue, Clarkson Avenue, Bedford Avenue, a line midway between Martense Street and Church Avenue, a line 250 feet westerly of Bedford Avenue, Martense Street, a line 425 feet westerly of Bedford Avenue, Linden Boulevard, a line 350 feet westerly of Caton Avenue, a line midway between Caton Avenue and Linden Boulevard, a line 100 feet easterly of Flatbush Avenue, Martense Street, a line 475 feet westerly of Bedford Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, East 21st Street, Church Avenue, Flatbush Avenue, a line 100 feet southerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, Kenmare Terrace and its easterly centerline prolongation, East 21st Street, a line 100 feet southerly of Albemarle Terrace, a line 100 feet westerly of Flatbush Avenue, a line 100 feet northerly of Regents Place, East 21st Street, a line 200 feet southerly of Beverley Road, a line midway between Ocean Avenue and East 21st Street, Cortelyou Road, Ocean Avenue, a line perpendicular to the easterly street line of Ocean Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Ocean Avenue and the southerly street line of Cortelyou Road, East 21st Street, Dorchester Road, a line midway between East 21st Street and East 22nd Street, Foster Avenue, a line midway between Ocean Avenue and East 21st Street, Campus Road, Avenue H, a line midway between Ocean Avenue and East 19th Street, Newkirk Avenue, Ocean Avenue, Ditmas Avenue, a line midway between Ocean Avenue and East 21st Street, Dorchester Road, a line midway between East 19th Street and Ocean Avenue, a line 100 feet southerly of Beverley Road, East 16th Street, Beverley Road, the westerly boundary line of MTA New York City Transit right-of-way, a line 150 feet southerly of Church Avenue, a line perpendicular to the southerly street line of Church Avenue distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Church Avenue and the easterly street line of Buckingham Road, Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Caton Avenue, and Parade Place, and excluding the areas bounded by:
- a. Woodruff Avenue, Ocean Avenue, Crooke Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, a line 100 feet southerly of Crooke Avenue, a line 100 feet easterly of St. Paul Place, and Crooke Avenue, and St. Paul Place;
- b. a line midway between Parkside Avenue and Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, Woodruff Avenue, East 21st Street, a line perpendicular to the westerly street line of East 21st Street distant 125 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of East 21st Street and the southerly street line of Woodruff Avenue, and a line midway between East 21st Street and Ocean Avenue and its northerly prolongation;
31. changing from a C4-2 District to a C4-4A District property bounded by a line 150 feet northerly of Church Avenue, Flatbush Avenue, a line midway between Martense Street and Church Avenue, Bedford Avenue, Snyder Avenue, a line 200 feet westerly of Bedford Avenue, Albemarle Road, a line 100 feet easterly of Flatbush Avenue, Tilden Avenue, Flatbush Avenue, Duryea Place, a line 100 feet easterly of Flatbush Avenue, Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line midway between East 21st Street and Flatbush Avenue, Beverley Road, a line 100 feet westerly of Flatbush Avenue, a line 100 feet southerly of Church Avenue, Flatbush Avenue, Church Avenue, and East 21st Street;
32. changing from a C4-3 District to a C4-4A District property bounded by Glenwood Road, a line midway between East 31st Street and Nostrand Avenue, a line 100 feet northeasterly of Flatbush Avenue, East 31st Street, Avenue H, Campus Road, a line 60 feet northwesterly of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, and a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place;

33. establishing within a proposed R3X District a C2-4 District bounded by a line 100 feet northerly of Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and East 16th Street;
34. establishing within a proposed R5B District a C2-4 District bounded by a line 100 feet northerly of Glenwood Road, a line midway between Nostrand Avenue and East 29th Street, Glenwood Road, and East 29th Street;
35. establishing within a proposed R5D District a C2-4 District bounded by:
- a. Avenue H, East 14th Street, a line 100 feet southerly of Avenue H, and East 13th Street, and
 - b. Avenue H, East 17th Street, a line 100 feet southerly of Avenue H, and East 15th Street;
36. establishing within a proposed R6A District a C2-4 District bounded by:
- a. a line 100 feet northerly of Church Avenue, a line midway between Argyle Road and Rugby Road, Church Avenue, and a line 100 feet easterly of East 10th Street;
 - b. Hinckley Place, a line 100 feet easterly of Coney Island Avenue, a line perpendicular to the westerly street line of Stratford Road, distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the northerly street line of Cortelyou Road, Stratford Road, a line 100 feet northerly of Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road, distant 100 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Cortelyou Road and the westerly street line of Westminster Road, Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet northerly of Cortelyou Road, East 16th street, a line 75 feet northerly of Cortelyou Road, East 17th Street, a line 100 feet southerly of Cortelyou Road, a line 80 feet westerly of Stratford Road, Dorchester Road, and Coney Island Avenue;
 - c. a line 100 feet northerly of Cortelyou Road, a line midway between Flatbush Avenue and East 21st Street, a line 100 feet southerly of Cortelyou Road, and East 21st Street;
 - d. Clarendon Road, a line 190 feet westerly of East 23rd Street, a line 100 feet southerly of Clarendon Road, and a line 100 feet northeasterly of Flatbush Avenue;
 - e. a line 120 feet northerly of Newkirk Avenue, East 16th Street, Newkirk Avenue, East 17th Street, a line 100 feet southerly of Newkirk Avenue, a line midway between East 17th Street and East 16th Street, a line 150 feet southerly of Newkirk Avenue, East 16th Street, Foster Avenue, Rugby Road, a line 100 feet northerly of Foster Avenue, Marlborough Road, a line 100 feet southerly of Newkirk Avenue, and Rugby Road;
 - f. a line 100 feet northerly of Foster Avenue, a line midway between East 18th Street and East 17th Street, Foster Avenue, and East 17th Street;
 - g. Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Road, a line midway between Coney Island Avenue and Westminster Road, Avenue H, and Coney Island Avenue; and
 - h. a line 100 feet northerly of Avenue H, a line midway between East 31st Street and East 32nd Street, Avenue H, and East 31st Street;
37. establishing within a proposed R6B District a C2-4 District bounded by a line 100 feet northerly of Church Avenue, a line 100 feet easterly of East 10th Street, Church Avenue, and East 10th Street; and
38. establishing within a proposed R7A District a C2-4 District bounded by:
- a. Parkside Avenue, Flatbush Avenue, Clarkson Avenue, a line 100 feet easterly of Flatbush Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, Woodruff Avenue, a line perpendicular to the

northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, a line midway between Parkside Avenue and Woodruff Avenue, and Ocean Avenue;

- b. a line 100 feet northerly of Church Avenue, East 21st Street, a line 100 feet southerly of Church Avenue, the westerly boundary line of the MTA New York City Transit right-of-way, a line 150 feet southerly of Church Avenue, a line perpendicular to the southerly street line of Church Avenue distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Church Avenue and the easterly street line of Buckingham Road, Church Avenue, and a line midway between East 16th Street- Buckingham Road and East 17th Street;

- c. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, a line 100 feet easterly of Coney Island Avenue, Hinckley Place, and Coney Island Avenue;

- d. Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, Newkirk Avenue, and Coney Island Avenue;

- e. a line perpendicular to the easterly street line of Coney Island Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the northerly street line of Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Foster Avenue, and Coney Island Avenue;

- f. a line 100 feet northerly of Foster Avenue, Rugby Road, Foster Avenue, and Westminster Road;

- g. a line 100 feet northerly of Foster Avenue, East 18th Street, Foster Avenue, and a line midway between East 17th Street and East 18th Street;

- h. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly and northeasterly of Flatbush Avenue, a line 125 feet northerly of Ditmas Avenue, East 23rd Street, Ditmas Avenue, a line 100 feet westerly of Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, Bedford Avenue, Flatbush Avenue, Foster Avenue, a line 100 feet northeasterly of Flatbush Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, Farragut Road, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, a line 100 feet southwesterly of Flatbush Avenue, East 22nd Street, Dorchester Road, and a line midway between Flatbush Avenue and East 21st Street; and

- i. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between Nostrand Avenue and East 29th Street;

as shown on a diagram (for illustrative purposes only) dated March 2, 2009 and which includes CEQR Designation E-233, Community District 14, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1150

Report of the Committee on Land Use in favor of approving Application no. N 090262 ZRM submitted by the Port Authority of New York and New Jersey, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3843) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB's - 4 and 5

N 090262 ZRM

City Planning Commission decision approving an application submitted by the Port Authority of New York and New Jersey, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan.

INTENT

To facilitate construction of a railroad passenger station.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2115

Resolution approving the decision of the City Planning Commission on Application No. N 090262 ZRM, for an amendment to the Zoning Resolution of the City of New York, relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan (L.U. No. 1150).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on June 29, 2009 its decision dated June 29, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Port Authority of New York and New Jersey for an amendment to the Zoning Resolution of the City of New York, relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5 in the Borough of Manhattan, Application No. N 090262 ZRM, (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090263 (A) ZSM (L.U. No. 1151), a special permit pursuant to Sections 74-62(b) of the Zoning Resolution to facilitate construction of a railroad passenger station and associated facilities;

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 July 27, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) which was published on November 7, 2009 and for which a Record of Decision was issued on January 14, 2009;

WHEREAS, on January 20, 2009, the FEIS was accepted by the City Planning Commission, pursuant to 6 NYCRR 617.15(a), as sufficient to make SEQRA findings;

WHEREAS, subsequent to the publication of the FEIS, four technical memoranda (CEQR No. 09DCP45M), dated January 15, 2009, June 4, 2009, June 2009 and June 2009, were prepared;

WHEREAS, the Technical Memoranda assessed whether the proposed changes in the project and potential changes to its background context would have the potential to cause any significant adverse environmental impacts not previously identified in the FEIS and were accepted by the City Planning Commission pursuant to 6 NYCRR 617.15(a) for purposes of making SEQRA findings in conjunction with the project's FEIS;

WHEREAS, the Technical Memoranda conclude that the proposed changes in the project and potential changes to its background context would not result in any new significant adverse impacts not identified in the FEIS;

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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 revealed in the FEIS with respect to the proposed passenger station and related facilities in New York City 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, the FEIS and the related Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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 VII

Chapter 4

Special Permits by the City Planning Commission

* * *

74-60

PUBLIC SERVICE OR TRANSPORTATION FACILITIES

* * *

74-62

Railroad Passenger Stations

(a) Except as provided in paragraph (b), the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:

- (a1) that the principal access for such #use# is not located on a local #street#;
- (b2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas; and
- (e3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than the #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
 - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
 - (ii) that the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds

that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) this Section.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1151

Report of the Committee on Land Use in favor of approving Application no. C 090263(A) ZSM submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 74-62(b)* of the Zoning Resolution to allow: the construction of a railroad passenger station and ventilation facilities and to modify the height and setback requirements of Section 43-43.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3843) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB's - 04 and 05

C 090263 (A) ZSM

City Planning Commission decision approving an application submitted by the Port Authority of New York and New Jersey, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution:

to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and

to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts

INTENT

To facilitate construction of a railroad passenger station.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2116

Resolution approving the decision of the City Planning Commission on ULURP No. C 090263 (A) ZSM (L.U. No. 1151), for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts, Borough of Manhattan.

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on June 29, 2009 its decision dated June 29, 2009 (the "Decision"), on the application submitted by the Port Authority of New York and New Jersey, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution of the City of New York:

1. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
2. to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts (ULURP No. C 090263 (A) ZSM), Community Districts 4 and 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application Number N 090262 ZRM (L.U. No. 1150), an amendment to the text of the Zoning Resolution Zoning Section 74-62 (Railroad Passenger Stations);

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 City Planning Commission has made the findings required pursuant to Section 74-62(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) which was published on November 7, 2009 and for which a Record of Decision was issued on January 14, 2009;

WHEREAS, on January 20, 2009, the FEIS was accepted by the City Planning Commission, pursuant to 6 NYCRR 617.15(a), as sufficient to make SEQRA findings;

WHEREAS, subsequent to the publication of the FEIS, four technical memoranda (CEQR No. 09DCP45M), dated January 15, 2009, June 4, 2009, June 2009 and June 2009, were prepared;

WHEREAS, the Technical Memoranda assessed whether the proposed changes in the project and potential changes to its background context would have the potential to cause any significant adverse environmental impacts not previously identified in the FEIS and were accepted by the City Planning Commission pursuant to 6 NYCRR 617.15(a) for purposes of making SEQRA findings in conjunction with the project's FEIS;

WHEREAS, the Technical Memoranda conclude that the proposed changes in the project and potential changes to its background context would not result in any new significant adverse impacts not identified in the FEIS;

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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 revealed in the FEIS with respect to the proposed passenger station and related facilities in New York City 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, the FEIS and the related Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090263 (A) ZSM, incorporated by reference herein, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 24, 2009 its approval dated June 24, 2009 of the petition of Lucky 13, LLC, d/b/a Gin Lane, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 355 West 14th Street, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on July 27, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1157

Report of the Committee on Land Use in favor of approving Application no. 20095437 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for Chez Josephine, Ltd. d.b.a. Chez Josephine, to establish, maintain and operate an unenclosed sidewalk café located at 414 West 42nd Street (Block 1051, Lot 40), Borough of Manhattan, Council District no.3.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3845) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB – 04

20095437 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Chez Josephine Ltd., d/b/a Chez Josephine, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 414 West 42nd Street, Borough of Manhattan.

INTENT

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

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2119

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 414 West 42nd Street, Borough of Manhattan (20095437 TCM; L.U. No. 1157).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 11, 2009 its approval dated June 11, 2009 of the petition of Chez Josephine Ltd., d/b/a Chez Josephine, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 414 West 42nd Street, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on July 27, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1158

Report of the Committee on Land Use in favor of approving Application no. 20095379 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for SLP Management Inc. d.b.a. The Slaughtered Lamp Pub, to establish, maintain and operate an unenclosed sidewalk café located at 182 West 14th Street (Block 590, Lot 73), Borough of Manhattan, Council District no.3.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3846) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 02

20095246 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of La Meridiana, Ltd., d/b/a Pizza From Naples, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 26-28 Carmine Street, Borough of Manhattan.

INTENT

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

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2120

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 26-28 Carmine Street, Borough of Manhattan (20095246 TCM; L.U. No. 1158).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 24, 2009 its approval dated June 24, 2009 of the petition of La Meridiana, Ltd., d/b/a Pizza From Naples, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 26-28 Carmine 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, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on July 27, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1159

Report of the Committee on Land Use in favor of approving Application no. 20095379 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for SLP Management Inc. d.b.a. The Slaughtered Lamb Pub, to establish, maintain and operate an unenclosed sidewalk café located at 182 West 14th Street (Block 590, Lot 73), Borough of Manhattan, Council District no.3.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3846) the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 02

20095379 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of S.L.P. Management Inc., d/b/a The Slaughtered Lamb Pub, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 182 West 4th Street, Borough of Manhattan.

INTENT

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

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2121

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 182 West 4th Street, Borough of Manhattan (20095379 TCM; L.U. No. 1159).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 24, 2009 its approval dated June 24, 2009 of the petition of S.L.P. Management Inc., d/b/a The Slaughtered Lamb Pub, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 182 West 4th 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, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on July 27, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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. 1160

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 070429 MMQ, pursuant to Sections 197-c and 197-d of the New York City Charter, changes to the City Map, Borough of the Bronx, Council District no. 29. This matter is subject to Council Review and action only if appealed to the Council pursuant to §197-d(b)2 of the Charter or called up by a vote of the Council pursuant to §197-d(b)3 of the Charter and Section 11.20 of the Rules of the Council.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3847) the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT****QUEENS CB - 06****C 070429 MMQ**

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

- the elimination, discontinuance and closing of 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road;

- (3) to facilitate a reconfiguration of the site-layout at its existing maintenance facility known as Glendale Yard, in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President.

INTENT

To facilitate the reconfiguration of the Glendale Yard site.

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2122

Resolution approving the decision of the City Planning Commission on ULURP No. C 070429 MMQ, an amendment to the City Map (L.U. No. 1160).

By Council Members Katz and Garodnick .

WHEREAS, the City Planning Commission filed with the Council on June 23, 2009 its decision dated June 17, 2009 (the "Decision"), on the application submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road;

- (4) to facilitate a reconfiguration of the site-layout at its existing maintenance facility known as Glendale Yard, in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President, (ULURP No. C 070429 MMQ), Community District 6, Borough of Queens (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 July 27, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on July 6, 2007, with respect to this application (CEQR No. 07DOT006Q); and

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

RESOLVED:

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

Pursuant to Sections 197-d and 199 of the New York City Charter, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1164

Report of the Committee on Land Use in favor of approving Application no. 20095223 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc. d/b/a The Groove to establish, maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 02****20095223 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc., d/b/a The Groove, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan.

INTENT

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

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2123

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan (20095223 TCM; Preconsidered L.U. No. 1164).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on June 11, 2009 its approval dated June 11, 2009 of the petition of Groove Enterprises, Inc., d/b/a The Groove, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 125 Macdougall 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, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on July 27, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1165

Report of the Committee on Land Use in favor of approving Application no. N 0 090309 ZRK 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, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO.

The Committee on Land Use, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 02

N 090309 ZRK

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, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO in the Borough of Brooklyn.

INTENT

To preserve the mixed use character of the neighborhood, allow for residential conversion of existing buildings, promote new construction consistent with the built character and provide incentives for permanent affordable housing.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

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

Res. No. 2124

Resolution approving the decision of the City Planning Commission on Application No. N 090309 ZRK, for an amendment to the Zoning Resolution of the City of New York, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO in the Borough of Brooklyn (Preconsidered L.U. No. 1165).

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on July 2, 2009 its decision dated July 1, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning for an amendment to the Zoning Resolution of the City of New York, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO in the Borough of Brooklyn, Community District 2, Application No. N 090309 ZRK, (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090310 ZMK (Preconsidered L.U. No. 1166), an amendment of the Zoning Map, to rezone all or portions of twelve blocks from M1-2 and M3-1 districts to M1-4/R8A (MX-2) and M1-4/R7A (MX-2);

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 July 27, 2009;

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 February 17, 2009, which included (E) designations for hazardous materials, air quality, and noise (CEQR No. 09DCP053K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter in # # is defined in Section 12-10;

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

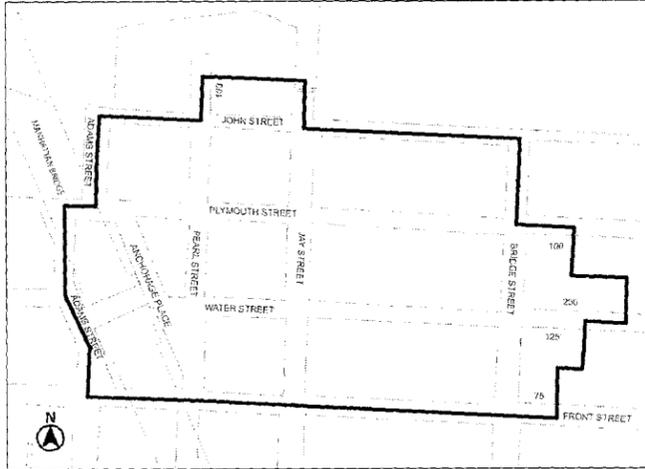
Article II: Residence District Regulations

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

- (e) In Community District 2, in the Borough of Brooklyn, in the R7A and R8A Districts within the areas shown on the following Maps 7, 8, and 9 and 10:

* * *



Map 10
Portion of Community District 2, Brooklyn

- (f) In Community District 7, in the Borough of Manhattan, in the R9A Districts within the areas shown on the following Map 4011:

* * *

Map 4011
Portion of Community District 7, Manhattan

- (g) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 411 and 12 and 13:

* * *

MAP 412
Portion of Community District 3, Brooklyn

* * *

MAP 413
Portion of Community District 3, Brooklyn

- (h) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map 4314:

* * *

MAP 4314
Portion of Community District 6, Manhattan

- (i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 4415:

* * *

Map 4415: portion of Community District 3, Manhattan

* * *

Article XII - Special Purpose Districts

Chapter 3
Special Mixed Use District

* * *

123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Table with 3 columns: Special Mixed Use District, Designated District, Residence District. Rows include MX 8-Community District 1, Brooklyn; MX 2-Community District 2, Brooklyn.

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1:
Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 2:
Fulton Ferry DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO Fulton Ferry in Brooklyn as indicated on the #zoning maps#.

* * *

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA,

ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1166

Report of the Committee on Land Use in favor of approving Application no. C 090310 ZMK 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. 12d.

The Committee on Land Use, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 02

C 090310 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. 12d.

INTENT

To preserve the mixed use character of the neighborhood, allow for residential conversion of existing buildings, promote new construction consistent with the built character and provide incentives for permanent affordable housing.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

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

Res. No. 2125

Resolution approving the decision of the City Planning Commission on ULURP No. C 090310 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 1166).

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on July 2, 2009 its decision dated July 1, 2009 (the "Decision"), on an 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 to the Zoning Map (ULURP No. C 090310 ZMK) (the "Application");

WHEREAS, the Application is related to ULURP Application Number N

090309 ZRK (Preconsidered L.U. No. 1165), a zoning text change to apply the Inclusionary Housing program to the DUMBO rezoning area and to rename the Special Mixed-Use District (MX-2) to DUMBO;

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 July 27, 2009;

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 February 17, 2009, which included (E) designations for hazardous materials, air quality, and noise (CEQR No. 09DCP053K);

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, 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. 12d:

1. changing from an M1-2 District to an M1-4/R7A District property bounded by Plymouth Street, Bridge Street, a line midway between Plymouth Street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, and a line 150 feet easterly of Jay Street;
2. changing from an M3-1 District to an M1-4/R7A District property bounded by:
 - a) John Street, Bridge Street, Plymouth Street, and a line 150 feet easterly of Jay Street; and
 - b) Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street;
3. changing from an M1-2 District to an M1-4/R8A District bounded by Plymouth Street, a line 150 feet easterly of Jay Street, Front Street, and Adams Street;
4. changing from an M3-1 District to an M1-4/R8A District property bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, a line 150 feet easterly of Jay Street, Plymouth Street, and Adams Street; and
5. establishing a Special Mixed Use District (MX-2) bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, Bridge Street, Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, Adams Street, Plymouth Street, and Adams Street;

as shown in a diagram (for illustrative purposes only) dated February 17, 2009 and which includes CEQR designation E-231, Community District 2, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1167

Report of the Committee on Land Use in favor of approving Application no. N 090333 ZRK by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts.

The Committee on Land Use, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 01

N 090333 ZRK

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn.

INTENT

To preserve neighborhood character while allowing for medium density residential growth with affordable housing that conforms to the existing scale and built form of the neighborhood.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2126

Resolution approving the decision of the City Planning Commission on Application No. N 090333 ZRK, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn (Preconsidered L.U. No. 1167).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on July 2, 2009 its decision dated July 1, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts, (Application No. N 090333 ZRK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090334 ZMK (Preconsidered L.U. No. 1168), an amendment of the Zoning Map, to rezone all or portions of 175 blocks in the Brooklyn neighborhoods of Greenpoint and Williamsburg from R6, C4-3, and C8-2 districts to R6B, R6A, R7A, C4-3A, and C4-4A districts;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2009;

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 2, 2009, which included (E) designations for hazardous materials, air quality, and noise (CEQR No. 09DCP056K);

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 the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Mater in # # is defined in Section 12-10;

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

23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

(a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

(a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

INTENT

To preserve neighborhood character while allowing for medium density residential growth with affordable housing that conforms to the existing scale and built form of the neighborhood.

*Report Summary:***COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2127

Resolution approving the decision of the City Planning Commission on ULURP No. C 090334 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 1168).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on July 2, 2009 its decision dated July 1, 2009 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090334 ZMK) (the "Application");

WHEREAS, the Application is related to Application Number N 090333 ZRK (Preconsidered L.U. No. 1167), a zoning text amendment to Article 2, Chapter 3 of the Zoning Resolution, to apply the Inclusionary Housing program to the proposed R7A districts on Manhattan, Metropolitan, Union, and Bushwick Avenues, Grand Street, and McGuinness Boulevard;

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 July 27, 2009;

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 2, 2009, which included (E) designations for hazardous materials, air quality, and noise (CEQR No. 09DCP056K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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. 12c, 13a, and 13b:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Clay Street, a line 150 feet easterly of Manhattan Avenue, Eagle Street, and a line 150 feet westerly of Manhattan Avenue;
 - b. India Street, a line 150 feet easterly of Manhattan Avenue, Kent Street, and a line 150 feet westerly of Manhattan Avenue;
 - c. Norman Avenue, Manhattan Avenue, a line 100 feet

southeasterly of Norman Avenue, a line midway between Manhattan Avenue and Leonard Street, a line 150 feet northwesterly and northerly of Nassau Avenue, a line 150 feet northerly of Nassau Avenue, North Henry Street, Nassau Avenue, Russell Street, a line 150 feet southerly of Nassau Avenue, a line 150 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet southeasterly of Nassau Avenue, a line midway between Lorimer Street and Manhattan Avenue, Nassau Avenue, Manhattan Avenue, Bedford Avenue, Lorimer Street, a line 150 feet northwesterly of Bedford Avenue, and a line midway between Lorimer Street and Manhattan Avenue;

- d. a line 150 feet northerly of Driggs Avenue, Russell Street, Driggs Avenue, Monitor Street, a line 150 feet southerly of Driggs Avenue, and Humboldt Street;
 - e. a line 150 feet northerly of Driggs Avenue, a line 150 feet northwesterly of Meeker Avenue, Hausman Street, Meeker Avenue (northwesterly portion), Driggs Avenue, and Sutton Street;
 - f. Richardson Street, Kingsland Avenue- Grandparents Avenue, Jackson Street, a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue, Withers Street, Woodpoint Road, Frost Street, a line 100 feet northwesterly of Woodpoint Road, and a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue;
 - g. Skillman Avenue, a line 150 feet easterly of Graham Avenue- Via Vespucci, a line midway between Conselyea Street and Metropolitan Avenue, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Devoe Street, and a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - h. a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 150 feet easterly of Union Avenue, Ten Eyck Street, and Union Avenue;
 - i. Powers Street, Humboldt Street, a line midway between Powers Street and Grand Street, Bushwick Avenue, Grand Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Grand Street and Maujer Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and
 - j. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 150 feet westerly of Bushwick Avenue;
2. eliminating from within an existing R6 District a C2-2 District bounded by a line midway between Powers Street and Grand Street, Olive Street, Grand Street, and Bushwick Avenue;
 3. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. Eagle Street, a line 150 feet easterly of Manhattan Avenue, India Street, a line 150 feet westerly of Manhattan Avenue, a line midway between Green Street and Huron Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Freeman Street and Green Street, and a line 150 feet westerly of Manhattan Avenue;
 - b. a line 150 feet northwesterly of Norman Avenue, Eckford Street, a line 150 feet southeasterly of Norman Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet southeasterly of Norman Avenue, Manhattan Avenue, Norman Avenue, and Leonard Street;
 - c. a line 100 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Driggs Avenue, and a line midway between Manhattan Avenue and Lorimer Street;
 - d. Meeker Avenue (southeasterly portion), a line 125 feet northeasterly of Humboldt Street, Herbert Street, and Humboldt Street;

- e. Meeker Avenue (southeasterly portion), Grand Avenue- Via Vespucci, Herbert Street, Humboldt Street, Richardson Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Skillman Avenue, a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), and Richardson Street;
- f. Jackson Street, a line 100 feet easterly of Lorimer Street, Skillman Avenue, and a line 100 feet westerly of Lorimer Street;
- g. Skillman Avenue, a line 150 feet easterly of Union Avenue, a line midway between Conselyea Street and Metropolitan Avenue, Leonard Street, a line midway between Metropolitan Avenue and Devoe Street, Union Avenue, and a southeasterly service road of Brooklyn Queens Expressway;
- h. Orient Avenue, Olive Street, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Bushwick Avenue, Metropolitan Avenue, and the easterly boundary line of Cooper Gore Park and its northerly and southerly prolongations; and
- i. Grand Street, Bushwick Avenue, a line midway between Grand Street and Maujer Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
4. changing from an R6 District to an R6A District property bounded by:
- a. Clay Street, Pulaski Bridge, McGuinness Boulevard, Greenpoint Avenue, and a line 100 feet westerly of McGuinness Boulevard;
- b. a line midway between Kent Street and Greenpoint Avenue, a line 150 feet westerly of Manhattan Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and Franklin Street;
- c. Norman Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet northwesterly of Nassau Avenue, a line midway between McGuinness Boulevard and Eckford Street, Nassau Avenue, a line 100 feet northeasterly of Eckford Street, a line 100 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Driggs Avenue, and a line midway between Manhattan Avenue and Lorimer Street;
- d. Richardson Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, and a line 100 feet westerly of Graham Avenue - Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
- e. a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Powers Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
- f. Skillman Avenue, Kingsland Avenue- Grandparents Avenue, Maspeth Avenue, Olive Street, a line midway between Maspeth Avenue and Orient Avenue, a line 150 feet easterly of Bushwick Avenue and its northerly prolongation, Conselyea Street, and Woodpoint Road; and
- g. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
5. changing from a C4-3 District to an R6A District property bounded by:
- a. a line midway between Kent Street and Greenpoint Avenue, a line 100 feet westerly of Manhattan Avenue, Greenpoint Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue, and a line 150 feet southwesterly and westerly of Manhattan Avenue;
- b. Powers Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and
- c. a line midway between Grand Street and Maujer Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
6. changing from an R6 District to an R6B District property bounded by:
- a. Clay Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Freeman Street and Green Street, a line 320 feet easterly of Franklin Street, Freeman Street, Franklin Street, Dupont Street, and a line 430 feet easterly of Franklin Street;
- b. Clay Street, a line 100 feet westerly of McGuinness Boulevard (westerly portion), a line 100 feet westerly of McGuinness Boulevard, Greenpoint Avenue, a line midway between Eckford Street and McGuinness Boulevard, a line 100 feet northwesterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Norman Avenue, Leonard Street, Greenpoint Avenue, a line 150 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet easterly of Manhattan Avenue;
- c. a line midway between Green Street and Huron Street, a line 100 feet westerly of Manhattan Avenue, Kent Street, a line 150 feet westerly of Manhattan Avenue, a line midway between Kent Street and Greenpoint Avenue, Franklin Street, a line 50 feet northerly of Huron Street, and a line 125 feet easterly of Franklin Street;
- d. a line midway between Greenpoint Avenue and Milton Street, a line 150 feet westerly of Manhattan Avenue, Noble Street, Lorimer Street, Norman Avenue, a line midway between Lorimer Street and Manhattan Avenue, Nassau Avenue, Lorimer Street, a line 100 feet northwesterly of Nassau Avenue, Guernsey Street, Norman Avenue, a line midway between Guernsey Street and Dobbin Street, a line 100 feet northwesterly of Meserole Avenue, a line 100 feet southwesterly of Clifford Place, Calyer Street, Banker Street, and Franklin Street;
- e. a line 100 feet southeasterly of Nassau Avenue, a line 100 feet northeasterly of Eckford Street, Driggs Avenue, and a line midway between Manhattan Avenue and Leonard Street;
- f. a line 100 feet northwesterly of Meserole Avenue, Diamond Street, Meserole Avenue, Jewel Street, a line 200 feet southeasterly of Meserole Avenue, a line midway between Jewel Street and Moultrie Street, a line 100 feet northwesterly of Norman Avenue, Moultrie Street, Norman Avenue, Monitor Street, a line 80 feet southerly of Norman Avenue, a line midway between Monitor Street and Kingsland Avenue, a line 200 feet southerly of Norman Avenue, Kingsland Avenue, a line 170 feet northerly of Nassau Street, a line midway between Kingsland Avenue and Sutton Street, a line 100 feet northerly of Nassau Avenue, Morgan Avenue, Nassau Avenue, Apollo Street, a line 250 feet southerly of Nassau Avenue, a line midway between Apollo Street and Van Dam Street, a line 130 feet southerly of Nassau Avenue, Van Dam Street, a line perpendicular to the westerly street line of Van Dam Street distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Van Dam Street and the northwesterly street line of Meeker Avenue, a line 100 feet northwesterly of Meeker Avenue, Hausman Street, a line perpendicular to the westerly street line of Hausman Street distant 60 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Hausman Street and the northwesterly street line of Meeker Avenue, a line 85 feet easterly of Morgan Avenue,

Meeker Avenue (northwesterly portion), Driggs Avenue, Sutton Street, a line 120 feet southerly of Driggs Avenue, Kingsland Avenue, a line perpendicular to the westerly street line of Kingsland Avenue distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Kingsland Avenue and the northwesterly street line of Meeker Avenue (northwesterly portion), Monitor Street, Engert Avenue, North Henry Street, a line 100 feet northwesterly of Meeker Avenue (northwesterly portion), Russell Street, a line 250 feet southerly of Engert Avenue, Humboldt Street, McGuinness Boulevard South, Driggs Avenue, and McGuinness Boulevard;

- g. Brooklyn Queens Expressway, Kingsland Avenue- Grandparents Avenue, Skillman Avenue, Woodpoint Road, Conselyea Street, Humboldt Street, a line 100 feet southerly of Conselyea Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Richardson Street, Humboldt Street, Herbert Street, and North Henry Street;
 - h. Richardson Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, Leonard Street, a line 100 feet northerly of Metropolitan Avenue, Lorimer Street, a line 75 feet southerly of Conselyea Street, a line 100 feet easterly of Union Avenue, Skillman Avenue, a line 100 feet westerly of Lorimer Street, Jackson Street, a line 150 feet easterly of Lorimer Street, a line midway between Withers Street and Jackson Street, Leonard Street, Withers Street, a line 100 feet easterly of Leonard Street, a line midway between Withers Street and Frost Street, Manhattan Avenue, Frost Street and a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - i. a line 100 feet northerly of Devoe Street, Lorimer Street, a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Powers Street, Lorimer Street, a line midway between Powers Street and Grand Street, and a line 100 feet easterly of Union Avenue;
 - j. a line midway between Metropolitan Avenue and Devoe Street, Humboldt Street, Devoe Street, a line 100 feet southwesterly of Bushwick Avenue, a line midway between Powers Street and Grand Street, a line 200 feet westerly of Humboldt Street, a line 125 feet northerly of Grand Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - k. a line midway between Maspeth Avenue and Orient Avenue, Olive Street, Maspeth Avenue, Debevoise Avenue, a line 70 feet northwesterly of Maspeth Avenue, Morgan Avenue, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, Powers Street, Olive Street, a line midway between Powers Street and Grand Street, a line 100 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and a line 150 feet northeasterly of Bushwick Avenue;
 - l. a line midway between Grand Street and Maujer Street, Lorimer Street, Maujer Street, Leonard Street, Scholes Street, and a line 100 feet easterly of Union Avenue; and
 - m. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
7. changing from a C4-3 District to an R6B District property bounded by:
- a. Kent Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Kent Street and Greenpoint Avenue, and a line 150 feet westerly of Manhattan Avenue;
 - b. Kent Street, a line 150 feet easterly of Manhattan Avenue, Greenpoint Avenue, and a line 100 feet easterly of Manhattan Avenue;
 - c. a line midway between Greenpoint Avenue and Milton Street, a line perpendicular to the northerly street line of Milton Street distant 125 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Milton Street, a line perpendicular to the southerly street line of Milton

Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Noble Street, and a line 150 feet southwesterly of Manhattan Avenue;

- d. Calyer Street, Leonard Street, Norman Avenue, and a line midway between Leonard Street and Manhattan Avenue;
 - e. Meserole Avenue, a line midway between Lorimer Street and Manhattan Avenue, Norman Avenue, and Lorimer Street;
 - f. Powers Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, a line 100 feet easterly of Manhattan Avenue, a line midway between Grand Street and Powers Street, and Lorimer Street; and
 - g. a line midway between Grand Street and Maujer Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Lorimer Street;
8. changing from a C8-2 District to an R6B District property bounded by a line midway between Conselyea Street and Metropolitan Avenue, Humboldt Street, a line 100 feet southerly of Conselyea Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
9. changing from an R6 District to an R7A District property bounded by:
- a. Clay Street, a line 100 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet westerly of Manhattan Avenue;
 - b. Calyer Street, McGuinness Boulevard, Driggs Avenue, a line 100 feet northeasterly of Eckford Street, Nassau Avenue, and a line midway between Eckford Street and McGuinness Boulevard;
 - c. a line midway between Metropolitan Avenue and Devoe Street, a line midway between Judge Street and Bushwick Avenue, a line midway between Powers Street and Grand Street, Olive Street, Grand Street, Bushwick Avenue, a line midway between Grand Street and Powers Street, a line 100 feet southwesterly of Bushwick Avenue, Devoe Street, and Bushwick Avenue; and
 - d. Skillman Avenue and its westerly centerline prolongation, a line 100 feet easterly of Union Avenue, a line 75 feet southerly of Conselyea Street, Lorimer Street, a line 100 feet northerly of Metropolitan Avenue, Leonard Street, a line 100 feet southerly of Conselyea Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico) a line midway between Metropolitan Avenue and Devoe Street, Lorimer Street, a line 100 feet northerly of Devoe Street, a line 100 feet easterly of Union Avenue, a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Union Avenue, Scholes Street, Union Avenue, and Brooklyn Queens Expressway;
10. changing from a C8-2 District to an R7A District property bounded by a line 100 feet southerly of Conselyea Street, Humboldt Street, a line midway between Metropolitan Avenue and Devoe Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
11. changing from an R6 District to a C4-3A District property bounded by a line 150 feet southwesterly of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue;
12. changing from a C4-3 District to a C4-3A District property bounded by Kent Street, a line 100 feet easterly of Manhattan Avenue, Greenpoint Avenue, Leonard Street, Calyer Street, a line midway between Leonard Street and Manhattan Avenue, Norman Avenue, a line midway between Manhattan Avenue and Lorimer Street, Meserole Avenue, Lorimer Street, Noble Street, a line perpendicular to the southerly street line of Milton Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Milton Street, a line perpendicular to the northerly street line of Milton Street distant 125 feet

- westerly (as measured along the street line) from the point of intersection of the northerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue;
13. changing from an R6 District to a C4-4A District property bounded by a line 125 feet northerly of Grand Street, a line 200 feet westerly of Humboldt Street, a line midway between Powers Street and Grand Street, Bushwick Avenue, a line midway between Grand Street and Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 14. changing from a C4-3 District to a C4-4A District property bounded by a line midway between Powers Street and Grand Street, a line 100 feet easterly of Manhattan Avenue, a line 125 feet northerly of Grand Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Grand Street and Maujer Street, and Lorimer Street;
 15. establishing within an existing R6 District a C2-4 District bounded by
 - a. a line perpendicular to the westerly street line of Hausman Street distant 60 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Hausman Street and the northwesterly street line of Meeker Avenue (northwesterly portion), Hausman Street, Meeker Avenue, and a line 85 feet easterly of Morgan Avenue;
 - b. Meeker Avenue (southeasterly portion), a line 125 feet northeasterly of Humboldt Street, Herbert Street, and Humboldt Street; and
 - c. Meeker Avenue (southeasterly portion), Grand Avenue- Via Vespucci, Herbert Street, Humboldt Street, Richardson Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Skillman Avenue, a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), and Richardson Street;
 16. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. a line midway between Kent Street and Greenpoint Avenue, a line 100 feet westerly of Manhattan Avenue, Greenpoint Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly from the point of intersection of the southerly street line of Greenpoint Avenue and the northwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and Franklin Street;
 - b. a line midway between Kent Street and Greenpoint Avenue, McGuinness Boulevard, Greenpoint Avenue, and a line 100 feet westerly of McGuinness Boulevard;
 - c. Norman Street, a line midway between Manhattan Avenue and Leonard Street, a line 100 feet northwesterly of Nassau Avenue, a line midway between McGuinness Boulevard and Eckford Street, Nassau Avenue, a line 100 feet northeasterly of Eckford Street, a line 100 feet southeasterly of Nassau Avenue, a line midway between Manhattan Avenue and Leonard Street, Driggs Avenue, and a line midway between Lorimer Street and Manhattan Avenue;
 - d. Richardson Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - e. a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and
 - f. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 17. establishing within a proposed R6B District a C2-4 District bounded by:
 - a. Dupont Street, a line 75 feet easterly of Franklin Street, Freeman Street, and Franklin Street;
 - b. a line 50 feet northerly of Huron Street, a line 75 feet easterly of Franklin Street, a line midway between Kent Street and Greenpoint Avenue, and Franklin Street;
 - c. a line midway between Greenpoint Avenue and Milton Street, a line 75 feet easterly of Franklin Street and its southerly prolongation, Calyer Street, Banker Street, and Franklin Street;
 - d. a line midway between Greenpoint Avenue and Kent Street, a line 100 feet westerly of McGuinness Boulevard, Greenpoint Avenue, a line midway between Eckford Street and McGuinness Boulevard, a line 100 feet southerly of Greenpoint Avenue, Leonard Street, Greenpoint Avenue, and a line 100 feet easterly of Manhattan Avenue;
 - e. a line 100 feet northerly of Norman Avenue, Eckford Street, a line 100 feet southerly of Norman Avenue, and a line midway between Leonard Street and Manhattan Avenue;
 - f. a line perpendicular to the northeasterly street line of Lorimer Street distant 75 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Bedford Avenue and the northeasterly street line of Lorimer Street, a line midway between Manhattan Avenue and Lorimer Street, Bedford Avenue, and Lorimer Street;
 - g. a line 100 feet northerly of Driggs Avenue, a line 100 feet northeasterly of Eckford Street, Driggs Avenue, and Leonard Street;
 - h. a line 100 feet northwesterly of Nassau Avenue, Newel Street, a line 75 feet northwesterly of Nassau Avenue, Humboldt Street, a line 100 feet northerly of Nassau Avenue, Russell Street, a line 75 feet northerly of Nassau Avenue, Monitor Street, Nassau Avenue, Russell Street, a line 100 feet southerly and southeasterly of Nassau Avenue, Diamond Street, a line 75 feet southeasterly of Nassau Avenue, Newel Street, a line 100 feet southeasterly of Nassau Avenue, and McGuinness Boulevard;
 - i. a line 100 feet northerly of Driggs Avenue, Russell Street, Driggs Avenue, Monitor Street, a line 100 feet southerly of Driggs Avenue, Humboldt Street, Driggs Avenue, and McGuinness Boulevard;
 - j. a line 80 feet northerly of Driggs Avenue, Morgan Avenue, a line 100 feet northerly of Driggs Avenue, a line 85 feet easterly of Morgan Avenue, Meeker Avenue (northerly portion), Driggs Avenue, and Sutton Street;
 - k. Richardson Street, Kingsland Avenue- Grandparents Avenue, Jackson Street, a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue, Withers Street, Woodpoint Road, Frost Street, a line 100 feet northwesterly of Woodpoint Road, and a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue;
 - l. Jackson Avenue, a line 100 feet easterly of Lorimer Street, Skillman Avenue, and a line 100 feet westerly of Lorimer Street;
 - m. a line midway between Orient Avenue and Metropolitan Avenue, Olive Street, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Bushwick Avenue, Metropolitan Avenue, and the easterly boundary line of Cooper Gore Park;

n. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Manhattan Avenue, Maujer Street, and a line 100 feet westerly of Manhattan Avenue; and

o. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 100 feet westerly of Bushwick Avenue; and

18. establishing within a proposed R7A District a C2-4 District bounded by:

a. Clay Street, a line 100 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet westerly of Manhattan Avenue;

b. a line 100 feet northwesterly of Nassau Avenue, McGuinness Boulevard, a line 100 feet southeasterly of Nassau Avenue, a line 100 feet northeasterly of Eckford Street, Nassau Avenue, and a line midway between McGuinness Boulevard and Eckford Street;

c. Skillman Avenue and its westerly centerline prolongation, a line 100 feet easterly of Union Avenue, a line 75 feet southerly of Conselyea Street, Lorimer Street, a line 100 feet northerly of Metropolitan Avenue, Leonard Street, a line 100 feet southerly of Conselyea Street, Humboldt Street, a line midway between Metropolitan Avenue and Devoe Street, Lorimer Street, a line 100 feet northerly of Devoe Street, a line 100 feet easterly of Union Avenue, a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Union Avenue, Ten Eyck Street, and Union Avenue; and

d. a line midway between Powers Street and Grand Street, Olive Street, Grand Street, and Bushwick Avenue;

as shown on a diagram (for illustrative purposes only) dated March 2, 2009, and which includes CEQR Designation E-232, Community District 1, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1169

Report of the Committee on Land Use in favor of approving Application no. N 090318 ZRQ submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections.

The Committee on Land Use, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

QUEENS CB - 07

N 090318 ZRQ

City Planning Commission decision approving an application submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections.

INTENT

To facilitate the establishment of the Special College Point District.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2128

Resolution approving the decision of the City Planning Commission on Application No. N 090318 ZRQ, for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections in Community District 7, Borough of Queens (Preconsidered L.U. No. 1169).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on June 15, 2009 its decision dated June 3, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Economic Development Corporation for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections in Community District 7, Borough of Queens, Application No. N 090318 ZRQ, (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090319 ZMQ (Preconsidered L.U. No. 1170), an amendment to the Zoning Map, rezoning from M3-1 and M1-1 to M2-1 and M1-1 within the proposed mapping of the Special College Point District;

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 July 27, 2009;

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 Corrected Negative Declaration, issued on June 10, 2009 (CEQR No. 09DME007Q);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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 underlined is new, to be added;

Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is old, to be deleted;

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

* * *

**11-12
Establishment of Districts**

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

* * *

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

* * *

**12-10
DEFINITIONS**

* * *

Special Clinton District

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply. The #Special Clinton District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

Special College Point District

The "Special College Point District" is a Special Purpose District designated by the letters "CP" in which special regulations set forth in Article XII, Chapter 6, apply. The #Special College Point District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

* * *

All text is new; it is not underlined

Article XII - Special Purpose Districts

**Chapter 6
Special College Point District**

**126-00
GENERAL PURPOSES**

The "Special College Point District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) encourage and retain high performance manufacturing establishments in New York City;
- (b) maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and
- (c) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

**126-01
General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**126-02
District Plan and Map**

The District Map is located within Appendix A of this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

**126-03
Applicability of Article I, Chapter 1**

Within the #Special College Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

**126-10
SPECIAL USE REGULATIONS**

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

**126-11
Recreational Uses**

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following uses as-of-right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#.

#Public parks#, playgrounds or private parks

From Use Group 4C:

#Accessory uses#

126-12

Performance Standards

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

126-13

Enclosure Regulations

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths).

126-131

Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

From Use Group 17 A:

Produce or meat markets, wholesale

From Use Group 18A:

Incineration or reduction of garbage, offal or dead animals

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Stock yards or slaughtering of animals or poultry

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

From Use Group 18B:

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Scrap metal, junk, paper or rags storage, sorting, or baling

All #commercial# or #manufacturing uses# specified in this Section 126-131 shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

126-132

Enclosure regulations in the M1-1 district

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133

Enclosure regulations in the M2-1 district near residence districts

All #uses#, except storage of materials or products, within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134

Enclosure of storage in the M1-1 district near residence districts

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135

Screening of storage in the M2-1 district near residence districts

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard#;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

126-136

Screening of storage

At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening provided pursuant to paragraphs (a) or (b):

- (1) shall not be located within a #front yard#;
- (2) shall be maintained in good condition at all times;
- (3) may be interrupted by normal entrances or exits; and
- (4) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

126-14

Sign Regulations

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

126-141**Special sign regulations in the M2-1 district**

In the M2-1 District, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of 8 feet, and shall not extend to a height greater than 20 feet above #curb level#; and
- (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

126-20**SPECIAL BULK REGULATIONS**

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-21**Street Tree Planting**

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

126-22**Floor Area Ratio**

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway,

the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district.

126-23**Modification of Yard Regulations****126-231****Minimum required front yards**

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where

#front yards# shall be provided with a depth of 20 feet; and

- (b) #corner lots#, where one front yard may have a depth of 10 feet.

126-232**Minimum required side yards**

#Side yards# shall be provided with a width of 10 feet.

126-233**Special provisions along district boundaries**

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
- (b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# and at least 60 feet wide, or where such open area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.
- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

126-234**Planting requirement in front yards**

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235**Storage of materials within yards**

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24**Height and Setback Regulations**

Within the #Special College Point District#, the height and setback regulations of an M1-1 district shall apply.

However, within the M2-1 district south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway, the height and setback regulations shall be as permitted in the underlying district.

126-30**SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS**

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31**Parking Regulations**

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial uses# shall be modified as follows:

Hotels, for the #floor area# used for sleeping accommodations shall be required to provide one parking space per two guest rooms or suites, and for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios shall be required to provide one parking space per four persons rated capacity

Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons rated capacity

- (c) For #commercial uses# within the Commercial Areas identified on the Special College Point District Map, the parking requirements of a C4-1 district shall apply.
- (d) Section 37-90 (Parking Lots) shall apply to all #developments# and #enlargements#, as defined in that Section, that provide an open parking area #accessory# to #manufacturing uses# in Use Group 17. Perimeter landscaping required pursuant to Section 37-921 may overlap with required #yards# provided pursuant to Section 126-23 (Modification of Yard Regulations).
- (e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on (date of adoption) and on the date of application for a building permit.

126-32**Loading Regulations**

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.
- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

126-33**Curb Cut Restrictions on 15th Avenue**

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

126-40**SPECIAL APPROVALS****126-41****Modification of Planting Requirements**

The requirements of Section 126-234 (Planting requirement) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

126-42**Authorization for Reduction of Required Parking**

Within the Commercial Areas identified on the Special College Point District Map, the Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

126-43**Special Permit to Modify Use or Bulk Regulations**

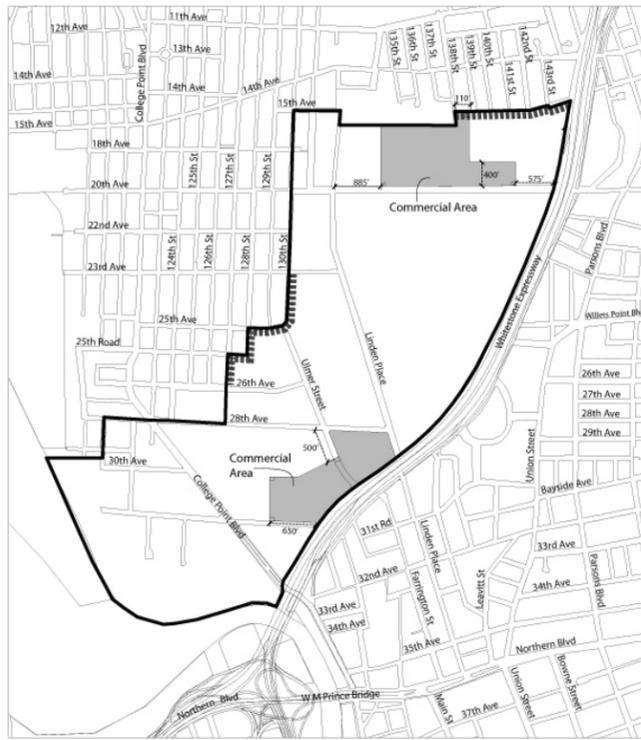
For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the #development#;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

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

Appendix A**Special College Point District Map**

Appendix: Special College Point District
 — Special College Point District
 ■■■■■ 60' wide buffer



MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1170

Report of the Committee on Land Use in favor of approving Application no. C 090319 ZMQ submitted by the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 7b and 10a.

The Committee on Land Use, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

QUEENS CB - 07

C 090319 ZMQ

City Planning Commission decision approving an application submitted by the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 7b and 10a.

INTENT

To facilitate the establishment of the Special College Point District.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2129

Resolution approving the decision of the City Planning Commission on ULURP No. C 090319 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 1170).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on June 15, 2009 its decision dated June 3, 2009 (the "Decision"), on an application submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090319 ZMQ) (the "Application");

WHEREAS, the Application is related to ULURP Application Number N 090318 ZRQ (Preconsidered L.U. No. 1169), an amendment to the Zoning Resolution, creating the Special College Point District in Article XII, Chapter 6, and amending related sections of the Zoning Resolution;

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 July 27, 2009;

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 Corrected Negative Declaration, issued on June 10, 2009 (CEQR No. 09DME007Q);

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, 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. 7b and 10a:

1. changing from an M3-1 District to an M1-1 District property bounded by a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, the centerline of former 131st Street, 31st Avenue, and a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue;
2. changing from an M1-1 District to an M2-1 District property bounded by:
 - a. 20th Avenue, a line 700 feet northwesterly of Whitestone Expressway, a line 600 feet northeasterly of Linden Place, a line 400 feet northwesterly of Whitestone Expressway, 28th Avenue and its easterly centerline prolongation, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;

b. 28th Avenue, a line 160 feet northeasterly of College Point Boulevard, 30th Avenue and its easterly and westerly centerline prolongations, the centerline of former 119th Street, a line 100 feet southerly of 29th Avenue, and 120th Street; and

c. 31st Avenue, the northwesterly service road of the Whitestone Expressway, and the centerline of former 131st Street;

3. changing from an M3-1 District to an M2-1 District property bounded by 28th Avenue, Ulmer Street, a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue, 31st Avenue, the centerline of former 131st Street, the northwesterly service road of the Whitestone Expressway, College Point Boulevard, the northwesterly service road of the Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, 29th Avenue and its westerly centerline prolongation, 119th Street, the centerline of former 119th Street and its northwesterly prolongation, 30th Avenue and its westerly and easterly centerline prolongations, and a line 160 feet northeasterly of College Point Boulevard; and

4. establishing a Special College Point District bounded by 15th Avenue and its easterly centerline prolongation, the easterly street line of 132nd Street, the southerly boundary line of Frank Golden Memorial Park, the westerly street line of former 138th Street, the westerly street line of 138th Street, 15th Avenue and its westerly centerline prolongation, the northwesterly service road of Whitestone Expressway, College Point Boulevard, the northwesterly service road of Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, a line 100 feet southerly of 29th Avenue and its westerly prolongation, 120th Street, 28th Avenue, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;

as shown on a diagram (for illustrative purposes only), dated February 17, 2009, and modified by the City Planning Commission on June 3, 2009, Community District 7, Borough of Queens.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1171

Report of the Committee on Land Use in favor of approving Application no. C 090382 ZMQ 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. 13c, 13d, 14a, 14b and 17c.

The Committee on Land Use, to which was referred on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

QUEENS CB - 05

C 090382 ZMQ

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York

City Charter for an amendment of the Zoning Map, Section Nos. 13c, 13d, 14a, 14b and 17c:

INTENT

To preserve the scale and built character of the neighborhood.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 27, 2009 and recessed to July 28, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2130

Resolution approving the decision of the City Planning Commission on ULURP No. C 090382 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 1171).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on July 2, 2009 its decision dated July 1, 2009 (the "Decision"), on an 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 to the Zoning Map (ULURP No. C 090382 ZMQ) (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 July 27, 2009;

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 20, 2009, which included (E) designations for hazardous material (CEQR No. 09DCP064Q);

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, 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. 13c, 13d, 14a, 14b and 17c:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. 56th Avenue, a line 150 feet easterly of 61st Street, 56th Drive, and a line 150 feet westerly of 61st Street;
 - b. Grand Avenue, a line 150 feet northeasterly of 61st Street, Flushing Avenue, Grand Avenue, a westerly boundary line of Mount Olivet Cemetery and its northerly prolongation, a line 150 feet southeasterly of Grand Avenue, a line 150 feet southeasterly of Flushing Avenue, and 61st Street;
 - c. Grand Avenue, 66th Street, a line 150 feet southeasterly of Grand Avenue, and an easterly boundary line of Mount Olivet Cemetery and its northwesterly prolongation;
 - d. 60th Avenue, Fresh Pond Road, 60th Road, a line 150 feet

northeasterly of Fresh Pond Road, Eliot Avenue, Fresh Pond Road, 60th Drive, and a line 150 feet southwesterly of Fresh Pond Road;

- e. 63rd Avenue, Woodhaven Boulevard, 64th Road, and a line 150 feet southwesterly of Woodhaven Boulevard; and
 - f. Rutledge Avenue, a line 150 feet northeasterly of 88th Street, 75th Avenue, and 88th Street;
2. eliminating from within an existing R5 District a C1-2 District bounded by:
- a. St. Felix Avenue, 60th Lane, Cooper Avenue, a line 150 feet westerly of 60th Lane, and a line 100 feet southwesterly of St. Felix Avenue;
 - b. Central Avenue, a line 100 feet northerly of Myrtle Avenue, 64th Street, a line 150 feet northerly of Myrtle Avenue, Cypress Hills Street, Central Avenue, a line midway between 65th Street and 65th Place, a line 150 feet northwesterly of Myrtle Avenue, 66th Place, Myrtle Avenue, 66th Place, a line 150 feet southerly of Myrtle Avenue, Cypress Hills Street, a line 100 feet southerly of Myrtle Avenue, 62nd Street, a line 150 feet southerly of Myrtle Avenue, 61st Street, and Myrtle Avenue; and
 - c. 67th Place, a line 150 feet northwesterly of Myrtle Avenue, 69th Place, a line 100 feet southerly of Myrtle Avenue, 69th Street, Myrtle Avenue, 68th Street, a line 150 feet southerly of Myrtle Avenue, 67th Place, and Myrtle Avenue;
3. eliminating from within an existing R5 District a C1-3 District bounded by 69th Place, a line 100 feet southeasterly of Cooper Avenue, a line midway between 69th Place and 70th Street, and a line perpendicular to the northeasterly street line of 69th Place distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the northeasterly street line of 69th Place;
4. eliminating from within an existing R4 District a C2-2 District bounded by:
- a. 56th Drive, a line 150 feet easterly of 59th Street, 58th Avenue, and 59th Street;
 - b. 58th Road, a line 150 feet easterly of 59th Street, 59th Avenue, and 59th Street;
 - c. 62nd Avenue, a line 150 feet northeasterly of Fresh Pond Road, 62nd Road, and Fresh Pond Road;
 - d. a line 150 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, and 64th Street;
- e. 62nd Drive, 69th Place, Juniper Boulevard South, and 69th Street;
 - f. 71st Street, a line 150 feet northwesterly of Eliot Avenue, 75th Street, and Eliot Avenue; and
 - g. Cooper Avenue, Metropolitan Avenue, Aubrey Avenue, a line 150 feet southwesterly of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 150 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwesterly street line of Metropolitan Avenue;
5. eliminating from an existing R5 District a C2-2 District bounded by 66th Place, a line 150 feet northerly of Myrtle Avenue, 67th Place, Myrtle Avenue, 67th Place, a line 150 feet southerly of Myrtle Avenue, 66th Place, and Myrtle Avenue;
6. eliminating from an existing R5 District a C2-3 District bounded by 70th Street, a line 150 feet northerly of Myrtle Avenue, a line midway between 70th Street and 71st Street, and a line perpendicular to the northeasterly street line of 70th Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Myrtle Avenue and the northeasterly street line of 70th Street;
7. changing from an R3-2 District to an R3A District property bounded by 61st

Street and its southeasterly centerline prolongation, a line 160 feet southeasterly of 78th Avenue and its southwesterly prolongation, 64th Place, 78th Avenue, a line 100 feet northeasterly of 65th Street, a line 100 feet northwesterly of 80th Avenue, Cypress Hills Street, a northerly boundary line of Beth-El Cemetery and its northeasterly prolongation, and a northerly boundary line of Union Field Cemetery;

- 8. changing from an R5 District to an R3A District property bounded by a line midway between 60th Lane and 61st Street and its southeasterly prolongation, the southwesterly prolongation a line 160 feet southeasterly of 78th Avenue, 61st Street and its southeasterly prolongation, and a northerly boundary line of Union Field Cemetery;
- 9. changing from an R3-2 District to an R4-1 District property bounded by Cooper Avenue, 62nd Street, 78th Avenue, a line midway between 62nd Street and 64th Street, Cooper Avenue, 64th Place, a line 100 feet southeasterly of Cooper Avenue, 64th Lane, Cooper Avenue, 65th Street, a line 100 feet southeasterly of Cooper Avenue, a line 135 feet northeasterly of 65th Street, Cooper Avenue, Cypress Hills Street, a line 100 feet northwesterly of 80th Avenue, a line 100 feet northeasterly of 65th Street, 78th Avenue, 64th Place, a line 160 feet southeasterly of 78th Avenue and its southwesterly prolongation, and 61st Street;
- 10. changing from an R4 District to an R4-1 District property bounded by :
 - a. Queens Midtown Expressway, Perry Avenue and its northeasterly centerline prolongation, Hamilton Place, a line 100 feet northwesterly of Grand Avenue, 64th Street, Grand Avenue, 61st Street, 58th Avenue, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southwesterly street line of 61st Street and the southerly street line of 58th Avenue, a line midway between 58th Avenue and 58th Road, a line 100 feet northwesterly of Flushing Avenue, a line midway between 58th Road and 58th Drive, 59th Street, 56th Drive, and 61st Street and its northerly centerline prolongation;
 - b. 59th Road, a line 100 feet southeasterly of Flushing Avenue, 60th Street, 59th Road, 60th Lane, 59th Avenue, a line midway between 60th Lane and 61st Street, a line 100 feet southeasterly of Flushing Avenue, Fresh Pond Road, a line perpendicular to the easterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of southeasterly street line of Flushing Avenue and the easterly street line of Fresh Pond Road, a line midway between Fresh Pond Road and 63rd Street, a line 100 feet southeasterly of Flushing Avenue, a line 100 feet southeasterly of Grand Avenue, a westerly boundary line of Mount Olivet Cemetery, a line 165 feet easterly of 64th Street, 59th Avenue, a line 200 feet easterly of 64th Street, 58th Road and its westerly centerline prolongation, 63rd Street, 59th Drive, 64th Street, the easterly prolongation of a line 100 feet northerly of 59th Drive, a westerly boundary line of Mount Olivet Cemetery and its southeasterly prolongation, Eliot Avenue, a line 370 feet southwesterly of Mount Olivet Crescent, a line midway between 60th Drive and Eliot Avenue, a line perpendicular to the southeasterly street line of 60th Drive distant 190 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 60th Drive and the northeasterly street line of Fresh Pond Road, 60th Drive, a line 100 feet northeasterly of Fresh Pond Road, 60th Road, Fresh Pond Road, a line midway between 60th Road and 60th Drive and its southwesterly prolongation, a line 200 feet southwesterly of 60th Street, 60th Road, 59th Place, the southwesterly prolongation of a line 40 feet northwesterly of 60th Avenue, a line 100 feet southwesterly of 59th Place, the northeasterly prolongation of the terminus of 59th Street, 59th Street, 59th Drive, and 59th Street;
 - c. Eliot Avenue, 62nd Street, a line 100 feet southeasterly of Eliot Avenue, a line midway between 63rd Street and 64th Street, 62nd Avenue, 65th Street, a line 110 feet northerly of Metropolitan Avenue, 64th Street, a line 125 feet northerly of Metropolitan Avenue, 62nd Street, 62nd Road, and Fresh Pond Road;
 - d. a line 100 feet southeasterly of Grand Avenue, Brown Place and its northwesterly centerline prolongation, Queens Midtown Expressway, Mazeau Street and its northerly centerline prolongation, Caldwell Avenue, a line midway between 71st Street and 72nd Street, a line 100 feet southeasterly of 60th Avenue, 70th Street, a line 300 feet southeasterly of Caldwell Avenue, 69th Place, 60th Avenue, a line midway between 69th Place and 69th Lane, a line 225 feet southeasterly of 60th Avenue, 69th Place, 60th Road, a line 250 feet northeasterly of 69th Street, 60th Drive, a line 100 feet northeasterly of 69th Street, Eliot Avenue, 69th Street, a line midway between 60th Avenue and 60th Road, 68th Street, the

southwesterly prolongation of a line 70 feet southeasterly of 60th Avenue, and an easterly boundary line of Mount Olivet Cemetery;

- e. a line midway between 61st Road and 61st Drive and its southwesterly prolongation, 69th Place, 62nd Avenue and its southwesterly prolongation, and an easterly boundary line of Lutheran Cemetery;
- f. Queens Midtown Expressway, 73rd Place and its northerly centerline prolongation, 58th Avenue, 74th Street, a line 200 feet northerly of Caldwell Avenue, 75th Street, Caldwell Avenue, a line 450 feet westerly of 74th Street, 58th Street, and 73rd Street and its northerly prolongation;
- g. Queens Midtown Expressway, a westerly boundary line of the New York Connecting Rail Road right-of-way, a line 100 feet northerly of 58th Avenue and its easterly prolongation, and a line 90 feet westerly of 75th Street, and its northerly prolongation;
- h. Queens Midtown Expressway, a line midway between 78th Street and 79th Street and its northwesterly prolongation, a line perpendicular to the northeasterly street line of 78th Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Caldwell Avenue and the northeasterly street line of 78th Street, 78th Street, a line 90 feet northwesterly of Caldwell Avenue, a line midway between 77th Place and 78th Street, 58th Avenue, and 76th Street;
- i. Eliot Avenue, a line midway between 76th Street and 77th Street and its southeasterly prolongation, a northerly boundary line of Juniper Valley Park, and a line midway between 75th Place and 76th Street and its southeasterly prolongation;
- j. Queens Midtown Expressway, 84th Street and its northwesterly centerline prolongation, a line 240 feet northwesterly of 60th Avenue, 84th Place, 60th Avenue, a line 250 feet northeasterly of 84th Street, 60th Road, 84th Street, 60th Avenue, a line midway between 83rd Street and 83rd Place, a line 100 feet southeasterly of 58th Avenue, 83rd Street, 58th Avenue, and 82nd Street and its northwesterly centerline prolongation;
- k. a line 240 feet southeasterly of 60th Avenue, 84th Street, a line midway between 60th Road and 60th Drive, 85th Street, 60th Road, a line 180 feet northeasterly of 85th Street, 60th Avenue, 86th Street, a line 100 feet northwesterly of Eliot Avenue and its northeasterly prolongation, 85th Street, a line 100 feet southeasterly of 60th Drive, a line 205 feet southwesterly of 85th Street, Eliot Avenue, 84th Street, the southwesterly centerline prolongation of 60th Drive, and 83rd Place;
- l. 61st Road, a line 325 feet southwesterly of 85th Street, a line midway between Eliot Avenue and 61st Road, 85th Street, Dry Harbor Road, a line perpendicular to the northwesterly street line of Dry Harbor Road distant 200 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Dry Harbor Road and the northeasterly street line of 84th Street, a line 100 feet northwesterly of Dry Harbor Road, and 84th Street;
- m. Cooper Avenue, a line perpendicular to the southeasterly street line of Cooper Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwesterly street line of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, a line 100 feet southwesterly of Metropolitan Avenue, a line 425 feet northeasterly of 89th Street and its northwesterly prolongation, a line 90 feet southeasterly of Doran Avenue, and a line 100 feet southwesterly of 89th Street, Doran Avenue, and a line 425 feet northeasterly of 88th Street; and
- n. Cooper Avenue, Woodhaven Boulevard, and Metropolitan Avenue;

11. changing from an R5 District to an R4-1 District property bounded by:

- a. St. Felix Avenue, Seneca Avenue, a westerly boundary line of Evergreen Park and its southwesterly and northeasterly prolongations, a line 100 feet northerly of 75th Avenue, a line midway between 60th Place and 60th Lane and its northerly prolongation, St. Felix Avenue, Cooper Avenue, 60th Lane, 78th Avenue, a line 130 feet westerly of 60th Lane, a line midway

between 78th Avenue and Cooper Avenue, a line perpendicular to the northwesterly street line of Cooper Avenue distant 200 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 60th Street and the northwesterly street line of Cooper Avenue, Cooper Avenue, a line 300 feet westerly of 60th Lane, 80th Avenue, a line 200 feet northeasterly of 59th Street, a westerly boundary line of Union Field Cemetery and its southwesterly prolongation, 59th Street, a line 330 feet southeasterly of the northeasterly prolongation of the southeasterly street line of Clover Place, a line midway between Cypress Avenue and 59th Street, a line 30 feet southeasterly of the northeasterly prolongation of the southeasterly street line of Clover Place, Cypress Avenue, a northerly boundary line of the Cemetery of the Evergreens and its northeasterly prolongation, an easterly boundary line of Knollwood Park Cemetery, 57th Street, Cabot Road, Cypress Avenue, and Cooper Avenue;

- b. 70th Avenue, a line midway between 67th Street and 67th Place, Central Avenue, and a line midway between 66th Street and 66th Place; and
- c. 70th Avenue, a line midway between 69th Street and 69th Place, a line 100 feet northwesterly of Central Avenue, 69th Street, Central Avenue, 68th Street, a line 250 feet northwesterly of Central Avenue, and a line midway between 67th Place and 68th Street;

12. changing from an M1-1 District to an R4-1 District property bounded by:

- a. 58th Road, a line 200 feet easterly of 64th Street, 59th Avenue, and a line 165 feet easterly of 64th Street;
- b. 63rd Street, a line 100 feet northerly of 59th Drive, 64th Street, and 59th Drive;
- c. 62nd Road, 62nd Street, a line 100 feet northerly of Metropolitan Avenue, and Fresh Pond Road;
- d. the southerly boundary line of the Long Island Rail Road (Montauk Division) right-of-way, a line 100 feet northeasterly of 79th Place, a line 100 feet northwesterly of 77th Avenue, a line 160 feet northeasterly of 79th Place, 77th Avenue, 79th Place, 77th Avenue, 79th Street, 77th Avenue, and a line 125 feet southwesterly of 79th Street and its northwesterly prolongation; and
- e. Cooper Avenue, 80th Street, a line 250 feet southeasterly of Cooper Avenue, and a line 200 feet southwesterly of 80th Street;

13. changing from an R4 District to an R4A District property bounded by:

- a. 60th Avenue, a line midway between 69th Lane and 70th Street, Eliot Avenue, and a line midway between 69th Place and 69th Lane;
- b. 60th Avenue, a line 90 feet northeasterly of 82nd Street, 60th Road, 82nd Street, a line 625 feet southeasterly of 58th Avenue, a line midway between 81st Street and 82nd Street, a line 300 feet southeasterly of 58th Avenue, and 82nd Street;
- c. 62nd Avenue, 82nd Place, a line 115 feet southeasterly of 62nd Avenue, 83rd Street, 62nd Avenue, 84th Street, northwesterly street line 62nd Drive and its southwesterly prolongation, 84th Place, 62nd Drive, a line 100 feet northeasterly of 84th Place, a line 100 feet northwesterly of 63rd Avenue, 83rd Place, a line 100 feet southeasterly of 63rd Avenue, a line midway between 82nd Place and 83rd Street, a line 280 feet northwesterly of Penelope Avenue, a line midway between 83rd Street and 83rd Place, a line 100 feet northwesterly of Penelope Avenue, 83rd Place, a line 100 feet southeasterly of Penelope Avenue, 83rd Street, a line 100 feet northwesterly of Penelope Avenue, a line 100 feet northeasterly of Dry Harbor Road, a line midway between Dry Harbor Road and 82nd Place, a line 160 feet southeasterly of 63rd Avenue, 82nd Place, a line 100 feet northwesterly of 63rd Avenue, a line midway between 83rd Street and 83rd Place, Dry Harbor Road, 82nd Place, a line 320 feet southeasterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 290 feet southeasterly of 62nd Avenue, and 82nd Street;
- d. a line 100 feet southeasterly of 63rd Avenue, 84th Place, a line midway between 63rd Road and Dana Court, a line 100 feet southwesterly of Woodhaven Boulevard, a line 100 feet southeasterly of Penelope Avenue, 84th Street, a line 100 feet northwesterly of Penelope Avenue, and a line midway between

- 83rd Place and 84th Street;
- e. a line 100 feet southeasterly of Penelope Avenue, a line midway between 82nd Place and 83rd Street, a line 140 feet northwesterly of 64th Road, 83rd Street, 64th Road, and Dry Harbor Road;
 - f. Fleet Court, a line 50 feet northeasterly of 84th Place, 64th Road, a line 125 feet northeasterly of 84th Place, Goldington Court, a line 225 feet northeasterly of 84th Place, Furmanville Avenue, and 84th Place; and
 - g. Cooper Avenue, a line 425 feet northeasterly of 88th Street, Doran Avenue, a line 100 feet southwesterly of 89th Street, a line 80 feet southeasterly of Doran Avenue, and 88th Street;
14. changing from an R4B District to an R4A District property bounded by Caldwell Avenue, a line 100 feet southeasterly of 61st Drive, 82nd Place, 62nd Avenue, 82nd Street, a line 100 feet northwesterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 225 feet northwesterly of 62nd Avenue, and 82nd Place;
 15. changing from an M1-1 District to an R4A District property bounded by a line 100 feet northwesterly of 78th Avenue, a line 280 feet northeasterly of 88th Street, 78th Avenue, and a line 100 feet northeasterly of 88th Street;
 16. changing from an R4 District to an R4B District property bounded by:
 - a. a line 100 feet southeasterly of Flushing Avenue, a line midway between 60th Lane and 61st Street, 59th Avenue, 60th Lane, 59th Road, and 60th Street;
 - b. a line midway between 60th Road and 60th Drive, Fresh Pond Road, 60th Road, a line 100 feet northeasterly of Fresh Pond Road, 60th Drive, a line perpendicular to the southeasterly street line 60th Drive distant 190 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Fresh Pond Road and the southeasterly street line of 60th Drive, a line midway between 60th Drive and Eliot Avenue, a line 370 feet southwesterly of Mount Olivet Crescent, Eliot Avenue, Fresh Pond Road, a line 240 feet southeasterly of 60th Drive, a line midway between 60th Place and 60th Lane, a line 335 feet southeasterly of 60th Drive, 60th Place, 60th Court, 60th Street, the southwesterly centerline prolongation of 60th Drive, and a line 125 feet southwesterly of 60th Street;
 - c. Admiral Avenue, a line at an angle of 107 degrees to northeasterly street line of Admiral Avenue and passing through a point on the northeasterly street line of Admiral Avenue distant 100 feet southeasterly (as measured along the street line) of the northeasterly street line of Admiral Avenue and the easterly street line of 65th Lane, a line passing through 2 points: the first on the last named course distant 160 feet northeasterly (as measured on along the last named course) of Admiral Avenue and the second on a line 100 feet easterly of 65th Lane distant 150 feet southerly of Metropolitan Avenue, a line 100 feet easterly of 65th Lane, Metropolitan Avenue, and a line perpendicular to the southerly street line of Metropolitan Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Metropolitan Avenue and the northeasterly street line of Admiral Avenue;
 - d. a line 300 feet southeasterly of Caldwell Avenue, 70th Street, a line 100 feet southeasterly of 60th Avenue, a line midway between 71st Street and 72nd Street, Eliot Avenue, a line midway between 69th Lane and 70th Street, 60th Avenue, and 69th Place;
 - e. Queens Midtown Expressway, a line midway between 80th Street and 81st Street and its northwesterly prolongation, 58th Avenue, and a line midway between 79th Street and 80th Street and its northwesterly prolongation;
 - f. 62nd Avenue, 83rd Street, a line 115 feet southeasterly of 62nd Avenue, and 82nd Place;
 - g. 82nd Street, a line 290 feet southeasterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 320 feet southeasterly of 62nd Avenue, 82nd Place, Dry Harbor Road, a line midway between 83rd Street and 83rd Place, a line 100 feet northwesterly of 63rd Avenue, 82nd Place, a line 160 feet southeasterly of 63rd Avenue, a line midway between Dry Harbor Road and 82nd Place, a line 100 feet southeasterly of Dry Harbor Road, a line 100 feet northwesterly of Penelope Avenue, 83rd Street, a line 100 feet southeasterly of Penelope Avenue, 83rd Place, a line 100 feet northwesterly of Penelope Avenue, a line midway between 83rd Street and 83rd Place, a line 280 feet northwesterly of Penelope Avenue, a line midway between 82nd Place and 83rd Street, a line 100 feet southeasterly of 63rd Avenue, 83rd Place, a line 100 feet northwesterly of 63rd Avenue, a line 100 feet northeasterly of 84th Place, 62nd Drive, a line 100 feet southwesterly of Woodhaven Boulevard, a line midway between 63rd Road and Dana Court, 84th Place, a line 100 feet southeasterly of 63rd Avenue, a line midway between 83rd Place and 84th Street, a line 100 feet northwesterly of Penelope Avenue, 84th Street, a line 100 feet southeasterly of Penelope Avenue, 84th Place, Furmanville Avenue, Dry Harbor Road, 64th Road, 83rd Street, a line 140 feet northwesterly of 64th Road, a line midway between 82nd Place and 83rd Street, a line 100 feet southeasterly of Penelope Avenue, Dry Harbor Road, and Juniper Boulevard North;
 - h. a line 100 feet northwesterly of Doran Avenue, 88th Street, a line 110 feet southeasterly of Doran Avenue, and 83rd Street and its southeasterly centerline prolongation; and
 - i. 88th Street, a line 80 feet southeasterly of Doran Avenue, a line 100 feet southwesterly of 89th Street, a line 90 feet southeasterly of Doran Avenue, a line 140 feet northeasterly of 89th Street, Rutledge Avenue, a line 130 feet northeasterly of 89th Street, 74th Avenue, Woodhaven Boulevard, a line midway between 75th Avenue and 76th Avenue, a line 100 feet northeasterly of 88th Street, and a line 75 feet southeasterly of 75th Avenue;
 17. changing from an M1-1 District to an R4B District property bounded by:
 - a. Admiral Avenue, the southerly prolongation of the easterly street line of 65th Lane, a line at an angle of 107 degrees to northeasterly street line of Admiral Avenue and passing through a point on the northeasterly street line of Admiral Avenue distant 100 feet southeasterly (as measured along the street line) of the northeasterly street line of Admiral Avenue and the easterly street line of 65th Lane, a line 140 feet southwesterly of Admiral Avenue, and the southeasterly prolongation of the southwesterly street line of 64th Street; and
 - b. a line 110 feet northwesterly of Doran Avenue, 88th Street, a line 100 feet northwesterly of Doran Avenue, and 83rd Street;
 18. changing from an R3-2 District to an R5B District property bounded by:
 - a. Cooper Avenue, a line midway between 62nd Street and 64th Street, 78th Avenue, and 62nd Street;
 - b. Cooper Avenue, 64th Lane, a line 100 feet southeasterly of Cooper Avenue, and 64th Place; and
 - c. Cooper Avenue, a line 135 feet northeasterly of 65th Street, a line 100 feet southeasterly of Cooper Avenue, and 65th Street;
 19. changing from an R4 District to an R5B District property bounded by:
 - a. 59th Street, a line midway between 58th Drive and 58th Road, a line 100 feet northwesterly of Flushing Avenue, a line midway between 58th Avenue and 58th Road, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, 58th Avenue, 61st Street, Grand Avenue, 64th Street, a line 100 feet northwesterly of Grand Avenue, Hamilton Place, Perry Avenue and its northeasterly centerline prolongation, Queens Midtown Expressway, Brown Place and its northwesterly centerline prolongation, a line 100 feet southerly of Queens Midtown Expressway, a line 100 feet southeasterly of Grand Avenue, a northerly boundary line of Mount Olivet Cemetery, a line 100 feet southeasterly of Grand Avenue, a line 100 feet southeasterly of Flushing Avenue, a line midway between Fresh Pond Road and 63rd Street, a line perpendicular to the northeasterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Fresh Pond Road and the southeasterly street line of Flushing Avenue, Fresh Pond Road, a line 100 feet southeasterly of Flushing Avenue, and 59th Road; and
 - b. 62nd Street, a line 125 feet northerly of Metropolitan Avenue, 64th

- Street, a line 110 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, 64th Street, and a line 100 feet northerly of Metropolitan Avenue;
20. changing from an R5 District to an R5B District property bounded by:
- a line 100 feet southerly of Myrtle Avenue, a line midway between 66th Place and 67th Street, Cooper Avenue, St. Felix Avenue, a line midway between 60th Place and 60th Lane and its northerly prolongation, a line 100 feet northerly of 75th Avenue, 60th Lane, a line 100 feet southeasterly of 60th Lane, and 61st Street;
 - 70th Avenue, a line midway between 67th Place and 68th Street, a line 250 feet northwesterly of Central Avenue, 68th Street, Central Avenue, 69th Street, a line 100 feet northwesterly of Central Avenue, a line midway between 69th Street and 69th Place, 70th Avenue, 69th Place, a line 100 feet northwesterly of Myrtle Avenue, 66th Street, Central Avenue, and a line midway between 67th Street and 67th Place; and
 - a line 100 feet southeasterly of Myrtle Avenue, 69th Place, Luther Road and its southwesterly centerline prolongation, an easterly boundary line of Cypress Cemetery and its northwesterly prolongation, Cooper Avenue, and a line midway between 67th Street and 67th Place;
21. changing from an M1-1 District to an R5B District property bounded by Fresh Pond Road, a line 100 feet northerly of Metropolitan Avenue, 64th Street, and Metropolitan Avenue;
22. changing from an M1-4D District to an R5B District property bounded by 60th Lane, a line 360 feet northerly of 75th Avenue, a line midway between 60th Lane and 61st Street, a line 440 feet northerly of 75th Avenue, and a line 100 feet southeasterly of 60th Lane;
23. changing from an R4 District to an R5D District property bounded by 63rd Avenue, Woodhaven Boulevard, 64th Road, a line 50 feet northeasterly of 84th Place, Fleet Court, 84th Place, a line 100 feet southeasterly of Penelope Avenue, and a line 100 feet southwesterly of Woodhaven Boulevard;
24. changing from an R5 District to an R5D District property bounded by Central Avenue, 64th Place, Otto Road, 70th Avenue, a line midway between 66th Street and 66th Place, Central Avenue, 66th Street, a line 100 feet northwesterly of Myrtle Avenue, 70th Street, a line 150 feet northwesterly of Myrtle Avenue, 71st Street, a line 100 feet northwesterly of Cooper Avenue, 71st Place, a line 100 feet northwesterly of Myrtle Avenue, 73rd Place, Myrtle Avenue, 72nd Street, a line 100 feet southeasterly of Myrtle Avenue, a line 100 feet southeasterly of Cooper Avenue, a line midway between 69th Place and 70th Street, a line perpendicular to northeasterly street line 69th Place distant 225 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the northeasterly street line of 69th Place, 69th Place, a line 100 feet southeasterly of Myrtle Avenue, a line midway between 67th Street and 67th Place, Cooper Avenue, a line midway between 66th Place and 67th Street, a line 100 feet southeasterly of Myrtle Avenue, 61st Street, Myrtle Avenue, Central Avenue, a line 100 feet northwesterly of Myrtle Avenue, 64th Street, a line 150 feet northwesterly of Myrtle Avenue, and Cypress Hills Street;
25. changing from an M1-1 District to an R5D District property bounded by Cypress Hills Street, a line 150 feet northwesterly of Myrtle Avenue, 64th Street, a line 100 feet northwesterly of Myrtle Avenue, and Central Avenue;
26. establishing within an existing R4 District a C1-3 District bounded by 56th Avenue, 61st Street, 56th Drive, and a line 100 feet westerly of 61st Street;
27. establishing within a proposed R4-1 District a C1-3 District bounded by:
- 56th Avenue, a line 100 feet easterly of 61st Street, 56th Drive, and 61st Street;
 - a line 100 feet southeasterly of 58th Road, 69th Street, Caldwell Avenue, and Brown Place;
 - 60th Avenue, Fresh Pond Road, a line midway between 60th Road and 60th Drive, a line 90 feet southwesterly of Fresh Pond Road, 60th Road, and a line 100 feet southwesterly of Fresh Pond Road;
 - Cooper Avenue, 62nd Street, a line 100 feet southeasterly of Cooper Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the westerly street line of 62nd Street; and
- e. Cooper Avenue, Cypress Hills Street, a line 100 feet southeasterly of Cooper Avenue, and a line 135 feet northeasterly of 65th Street;
28. establishing within a proposed R4B District a C1-3 District bounded by:
- a line midway between 60th Road and 60th Drive, Fresh Pond Road, 60th Road, a line 100 feet northeasterly of Fresh Pond Road, Eliot Avenue, Fresh Pond Road, 60th Drive, and a line 120 feet southwesterly of Fresh Pond Road;
 - Metropolitan Avenue, a line 100 feet easterly of 65th Lane, a line 60 feet southerly of Metropolitan Avenue, 65th Lane, a line 100 feet southerly of Metropolitan Avenue, and 65th Street; and
 - Rutledge Avenue, a line 80 feet northeasterly of 88th Street, 74th Avenue, a line 90 feet northeasterly of 88th Street, 75th Avenue, and 88th Street;
29. establishing within a proposed R5B District a C1-3 District bounded by:
- 58th Drive, Flushing Avenue, 59th Avenue, a line 180 feet easterly of 59th Street, a line midway between 58th Drive and 59th Avenue, and a line 250 feet easterly of 59th Street;
 - Grand Avenue, a line perpendicular to the southeasterly street line of Grand Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Grand Avenue and the easterly street line of 61st Street, a line midway between Grand Avenue and Flushing Avenue, a line perpendicular to the northwesterly street line of Flushing Avenue distant 340 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Flushing Avenue and the easterly street line of 61st Street, Flushing Avenue, Grand Avenue, a westerly boundary line of Mount Olivet Cemetery and its northerly prolongation, a line 100 feet southeasterly of Grand Avenue, a line 100 feet southeasterly of Flushing Avenue, a line midway between Fresh Pond Road and 63rd Street, a line perpendicular to the northeasterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Flushing Avenue and the northeasterly street line of Fresh Pond Road, Fresh Pond Road, a line 100 feet southeasterly of Flushing Avenue, 61st Street, Flushing Avenue, a line perpendicular to the southerly street line of 58th Avenue distant 225 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, a line midway between 58th Avenue and 58th Road, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, 58th Avenue, and 61st Street;
 - Grand Avenue, 66th Street, a line 100 feet southeasterly of Grand Avenue, and an easterly boundary line of Mount Olivet Cemetery; and
 - 65th Street, a line perpendicular to the easterly street line of 65th Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of 65th Street and the northerly street line of Cooper Avenue, a line 100 feet northeasterly of 65th Street, a line 100 feet northerly of the second-named course, Cypress Hills Street, and Cooper Avenue;
- establishing within a proposed R5D District a C1-3 District bounded by:
- 63rd Avenue, Woodhaven Boulevard, 64th Road, and a line 100 feet southwesterly of Woodhaven Boulevard;
 - 61st Street, Myrtle Avenue, Central Avenue, a line 100 feet northwesterly of Myrtle Avenue, 64th Street, Central Avenue, a line midway between 65th Street and 65th Place, a line 100 feet northwesterly of Myrtle Avenue, 66th Street, Myrtle Avenue, 66th Street, and a line 100 feet southeasterly of Myrtle Avenue; and excluding the area bounded by Cypress Hills Street, Myrtle Avenue and 64th Place;
 - a line 100 feet northwesterly of Myrtle Avenue, 70th Street, a line

100 feet southeasterly of Cooper Avenue, 69th Place, Myrtle Avenue, 69th Street, a line 100 feet southeasterly of Myrtle Avenue, 67th Street, Myrtle Avenue, and 67th Street; and

d. a line 100 feet northwesterly of Myrtle Avenue, 73rd Place, Myrtle Avenue, and a line midway between 71st Place and 72nd Street;

31. establishing within an existing R4 District a C2-3 District bounded by:

- a. a line 100 feet northwesterly of Eliot Avenue, 75th Street, Eliot Avenue, and a line midway between 71st Street and 72nd Street;
- b. 69th Street, a line midway between 62nd Drive and Juniper Boulevard South, 69th Place, and Juniper Boulevard South;
- c. Cooper Avenue, Metropolitan Avenue, Aubrey Avenue, a line 100 feet southerly of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwesterly street line of Metropolitan Avenue;

32. establishing within a proposed R4-1 District a C2-3 District bounded by:

- a. 56th Drive, a line 100 feet easterly of 59th Street, 58th Avenue, and 59th Street;
- b. 58th Road, a line 100 feet easterly of 59th Street, a line midway between 58th Road and 58th Drive, and 59th Street; and
- c. 62nd Avenue, a line 100 feet northeasterly of Fresh Pond Road, a line 100 feet northerly of Metropolitan Avenue, and Fresh Pond Road;

33. establishing within an existing R4A District a C2-3 District bounded by 71st Street, a line 150 feet northwesterly of Myrtle Avenue, a line midway between 70th Street and 71st Street, and a line perpendicular to the southwesterly street line of 71st Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71st Street and the northwesterly street line of Cooper Avenue;

34. establishing within a proposed R4B District a C2-3 District bounded by 71st Street, a line 100 feet northwesterly of Eliot Avenue, a line midway between 71st Street and 72nd Street, and Eliot Avenue;

35. establishing within a proposed R5B District a C2-3 District bounded by:

- a. a line 100 feet northerly of Metropolitan Avenue, 62nd Street, a line 125 feet northerly of Metropolitan Avenue, 64th Street, a line 110 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, and Fresh Pond Road; and
- b. 59th Street, a line midway between 58th Road and 58th drive, a line 100 feet easterly of 59th Street, and 59th Avenue; and

36. establishing within a proposed R5D District a C2-3 District bounded by:

- a. 66th Street, a line 100 feet northwesterly of Myrtle Avenue, 67th Street, Myrtle Avenue, 67th Street, a line 100 feet southeasterly of Myrtle Avenue, 66th Street, and Myrtle Avenue;
- b. Myrtle Avenue, 69th Place, a line 100 feet southeasterly of Myrtle Avenue, and 69th Street; and
- c. 71st Street, Cooper Avenue, Myrtle Avenue, 70th Street, a line perpendicular to the northeasterly street line of 70th Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Myrtle Avenue and the northeasterly street line of 70th Street, a line midway between 70th Street and 71st Street, and a line 150 feet northwesterly of Myrtle Avenue;

as shown in a diagram (for illustrative purposes only) dated April 20, 2009 and which includes CEQR Designation E-235, Community District 5, Borough of Queens.

MELINDA R. KATZ, Chairperson; TONY AVELLA, MARIA BAEZ, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, July 28, 2009.

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 Rules, Privileges and Elections

At this point, the Speaker (Council Member Quinn) announced that the following items have been **preconsidered** by the Committee on Rules, Privileges and Elections and have been favorably reported for adoption.

Report for M-1559

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Council of Michael J. Regan as a member of the New York City Board of Correction.

The Committee on Rules, Privileges and Elections, to which was referred on July 29, 2009 the annexed communication, respectfully

REPORTS:

New York City Board of Correction – (Candidate for re-appointment by the Council)

- **Michael J. Regan [Pre-considered M-1559]**

The New York City Department of Correction (“DOC”) provides for the care, custody and control of persons accused or convicted of crimes and sentenced to one year or less jail time. DOC manages 15 inmate facilities, 10 of which are on Riker’s Island, handles more than 100,000 admissions each year, and manages an average daily inmate population of approximately 14,000 individuals. *Preliminary Mayor’s Management Report for February 2009*. The New York City Board of Correction (“BOC”) oversees DOC’s operations and evaluates agency performance. Pursuant to *New York City Charter* (“Charter”) §§ 626(c), 626(e), 626(f), BOC, or by written designation of the BOC, any member of it, the Executive Director², or other employee, shall have the power and duty to:

- inspect and visit all institutions and facilities under the jurisdiction of DOC at any time;
- inspect all records of DOC;
- prepare and submit to the Mayor and to the Council, and the DOC Commissioner, proposals for capital planning and improvements, studies and reports concerned with the development of DOC’s correctional program planning, and studies and reports in regard to the methods of promoting closer cooperation of custodial, probation and parole agencies of government and the courts;
- evaluate DOC performance;
- establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of DOC; and to
- establish procedures for the hearing of grievances and complaints or requests for assistance by or on behalf of any person held or confined by DOC or by any employees of DOC.

BOC is composed of nine members. Three members are appointed by the Mayor, three by the Council, and three by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments. Appointments are made by the three respective appointing authorities on a rotating basis to fill any vacancy. Members are appointed to a term of six-years, and vacancies are filled for the remainder of the

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² BOC may appoint an Executive Director to serve at its pleasure with such duties and responsibilities as BOC may assign, and other professional, clerical, and support personnel within appropriations for such purpose. DOC’s Commissioner shall designate such of DOC’s stenographic, clerical and other assistance to BOC as may be necessary for the proper performance of its functions. *Charter* § 626(b).

unexpired term. The Mayor designates the Chair of BOC from among its members from time to time. The Mayor may remove members for cause after a hearing at which they shall be entitled to representation by Counsel. *Charter § 626(b)*.

Although BOC members receive no compensation, they may, however, be reimbursed for expenses incurred in the performance of their duties. *Charter § 626(a)*.

BOC is required to adopt rules to govern its own proceedings. *Charter § 626(b)*. Within the scope of its authority, BOC may compel the attendance of witnesses, require the production of books, accounts, papers, and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. Also, BOC may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority. *Charter § 626(g)*.

On an annual basis, and at such other times as it may determine, BOC submits to the Mayor, the Council and the DOC Commissioner, reports, findings and recommendations in regard to matters within its jurisdiction. *Charter § 626(d)*. Members of the Council are authorized to inspect and visit at anytime the institutions and facilities under the jurisdiction of DOC. *Charter § 627*.

Mr. Regan is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, July 29, 2009. If re-appointed by the Council, Mr. Regan, a resident of Brooklyn, will serve the remainder of a six-year term that will expire on October 12, 2014. A copy of Mr. Regan's résumé and report/resolution is annexed to this Briefing paper.

After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the re-appointment of the nominee, Michael J. Regan.

Pursuant to § 626 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Michael J. Regan as a member of the New York City Board of Correction to serve for the remainder of a six-year term expiring on October 12, 2014.

Accordingly, Your Committee recommends the re-appointment.

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

Res. No. 2131

Resolution approving the re-appointment by the Council of Michael J. Regan as a member of the New York City Board of Correction.

By Council Member Reyna.

RESOLVED, that pursuant to § 626 of the New York City Charter, the Council does hereby approve the re-appointment of Michael J. Regan as a member of the New York City Board of Correction to serve for the remainder of a six-year term expiring on October 12, 2014.

DIANA REYNA, Chairperson; MARIA BAEZ, LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, MELINDA R. KATZ, LARRY B. SEABROOK, DAVID I. WEPRIN, VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, July 29, 2009.

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 Transportation

Report for Int. No. 871-A

Report of the Committee on Transportation in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to bicycle access to office buildings

The Committee on Transportation, to which was referred on November 13, 2008 (Minutes, page 6822) the annexed proposed amended local law, respectfully

REPORTS:

INTRODUCTION

On July 28, 2009, the Committee on Transportation, chaired by Council Member John Liu, will hold a hearing on Int. No. 871-A. Int. No. 871-A would amend the Administrative Code of the City of New York to require that certain office buildings provide access for bicycles. The Committee heard an earlier version of this bill on December 8, 2008, and most recently, on June 15, 2009.

BACKGROUND

On Earth Day 2007, Mayor Michael Bloomberg announced PlaNYC 2030, a comprehensive sustainability plan for New York City.¹ Transportation initiatives have a major role in the plan, including the expansion of cycling.² Cycling can be promoted and expanded through the completion of the City's 1,800 mile bike master plan, as well as making the City more accommodating to bicyclists.³ As of April 2008, the City was on pace with the bike master plan, installing more than 60 new lane miles of bicycle paths.⁴ Additionally, the Department of Transportation ("DOT") has also installed more than 800 new bicycle parking racks, providing necessary infrastructure to support cycling.⁵ DOT plans on installing a total of 1,200 new bicycle racks by 2009.⁶

There are many benefits to bicycling. Bicycling produces zero emissions, is a low-cost means of commuting, saves space, and promotes a healthy lifestyle.⁷ New Yorkers have recognized these benefits, as bicycling has increased by 75 percent from 2000 to 2006.⁸ Despite these encouraging gains, it is estimated that less than one percent of City residents commute to work by bicycle.⁹ In response to a Department of City Planning ("DCP") survey, the most common reason that individuals indicated that they chose not to commute by bicycle is a lack of safe storage and driver behavior/traffic.¹⁰ DCP released a zoning text amendment that would mandate secure "parking for bicycles in new multi-family residential, commercial and institutional buildings throughout the city."¹¹ These amendments¹² were approved by the DCP on March 4, 2009, and adopted by the City Council on April 22, 2009.

Int. No. 871-A would further promote the use of bicycles by ensuring that certain commercial office buildings not covered by the new zoning amendments provide bicycle access.

ANALYSIS

Section one of Int. No. 871-A would add new Article 504 entitled "Bicycle Access to Office Buildings" to Chapter 5 of Title 28 of the Administrative Code. New section 28-504.1, entitled "Applicability," would provide that new Article 504 applies to buildings, whose main occupancy is offices that are in existence on the effective date of new Article 504 or for which a permit has been issued, but which have not been completed, and which have a freight elevator that either complies with ASME 17.1 with regard to the carrying of passengers on freight elevators, as referenced in chapter thirty-five of the New York City Building Code, or is operated by a freight elevator operator, and which are not subject to the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution of the City of New York. New section 28-504.1 would also presume that if a freight elevator is available for carrying freight, it is available for carrying bicycles.

New section 28-504.2, entitled "Request for bicycle access," would provide that the tenant or subtenant of a building to which new Article 504 is applicable may request in writing, on a form provided by the Department of Transportation, that the owner, lessee, manager or other person who controls such building complete a bicycle access plan in accordance with new section 28-504.3. This section would also require that such request be sent to the owner, lessee, manager or other person who controls such building by certified mail, return receipt requested, and a copy of the request shall be filed with DOT.

New section 28-504.3, entitled "Bicycle access plan," would provide in subdivision one that where a request for a bicycle access plan has been submitted pursuant to new article 504, the owner, lessee, manager or other person in control of the building shall within thirty days after receipt of such request complete and implement a bicycle access plan or provide to the tenant or subtenant a copy of the request for an exception that has been filed with DOT in accordance with new section 28-504.4.

Subdivision two of new section 28-504.3 would provide that a plan shall be completed on a form provided by DOT and shall include, at a minimum: the location of entrances; route to freight elevators that accommodate bicycle access; the route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available; and such other information as DOT may require. Subdivision two of new section 28-504.3 would further provide that the plan shall provide that bicycle access is available, at a minimum, during the regular operating hours of the freight elevator, if such freight elevator is used for bicycle access in such building. Subdivision two of new section 28-504.3 would also provide that bicycle access

shall be granted to the requesting tenant or subtenant and its employees in accordance with such plan.

Subdivision three of new section 28.504.3 would provide that the plan may be amended from time to time to accommodate requests from other tenants or subtenants to provide bicycle access pursuant to new Article 504.

New section 28-504.4, entitled "Exceptions," would provide that bicycle access need not be provided pursuant to new Article 504 if an owner, lessee, manager or other person who controls a building applies to the Commissioner of Transportation for an exception, on a form provided by DOT and sent by certified mail, return receipt requested, within fifteen days of receipt of a request for a bicycle access plan, and certifies that the building's freight elevator is not available for the use described in new Article 504 because unique circumstances exist involving substantial safety risks directly related to the use of such elevator. New section 28-504.4 would further provide that such application shall include the reasons for such assertion and supporting documentation. New section 28-504.4 would also allow an exception when there is sufficient secure alternate covered off-street or sufficient secure alternate indoor no-cost bicycle parking available on the premises or within three blocks or seven hundred fifty feet, whichever is less, of such building to accommodate all tenants or subtenants of such building requesting bicycle access. New section 28-504.4 would further provide that such application shall include supporting documentation for such assertion, including proof that such alternate off-street or indoor parking is available to or under the control of such owner, lessee, manager or other person who controls the building.

Further, new section 28-504.4 would provide that if an exception is sought under subdivision one of this section, the Department of Buildings ("DOB") shall thereafter conduct an inspection of the building and freight elevator and issue a final determination as to whether to grant such exception. New section 28-504.4 would further provide that if an exception is sought for the reasons set forth under subdivision two of this section, DOB, in consultation with DOT shall thereafter conduct an inspection of the secure alternate covered off-street or secure indoor no-cost bicycle parking and DOT shall issue a final determination as to whether to grant an exception. New section 28-504 would further provide that in either event, a letter of exception or denial shall be sent by certified mail, return receipt requested, to the owner, lessee, manager, or other person in control of the building. New section 28-504 would further provide that if the exception is denied, a bicycle access plan shall be posted within twenty days of such receipt of such determination. New section 28-504 would provide that failure to timely post a bicycle access plan shall be cause for the issuance of a violation.

New section 28-504.5, entitled "Emergencies," would provide that in an emergency, whenever elevator use is prohibited, bicycles shall not be permitted to be transported through any means of egress.

New section 28-504.6, entitled "Posting and availability of bicycle access plan or letter of exception," would provide in subdivision one that every owner, lessee, manager or other person in control of a building subject to new Article 504 shall either post in such building each bicycle access plan that is in effect, notifying the requesting tenants and subtenants of their right to bicycle access in accordance with such plan, or shall post a notice in the building lobby indicating that such plan is available in the office of the building manager upon request. Subdivision one of new section 28-504.6 would further provide that either such posting shall be made within five days of completion and implementation of such plan. Subdivision two of new section 28-504.6 would provide that every owner, lessee, manager or other person in control of such building shall post in such building any letter of exception granted by the Commissioner of Buildings or Commissioner of Transportation, including the basis or bases for the exception, and, if applicable, the route to alternate off-street or indoor parking, as provided in new section 28-504.4, or shall post notice in the building lobby indicating that such letter is available in the office of the building manager upon request. Subdivision two of new section 28-504.6 would further provide that either posting shall be made within five days of receipt of such letter of exception. Subdivision three of new section 28-504.6 would provide that plans, letters of exception or notices of availability of either shall be posted in a prominent location easily visible to a building's tenants, subtenants and the building's employees, and shall be made available upon request by DOB, DOT or authorized representatives of any other City agency.

New section 28.504.7, entitled "Filing of plan," would provide that DOB or DOT may require that plans implemented pursuant to the provisions of new Article 504 be filed with either such agency.

New section 28.504.8, entitled "Construction," would provide that nothing in new Article 504 shall be construed to require an owner, lessee, manager or other person who is in control of a building governed by new Article 504 to provide space for bicycles brought into such building or to permit a bicycle to be parked in a manner that violates building or fire codes or any other applicable law, rule or code, or which otherwise impedes ingress or egress to such building.

Subdivision a of section two of Int. No. 871-A would establish a temporary bicycle commuting task force to examine establishing partnerships with private entities to develop sheltered bicycle parking in public and/or private spaces. Such task force would be comprised of the Commissioner of Transportation or his or her designee, the Commissioner of Buildings or his or her designee, the Commissioner of Parks and Recreation, or his or her designee, the Director of DCP or his or her designee and three representatives to be appointed by the Speaker of the Council. Upon the appointment of all of its members, the task force would elect a chair from its membership at the first meeting of such task force. Members of the task force would serve without compensation and would meet when deemed necessary by the chair or upon request of three members of the task force. The task force would issue a report to the Mayor and Speaker by December 31, 2010, which would include, but

not be limited to, recommendations on establishing partnerships with private entities to develop sheltered bicycle storage in public and/or private spaces. Such report would be posted on the City's website within seven days from its submission to the Speaker and Mayor. The task force would cease to exist three months after the issuance of its report.

Subdivision b of section two of Int. No. 871-A would provide that at any time after the publication of the report required by subdivision a of section two, any group of geographically-related buildings that are subject to the provisions of section one of this local law may submit to DOT a pilot project plan for a public/private partnership to provide sheltered bicycle storage in the vicinity of such buildings, which parking would be located within three blocks or seven hundred fifty feet, whichever is less, from each building in the group. Such plan would be consistent with the goals and recommendations of the bicycle commuting task force. Subdivision b would further provide that if the Commissioner of Transportation, in consultation with other relevant City agencies, determines that such pilot project plan is in the best interest of the City and the community and that the proposed sheltered bicycle storage can accommodate the bicycles of riders seeking access to such buildings, the Commissioner may authorize the implementation of such pilot project. Upon such authorization, the Commissioner would recommend to the Commissioner of Buildings to suspend the applicability of section one of this local law to such buildings during the time that such pilot project is operational. If at any time during the operation of such pilot project the Commissioner of Transportation determines that such project no longer furthers the objectives of this local law, the Commissioner may terminate such project, upon sixty days' notice to the buildings which are participating in such project, and the provisions of section one of this local law on bicycle access would thereafter apply. Subdivision b would finally provide that determinations made by the Commissioner of Transportation pursuant to this subdivision would be final.

Section three of Int. 871-A would provide that this local law would take effect one hundred twenty days after its enactment, except that the Commissioner of Buildings and/or the Commissioner of Transportation shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it would take effect.

¹ PlaNYC 2030, *News and Events*, <http://www.nyc.gov/html/planyc2030/html/home/home.shtml> (last visited Nov. 28, 2008).

² PlaNYC 2030, *Transportation*, <http://www.nyc.gov/html/planyc2030/html/plan/transportation.shtml> (last visited Dec. 5, 2008).

³ PlaNYC 2030, *Transportation Initiatives*, http://www.nyc.gov/html/planyc2030/html/plan/transportation_promote-cycling.shtml (last visited Dec. 5, 2008).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Supra* note 3.

⁸ *Id.*

⁹ *Id.*

¹⁰ N.Y. City Dep't of City Planning, *The New York City Bicycle Survey* (May 2007).

¹¹ Press Release, N.Y. City Dep't of City Planning, *City Planning to Require Secure Bike Parking in New Buildings: Comprehensive Initiative is Part of City Strategy to Promote Cycling* (Nov. 10, 2008).

¹² Information retrieved from www.nyc.gov/html/dcp/html/bicycle_parking/index.shtml on June 12, 2009.

(The following is from the text of the Fiscal Impact Statement for Int. No. 871-A:)

FISCAL IMPACT STATEMENT:

| | Effective FY 10 | FY Succeeding Effective FY 11 | Full Fiscal Impact FY 11 |
|-------------------------|-----------------|-------------------------------|--------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | (See Below) | (See Below) | (See Below) |

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

IMPACT ON EXPENDITURES: There would be minimal to no impact on expenditures resulting from the enactment of this legislation. Although, the proposed legislation requires the Department to conduct an inspection of the building or freight elevator, or the secure alternate covered off-street bicycle parking of buildings seeking exception to this legislation, it is presumed that these inspections would be conducted by existing agency staff.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

New York City Department of Transportation

ESTIMATE PREPARED BY Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative
Financial Analyst

HISTORY: Int. 871 was introduced by the Council and referred to the Committee on Transportation on November 13, 2008. Intro. 871 was previously considered and laid over by the Committees on Transportation, Consumer affairs, and Housing and Buildings on December 8, 2008.

The amended version, Proposed Int. 871-A, was considered by the committees and laid over on June 15, 2009. Proposed Int. 871-A will be reconsidered by the Committees on July 28, 2009.

DATE SUBMITTED TO COUNCIL: November 13, 2008

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 871-A:)

Int. No. 871-A

By Council Members Yassky, Brewer, Comrie, Gonzalez, James, Koppell, Palma, Mendez, Gerson, Felder, White, Vallone Jr., Foster, Mark-Viverito, Garodnick, Weprin, Seabrook, Gennaro, Nelson, Fidler, Gioia, De Blasio, Reyna, Gentile, Jackson, Barron, Crowley, Sanders Jr., Sears, Mitchell, Vacca, Arroyo, Ferreras, Ulrich, Liu and the Public Advocate (Ms. Gotbaum).

A Local Law to amend the administrative code of the city of New York, in relation to bicycle access to office buildings.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 504 to read as follows:

ARTICLE 504

BICYCLE ACCESS TO OFFICE BUILDINGS

§ 28-504.1 *Applicability.* This article shall apply to buildings, the main occupancy of which is offices, that (i) are in existence on the effective date of this article, or for which a permit has been issued but which have not yet been completed, and (ii) have a freight elevator that either complies with ASME 17.1 with regard to the carrying of passengers on freight elevators, as referenced in chapter thirty-five of the New York city building code, or is operated by a freight elevator operator, and (iii) are not subject to the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution of the city of New York. It shall be presumed that if a freight elevator is available for carrying freight, it is available for carrying bicycles.

§ 28-504.2 *Request for bicycle access.* The tenant or subtenant of a building to which this article is applicable may request in writing, on a form provided by the department of transportation, that the owner, lessee, manager or other person who controls such building complete a bicycle access plan in accordance with section 28-504.3. Such request shall be sent to the owner, lessee, manager or other person who controls such building by certified mail, return receipt requested, and a copy of the request shall be filed with the department of transportation.

§ 28-504.3 *Bicycle access plan.*

1. Where a request for a bicycle access plan has been submitted pursuant to this article, the owner, lessee, manager or other person in control of the building shall within thirty days after receipt of such request complete and implement a bicycle access plan or provide to the tenant or subtenant a copy of the request for an exception that has been filed with the department of transportation in accordance with section 28-504.4.

2. A plan shall be completed on a form provided by the department of transportation and shall include, at a minimum: the location of entrances; route to freight elevators that accommodate bicycle access; the route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available; and such other information as the department may require. The plan shall provide that bicycle access is available, at a minimum, during the regular operating hours of the freight elevator, if such freight elevator is used for bicycle access in such building. Bicycle access shall be granted to the requesting tenant or subtenant and its employees in accordance with such plan.

3. The plan may be amended from time to time to accommodate requests from other tenants or subtenants to provide bicycle access pursuant to this article.

§28-504.4 *Exceptions.* Bicycle access need not be provided pursuant to this article if an owner, lessee, manager or other person who controls a building applies to the commissioner of transportation for an exception, on a form provided by the

department of transportation and sent to the department of transportation by certified mail, return receipt requested, within fifteen days of receipt of a request for a bicycle access plan, and certifies that either:

1. The building's freight elevator is not available for the use described in this article because unique circumstances exist involving substantial safety risks directly related to the use of such elevator. Such application shall include the reasons for such assertion and supporting documentation.

or

2. There is sufficient secure alternate covered off-street or sufficient secure alternate indoor no-cost bicycle parking available on the premises or within three blocks or seven hundred fifty feet, whichever is less, of such building to accommodate all tenants or subtenants of such building requesting bicycle access. Such application shall include supporting documentation for such assertion, including proof that such alternate off-street or indoor parking is available to or under the control of such owner, lessee, manager or other person who controls the building.

If an exception is sought for the reasons set forth in subdivision one of this section, the department shall conduct an inspection of the building and freight elevator and shall thereafter issue a final determination as to whether to grant an exception. If an exception is sought for the reasons set forth in subdivision two of this section, the department, in consultation with the department of transportation, shall thereafter conduct an inspection of the secure alternate covered off-street or secure indoor no-cost bicycle parking and the department of transportation shall thereafter issue a final determination as to whether to grant an exception. In either event, a letter of exception or denial shall be sent by certified mail, return receipt requested, to the owner, lessee, manager, or other person in control of the building. If the exception is denied, a bicycle access plan shall be posted within twenty days of receipt of such determination. Failure to timely post a bicycle access plan shall be cause for the issuance of a violation.

§ 28-504.5 *Emergencies.* In an emergency, whenever elevator use is prohibited, bicycles shall not be permitted to be transported through any means of egress.

§ 28-504.6 *Posting and availability of bicycle access plan or letter of exception.*

1. Every owner, lessee, manager or other person in control of a building subject to this article shall either post in such building each bicycle access plan that is in effect, notifying the requesting tenants and subtenants of their right to bicycle access in accordance with such plan, or shall post a notice in the building lobby indicating that such plan is available in the office of the building manager upon request. Either such posting shall be made within five days of completion and implementation of such plan.

2. Every owner, lessee, manager or other person in control of such building shall post in such building any letter of exception granted by the commissioner or commissioner of transportation, including the basis or bases for the exception and, if applicable, the route to alternate off-street or indoor parking, as provided in section 28-504.4, or shall post a notice in the building lobby indicating that such letter is available in the office of the building manager upon request. Either such posting shall be made within five days of receipt of such letter of exception.

3. Plans, letters of exception or notices of availability of either shall be posted in a prominent location easily visible to a building's tenants, subtenants and the building's employees, and shall be made available upon request by the department, the department of transportation or authorized representatives of any other city agency.

§ 28-504.7 *Filing of plan.* The department or department of transportation may require that plans implemented pursuant to the provisions of this article be filed with either such agency.

§ 28-504.8 *Construction.* Nothing in this article shall be construed to require an owner, lessee, manager or other person who is in control of a building governed by this article to provide space for bicycles brought into such building or to permit a bicycle to be parked in a manner that violates building or fire codes or any other applicable law, rule or code, or which otherwise impedes ingress or egress to such building.

§ 2. a. There shall be a temporary bicycle commuting task force to examine establishing partnerships with private entities to develop sheltered bicycle parking in public and/or private spaces. The task force shall be comprised of the commissioner of transportation or his or her designee, the commissioner of buildings or his or her designee, the commissioner of parks and recreation or his or her designee, the director of city planning or his or her designee and three representatives to be appointed by the speaker of the council. Upon the appointment of all of its members, the task force shall elect a chair from its membership at the first meeting of such task force. Members of the task force shall serve without compensation and shall meet when deemed necessary by the chair or upon the request of three members of the task force. The task force shall issue a report to the mayor and speaker by December 31, 2010. Such report shall include, but not be limited to, recommendations on establishing partnerships with private entities to develop sheltered bicycle storage in public and/or private spaces. Such report shall be posted on the city's website within seven days from its submission to the speaker and mayor. The task force shall cease to exist three months after the issuance of its report.

b. At any time after the publication of the report required by subdivision a of this section, any group of geographically-related buildings that are subject to the provisions of section one of this local law may submit to the department of transportation a pilot project plan for a public/private partnership to provide sheltered bicycle storage in the vicinity of such buildings, which parking would be located within three blocks or seven hundred fifty feet, whichever is less, from each building in the group. Such plan shall be consistent with the goals and recommendations of the bicycle commuting task force. If the commissioner of transportation, in consultation with other relevant city agencies, determines that such pilot project plan is in the best interest of the city and the community and that the proposed sheltered bicycle storage can accommodate the bicycles of riders seeking access to such buildings, such commissioner may authorize the implementation of such pilot project. Upon such authorization, the commissioner of transportation shall recommend to the commissioner of buildings to suspend the applicability of section one of this local law to such buildings during the time that such pilot project is operational. If at any time during the operation of such pilot project the commissioner of transportation determines that such project no longer furthers the objectives of this local law, such commissioner may terminate such project, upon sixty days' notice to the buildings which are participating in such project, and the provisions of section one of this local law on bicycle access shall thereafter apply. Determinations made by the commissioner of transportation pursuant to this subdivision shall be final.

§ 3. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner of buildings and/or the commissioner of transportation shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect.

JOHN C. LIU, Chairperson; DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, LARRY B. SEABROOK, DANIEL R. GARODNICK, DARLENE MEALY, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Transportation, July 28, 2009.

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

Report for Int. No. 780-A

Report of the Committee on Consumer Affairs 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 bicycle parking in garage and parking lots.

The Committee on Consumer Affairs, to which was referred on May 28, 2008 (Minutes, page 3036) and originally reported to the Council on June 30, 2009 (Minutes, page 3497) the annexed amended proposed local law, respectfully

REPORTS:

I. INTRODUCTION

On Monday, June 29, 2009, the Committee on Consumer Affairs, chaired by Council Members Leroy G. Comrie, will vote on Introductory Bill No. 780-A ("Intro. 780-A"), a Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots. The Committee has previously held two hearings on this Intro, in December 2008 and on June 15, 2009, at which the Department of Transportation, the parking garage and real estate industry, bike advocates and community members testified.

II. BACKGROUND

The numbers of workers commuting via bicycle has been steadily increasing for the past several years. Transportation Alternatives, a New York-based bike advocacy group, estimates that 131,000 New Yorkers bike to work on a daily basis.³ According to the New York City Department of Transportation, cycling levels in the City have doubled in the past six years.⁴ The City, recognizing this increase in commuter cycling, has accommodated cyclists over the past several years, adding 140 miles of new bicycle routes in the past year alone.⁵ With this increased use, however, comes the need for more safe places to store bikes when not in use. In 2007, the City installed 800 additional bike racks, increasing the number

for the Lower Ma_____

³ Goodman, J. D., "For the Hard Core, Two Wheels Beat Four," *N. Y. Times*, July 27, 2008, at 6.

⁴ New York City Department of Transportation, "DOT announces 35% increase in commuter cycling from 2007 to 2008 and calls on cyclists to use lights to be seen & safe," Press Release, October 30, 2008.

⁵ *Id.*

of racks in the city to 4,000 overall with the capacity to hold up to 20,000 bikes.⁶ While the increase in bike racks is a positive development for the City's cyclists, the threat of theft and vandalism increases the appeal of indoor bike parking and attended bike parking lots.⁷ Although a handful of buildings throughout the City currently accommodate indoor parking for bicycles, requiring parking garages to reserve space for bikes would provide hundreds, if not thousands, of additional secure parking spaces and promote bike riding as a viable transportation alternative for many New Yorkers.

III. INTRO 780-A

Currently, all parking lots and garages in the City capable of holding five or more vehicles are required to be licensed by DCA.⁸ The revised version of Intro. 780-A would require all licensed parking lots or garages with capacity for one-hundred or more vehicles to create and maintain parking spaces for bicycles. After two years, the garages with capacity for 51 or more vehicles would be required to provide bicycle parking spaces. This is a change from the previous version, which would have required all DCA licensed garages with capacity for 51 or more vehicles to provide bike parking immediately upon enactment of the law. The legislation would require parking garages and lots to create at least one bicycle parking space for every ten authorized vehicle parking spaces in garages. In the previous version of the bill, which followed the zoning text amendment pertaining exactly, there were different space requirements for bike parking in garages and lots. However, this version states that both garages and lots would be mandated to create one bike parking space per ten car spaces, up to one hundred car parking spaces. Thereafter they would be required to provide one bicycle parking space for every one hundred car parking spaces. The legislation provides much leeway as to where these spaces could be located and neither garages nor lots would be required to convert vehicle parking spaces into bike parking spaces. Garages are free to store bikes on walls or ceilings as long as the bikes are preventing from coming into contact with cars.

(The following is from the text of the Fiscal Impact Statement for Int. No. 780-A:)

FISCAL IMPACT STATEMENT:

| | Effective FY 10 | FY Succeeding Effective FY 11 | Full Fiscal Impact FY 10 |
|------------------|-----------------|-------------------------------|--------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Walter Pitts, Legislative Financial Analyst

HISTORY: This legislation was introduced by Council and referred to the Committee on Consumer Affairs on May 28, 2008. A hearing was held by the Committee on Consumer Affairs on December 8, 2008 and the legislation was laid over. A hearing was held by the Committee on Consumer Affairs on June 15, 2009 and the legislation was amended and laid over. An amendment was proposed and considered by the Committee on Transportation on June 15, 2009 and the legislation was held over. The Committee on Consumer Affairs reconsidered Proposed Intro. 780-A on June 29, 2009 and the full Council will consider the legislation on July 29, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

for the Lower Ma_____

⁶ McGeehan, P., "Bike Parking Lot, With Attendant, Is Planned for Midtown," *N. Y. Times*, January 17, 2008.

⁷ *Id.*

⁸ NYC Ad Code §20-231

(The following is the text of Int. No. 780-A:)

Int. No. 780-A

By Council Members Koppell, Brewer, Comrie, James, Yassky, White, Garodnick, Gennaro, Vacca and Liu.

A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots.

Be it enacted by the Council as follows:

Section 1. Subchapter 17 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-327.1 to read as follows:

§ 20-327.1 Bicycle parking spaces.

a. Applicability.

1. i. The operator of every garage and parking lot that has an authorized capacity of one-hundred or more motor vehicles shall provide and maintain parking spaces for bicycles in accordance with the provisions of this section.

ii. Two years after the effective date of the local law that added this section, the operator of every garage and parking lot that has an authorized capacity of fifty-one or more motor vehicles shall provide and maintain parking spaces for bicycles in accordance with the provisions of this section.

2. The requirements of subdivisions a through f of this section shall not apply to buildings or parking lots that comply with the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution of the city of New York.

3. Waiver. The operator of a garage or parking lot subject to the provisions of this section may apply to the commissioner for a waiver from the requirements of this section on the grounds that compliance with this section will result in a violation of otherwise applicable zoning regulations, including, but not limited to zoning regulations determining the number of required automobile parking spaces a garage or parking lot shall have. Prior to applying for such waiver, such operator of a garage or parking lot shall submit to the commissioner of buildings a certification from a registered design professional and other supporting additional documentation as such commissioner may require, including, but not limited to, floor plans and diagrams of the garage or parking lot in anticipation of the waiver application. Upon complete submission of all required documentation, the commissioner of buildings shall within forty days review the documentation submitted by the operator, and shall provide to the operator a written recommendation, of whether compliance would be impracticable because of the requirements of applicable zoning regulations. The operator shall submit such recommendation to the commissioner as part of its waiver application, and the resulting written grant or denial of such application by the commissioner shall be final.

b. Bicycle parking spaces in garages and lots.

1. The operator of every garage or lot subject to the provisions of this section shall provide not less than one bicycle parking space for every ten automobile parking spaces provided, up to two hundred automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every one hundred automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle parking space.

2. The bicycle parking spaces in garages and lots subject to the provisions of this section shall be enclosed to the same extent that parking spaces for automobiles are enclosed.

3. Each such bicycle parking space shall adjoin a rack or similar system for securing the bicycle and shall be located in an area secured by a lock or similar means, or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked without damage to the wheels, frame or components of the bicycle, unless the bicycle is parked in a location not accessible to the public and bicycles are parked therein only by employees of the facility.

4. An area consisting of at least two by three by six feet in volume shall be provided for each such bicycle parking space.

c. Bicycle parking racks or other devices shall be securely anchored so they cannot be easily removed and shall be of sufficient strength and design to resist vandalism and theft.

d. Bicycle parking spaces in both garages and parking lots shall be protected from damage by motor vehicles by a physical barrier such as curbs, wheel stops, poles or other similar features capable of inhibiting motor vehicles from contacting a bicycle or encroaching upon a bicycle parking space.

e. Bicycle parking spaces shall be accessible to bicycle owners/operators to at least the same extent as vehicle parking spaces are accessible to vehicle owners/operators.

f. The operator of every garage and parking lot that is subject to the provisions of this section shall file with the commissioner a schedule of rates showing the prices charged daily, weekly, and monthly for parking and storage of bicycles.

g. No operator of a garage or parking lot subject to the provisions of this section shall make any charge for parking or storage of a bicycle in excess of the rates set forth in the schedule filed with the commissioner, unless at least sixty days prior to the effective date of such changed rates, such operator has filed with the

commissioner, in writing, such change in rates and has posted such changed rates on signs which conform with the requirements of subdivision h of this section.

h. The operator of each garage or parking lot subject to the provisions of this section shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules of the commissioner. Such sign shall set forth the rate to be charged by such garage or parking lot for bicycle parking spaces, the hours during which such garage or parking lot will remain open for business and the minimum capacity of bicycle parking spaces of such garage or parking lot.

i. Bicycles unclaimed after sixty days shall be considered abandoned property and shall become the property of the operator of the garage or parking lot.

j. Within twelve months after the effective date of the local law that added this section, the commissioner shall submit a report to the council regarding the effectiveness of this local law at increasing the capacity of parking for bicycles in garages. Such report shall contain, among other things, the number and location of bicycle parking spaces and rate of usage of such spaces.

§2. This local law shall take ninety days after enactment except that the commissioners of consumer affairs and/or buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

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. 1136 & Res. No. 2132

Report of the Committee on Land Use in favor of approving and adopting Application no. C 090272 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 No. 28d.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3838) and originally reported to the Council on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090272 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. 28d.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

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

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

Res. No. 2132

Resolution approving the decision of the City Planning Commission on ULURP No. C 090272 ZMK, a Zoning Map amendment (L.U. No. 1136).

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on June 18, 2009 its decision dated June 17, 2009 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090272 ZMK) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers N 090273 (A) ZRK (L.U. No. 1137), a zoning text amendment to create the Special Coney Island District; C 090274 POK (L.U. No. 1138), an acquisition of property located within the Coney East subdistrict; C 090275 POK (L.U. No. 1139), an acquisition of property located at West 19th Street and Surf Avenue; C 090276 HAK (L.U. No. 1140), an urban development action area project designation, project approval and disposition of city-owned property located between West 19th Street and West 20th Street and between Surf Avenue and Mermaid Avenue; C 090277 PPK (L.U. No. 1141), a disposition of city-owned property within the Coney East subdistrict; and C 090107 MMK (L.U. No. 1142), an amendment of the City Map to eliminate and establish parkland, to eliminate, discontinue and close, establish and extend certain streets and to modify the grades of existing streets;

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 July 1, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues; the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 5, 2009 with respect to this application (CEQR No. 08DME007K) and the Technical Memoranda, dated June 15, 2009, in which the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met, and July 22, 2009 in which it was found that the Council modifications would not result in any new significant adverse environmental impacts not already identified in the FEIS;

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, together with the modifications thereto adopted herein, and as described in the Technical Memoranda, dated June 15, 2009 and July 22, 2009 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (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 mitigative measures that were identified as practicable; and
- (4) The Decision, the FEIS and the Technical Memoranda dated June 15, 2009 and July 22, 2009, 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, 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. 28d:

1. eliminating from within an existing R6 District a C1-2 District bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, a line 250 feet southerly of Mermaid Avenue, West 19th Street, a line 150 feet southerly of Mermaid Avenue, and West 20th Street;
2. changing from a C7 District to an R5 District property bounded by a line 300 feet northerly of the northerly boundary line of Coney Island Beach, a line 150 feet northerly of former Highland View Avenue, West 22nd Street, the northerly and easterly boundary line of a park, the northerly boundary line of Coney Island Beach, and West 24th Street and its southerly centerline prolongation;

3. changing from an R6 District to an R7A District property bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
4. changing from a C7 District to an R7D District property bounded by Surf Avenue, the northerly prolongation of the westerly boundary line of a park, the northerly and westerly boundary line of a former park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, and West 22nd Street; and excluding the area bounded by the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park, and the easterly street line of West 22nd Street;
5. changing from an R6 District to an R7X District property bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street;
6. changing from a C7 District to an R7X District property bounded by a line 150 feet southerly of Mermaid Avenue, Stillwell Avenue, Surf Avenue, and West 17th Street;
7. establishing an R7D District bounded by:
 - a. the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park, and the easterly street line of West 22nd Street; and
 - b. the southerly street line of Surf Avenue, the proposed westerly boundary line of a park, the northerly boundary line of Coney Island Beach, and the westerly boundary line of a former park;
8. establishing within a proposed R7A District a C2-4 District bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
9. establishing within a proposed R7D District a C2-4 District bounded by Surf Avenue, the westerly boundary line of a park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, and West 22nd Street;
10. establishing within a proposed R7X District a C2-4 District bounded by Mermaid Avenue, Stillwell Avenue, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street; and
11. establishing a Special Coney Island District (CI) bounded by Mermaid Avenue, Stillwell Avenue, the southerly boundary of the MTA New York City Transit Authority right-of-way, West 8th Street, Surf Avenue, the centerline of former West 8th Street and its northerly centerline prolongation, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, West 22nd Street, Surf Avenue, and West 20th Street;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008, and which includes CEQR designation E-229, Community District 13, Borough of Brooklyn.

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. 1137 & Res. No. 2133

Report of the Committee on Land Use in favor of approving and adopting Application no. N 090273 (A) ZRK submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), Borough of Brooklyn, Community District 13.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3838) and originally reported to the Council on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 13****N 090273 (A) ZRK**

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1),

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

*Report Summary:***COMMITTEE RECOMMENDATION AND ACTION**

DATE: July 20, 2009 and recessed to July 21, 2009

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

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

Res. No. 2133

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 090273 (A) ZRK, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), Borough of Brooklyn (L.U. No. 1137).

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on June 18, 2009 its decision dated June 17, 2009 (the "Decision"), on the application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), (Application No. N 090273 ZRK), Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090272 ZMK (L.U. No. 1136), an amendment to the Zoning Map, Section Nos. 28d, to rezone C7 and R6 districts to R7A, R7X and R7D districts with C2-4 overlays within the proposed Special Coney Island District and to rezone C7 district to R5 outside of the Special Coney Island District; C 090274 POK (L.U. No. 1138), an acquisition of property located within the Coney East subdistrict; C 090275 POK (L.U. No. 1139), an acquisition of property located at West 19th Street and Surf Avenue; C 090276 HAK (L.U. No. 1140), an urban development action area project designation, project approval and disposition of city-owned property located between West 19th Street and West 20th Street and between Surf Avenue and Mermaid Avenue; C 090277 PPK (L.U. No. 1141), a disposition of city-owned property within the Coney East subdistrict; and C 090107 MMK (L.U. No. 1142), an amendment of the City Map to eliminate and establish parkland, to eliminate, discontinue and close, establish and extend certain streets and to modify the grades of existing streets;

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 July 1, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues; the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 5, 2009 with respect to this application (CEQR No. 08DME007K) and the Technical Memoranda, dated June 15, 2009, in which the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met, and July 22, 2009 in which it was found that the Council modifications would not result in any new significant adverse environmental impacts not already identified in the FEIS;

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, together with the modifications thereto adopted herein, and as described in the Technical Memoranda, dated June 15, 2009 and July 22, 2009 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (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 mitigative measures that were identified as practicable; and
- (4) The Decision, the FEIS and the Technical Memoranda dated June 15, 2009 and July 22, 2009, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 090273 (A) ZRK, incorporated by reference herein, the Council approves the Decision.

RESOLVED:

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision with the following modifications:

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

**PROPOSED SPECIAL
CONEY ISLAND
DISTRICT**

“A text “ with CPC Modifications

Matter in underline is new, to be added;
 Matter in ~~strikeout~~ is old, to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicate where unchanged text appears in the Zoning Resolution;
 Matter in graytone and double underline is new, to be added by the City Council;
 Matter in [brackets] is old, to be deleted by the City Council.

11-12**Establishment of Districts**

* * *

Establishment of the Special Clinton District

* * *

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

* * *

**12-10
Definitions**

* * *

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed, provided that its regulations shall not apply in Parcel 1 of the Coney East Subdistrict, which shall be governed by the provisions of the underlying C7 District.

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

| | #Enclosed Sidewalk Cafe# | #Unenclosed Sidewalk Cafe# |
|--|--------------------------|----------------------------|
| Brooklyn | | |
| Bay Ridge District | Yes | Yes |
| <u>Coney Island District</u> | <u>No</u> | <u>Yes</u> |
| Coney Island Mixed Use District | Yes | Yes |
| Downtown Brooklyn District | Yes | Yes |
| Mixed Use District-8 (Greenpoint-Williamsburg) | Yes | Yes |
| Ocean Parkway District* | Yes | Yes |
| Sheepshead Bay District | No | Yes |

* #Sidewalk cafes# are not allowed on Ocean Parkway

* * *

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

* * *

**15-011
Applicability within Special Districts**

* * *

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

* * *

ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW

**131-00
GENERAL PURPOSES**

The #Special Coney Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

**131-01
General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**131-02
District Plan and Maps**

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

- Map 1 Special Coney Island District and Subdistricts
- Map 2 Mandatory Ground Floor Use Requirements
- Map 3 Coney East Subdistrict Floor Area Ratios
- Map 4 Street Wall Location
- Map 5 Minimum and Maximum Base Heights
- Map 6 Coney West Subdistrict Transition Heights

**131-03
Subdistricts**

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

- Coney East Subdistrict
- Coney West Subdistrict
- Coney North Subdistrict
- Mermaid Avenue Subdistrict.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

131-04**Applicability****131-041****Applicability of Article I, Chapter 1**

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

131-042**Applicability of Article 1, Chapter 5**

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043**Applicability of Article 6, Chapter 2**

The provisions of Article 6, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Coney Island District#.

131-044**Applicability of Article 7, Chapter 4**

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-045**Physical Culture Establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

131-046**Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park**

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

131-10**SPECIAL USE REGULATIONS**

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying Commercial Districts, as applicable.

For the purposes of this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

131-11**Use Group 5**

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter.

13-12**Use Groups A, B and C**

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121**Use Group A: Amusements**

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

- (1) Amusement arcades
 - Amusement parks, with no limitation on floor area per establishment
 - Animal exhibits, circuses, carnivals or fairs of a temporary nature
 - Camps, overnight or day, commercial beaches or swimming pools
 - Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators
 - Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions
 - Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions
 - Miniature golf courses and model car hobby centers, including racing
 - Open booths with games of skill or chance, including shooting galleries
 - Water parks
- (2) Arenas or auditoriums, with capacity limited to 2,000 seats
 - Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment
 - Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements
 - Skateboard parks, roller or ice skating rinks
 - Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (a) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;
- (b) such #accessory uses# shall be entered only through the principal amusement establishment;
- (c) such #accessory uses# shall share common cash registers with the principal amusement #use#;
- (d) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

131-122

Use Group B: Amusement and entertainment- enhancing uses

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial
Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits
Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors
Radio or television studios

Wedding chapels

131-123

Use Group C: Retail and service uses

Use Group C consists of a group of retail and service #uses# selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops
Bookstores

Candy or ice cream stores
Clothing or clothing accessory

Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing

Delicatessen stores
Fishing tackle or equipment, rental or sales
Gift shops
Jewelry manufacturing from precious metals

Musical instruments store
Toy stores

Music stores
Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

131-13

Special Use Regulations in Subdistricts

131-131

Coney East Subdistrict

The #use# regulations of the underlying C7 District are modified as set forth in this Section. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

- (a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

- (b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

- (c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by Use Group A1 #uses# at the ground floor level.

There shall be separate ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

- (1) On the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;
- (2) On the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;
- (3) On all other #block# fronts there shall be at least four establishments;
- (4) The provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c) where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

- (d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level.

- (e) #Transient hotels#

- (1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery;.
- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.

- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (5) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor uses

All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#, as shown on Map 2 (Mandatory Ground Floor Use Requirements).

(g) Parcel 2

On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

(h) Parcel 3

On Parcel 3 as shown on Map 2, the provisions of the underlying C7 District shall apply, except as modified in this paragraph (h). Only open amusement #uses# listed in Use Group 13A and Use Group 15 as set forth in Section 32-22 and Section 32-24, respectively, shall be permitted.

131-132

Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated #streets#, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(a) Mandatory ground floor level use along designated #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of the Riegelmann Boardwalk and within 100 feet of all other designated streets, as shown on Map 2.

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated #streets# other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#.

There shall be at least four separate ground floor #commercial# establishments fronting upon each #block# front bounding Surf Avenue.

All ground floor #commercial uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited ground floor level #uses# along designated #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a designated #street# on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:

All #uses#.

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet

of

Surf Avenue between Stillwell Avenue and West 16th Street.

From Use Groups 6B, and 6E

Offices, veterinary medicine offices or non-commercial clubs.

From Use Group 6C

Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue.

Electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:

All #uses#.

From Use Group 7:

All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:

All #uses#.

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:

Depositories for storage, and wholesale offices or showrooms.

Use Group 11:

All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

131-14

Location of Uses within Buildings

The provisions of Section 32-42 (Location within Buildings) are modified to permit:

- (a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and
- (b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#. Furthermore, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-15

Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

131-16

Security Gates

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

131-17

Authorization for Use Modifications

Along designated #streets# other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-20

SIGN REGULATIONS

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
 - (1) no #advertising signs# shall be permitted above a height of 40 feet, and

- (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.

- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

131-30

FLOOR AREA REGULATIONS

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

131-31

Coney East Subdistrict

Except on Parcel 3 as shown on Map 3, t[T]he maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios). On Parcel 2, as shown on Map 3, the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

On Parcel 3, the maximum #floor area ratio# of the underlying C7 District shall apply. Furthermore, #floor area# attributable to Parcel 3 shall be used exclusively within Parcel 3.

131-32

Coney West, Coney North and Mermaid Avenue Subdistricts

131-321

Special floor area regulations for residential uses

R7A R7D R7X

- (a) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.

- (b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following table. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #lower income housing#, pursuant to the provisions for #Inclusionary Housing designated area#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

TABLE FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

| Subdistrict Zoning District | Base #floor area ratio# | Maximum #floor area ratio# |
|---------------------------------------|----------------------------|-------------------------------|
| Coney West Parcels: A, B, C, D R7D | 4.35 | 5.8 |
| Coney West Parcels: E, FR7D | 4.12 | 5.5 |
| Coney North R7X | 3.75 | 5.0 |
| Mermaid Avenue R7A | 3.45 | 4.6 |

- (c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the

Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

Parcels A and B
Parcels C and D
Parcels E and F.

In addition, #floor area# attributable to lot 130, #block# 7071 within Parcel B may be distributed anywhere within Parcels C or D.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

131-322

Special floor area regulations for community facility uses

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323

Special floor area ratio regulations for hotel uses

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324

Special floor area ratio regulations for entrances to stories above the base flood elevation

Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

131-325

Lot coverage

For #residential uses# in the Coney North and Coney West Subdistricts, no maximum #lot coverage# shall apply to any #corner lot#. For #residential uses# in the Mermaid Avenue Subdistrict, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

Furthermore, in the #Special Coney Island District# the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

131-326

Rear Yards

Required #rear yards# or #rear yard equivalents# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# facing onto such #yard#.

131-40

HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

131-41

Rooftop Regulations

(a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit 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, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

131-42

Coney East Subdistrict

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

131-421

Coney East Subdistrict, south side of Surf Avenue

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recesses does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;

(4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

(1) Surf Avenue , west of West 12th Street

West of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

For #developments# or #enlargements# located West of West 12 Street that, provide a tower in accordance with the requirements of paragraph (d) of this Section, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with location requirements of paragraphs (d) of this Section.

(2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section, shall be set back from the #street line# at least 20 feet except that where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum building height after the required setbacks shall be 85 feet.

(2) West of West 12th Street

All portions of a #building# that exceed the maximum base height as set forth in paragraph (b) (1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c) (1) and (c) (2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use#, or to #buildings# where the Chairperson of the City Planning Department certifies to the Department of Buildings that additional

height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph.

(1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422

Coney East Subdistrict, north side of Surf Avenue

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423

Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #development# or #enlargement#, or portion thereof, shall be located within five feet of the #street line#. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, a recess shall be permitted to have a depth of up to ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

(b) Maximum building height

The #street wall# of a #development# or #enlargement#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of

40 feet, and such portion of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A, in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of #street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

Furthermore, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

131-43

Coney West Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431

Coney West District, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21st Street and West 22nd

Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least ten feet.

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Towers).

131-432

Along all other Streets, other than the Riegelmann Boardwalk

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of the Riegelmann Boardwalk.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. In addition, for #street walls# facing Ocean Way, building entrances providing direct access to the lowest #story# located above the #base flood elevation# may be recessed up to a depth of ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, up to 60 percent of the #aggregate width of street walls# facing Ocean Way, and along all other #streets#, other than the Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than the

Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;

- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

131-433

Riegelmann Boardwalk and Building Line of Parcel F

The #street wall# of the #development# or #enlargement# shall be located on the Riegelman Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet, as shown on Map 2 (Mandatory Ground Floor Use Requirements). Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

In addition, on Parcel F, the #street wall# of the #development# or #enlargement# shall be located on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 2. Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

131-434

Coney West District towers

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a "tower" and shall comply with the provisions of this Section.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower complies with either paragraph (b) (1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot

coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

- (c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44

Coney North Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section, inclusive.

131-441

Coney North Subdistrict, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

- (a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

- (b) Building base

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#,

whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-444 (Coney North Towers).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Towers).

131-442

Along all other Streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf

Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443

Stillwell and Mermaid Avenues

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444

Coney North Subdistrict towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a "tower" and shall comply with the provisions of this Section 131-444.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such

height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing#, pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

131-45

Mermaid Avenue Subdistrict

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within a R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-46

Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north-facing or south-

facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47

Design Requirements for Ground Level Setbacks

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15 shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other building walls shall comply with one of the following provisions:

(i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or

(ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet.

(d) Building entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) For setback areas of 500 square feet or more, there shall be the following additional amenities:

- (1) an additional public entrance to the #building# that fronts upon such setback area; and
- (2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48**Street Trees**

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

131-49**Authorization for Exterior Ramps**

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to allow exterior ramps for access from the public sidewalk to the lowest #story# above the #base flood elevation# provided the Commission finds that the design of such ramps:

- (a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;
- (b) incorporates amenities such as seating and planting as the Commission may find appropriate; and
- (c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

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

131-50**OFF-STREET PARKING AND LOADING REGULATIONS**

The special provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

131-51**Amount of Required and Permitted Parking**

- (a) Residential and Community Facility Parking

The underlying regulations shall apply, except that the number of #accessory# off-#street# parking spaces required pursuant to [provisions of] Section 36-331 [are modified] shall be modified to require off-#street# parking spaces for at least 60 percent of #residences# #developed# under single ownership or control where group parking facilities are provided [all new #dwelling units#].

- (b) Commercial parking

The underlying regulations shall apply, except as modified below:

- (1) For Use Group A #uses#:
 - one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided
- (2) For #transient hotels#:
 - one off-#street# parking space shall be provided for every six guest rooms or suites.

- (c) Public parking facilities

In accordance with the provisions of Section 131-043 (Applicability of Article 7, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided

such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-52**Use and Location of Parking Facilities**

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.
- (b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
 - (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
 - (2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:

Parcels A and B
Parcels C and D
Parcels E and F.
 - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (c) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
 - (i) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

However, in the Coney East Subdistrict, the provisions of this paragraph (c)(2) need not apply on the north side of Surf Avenue above the level of the ground floor, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

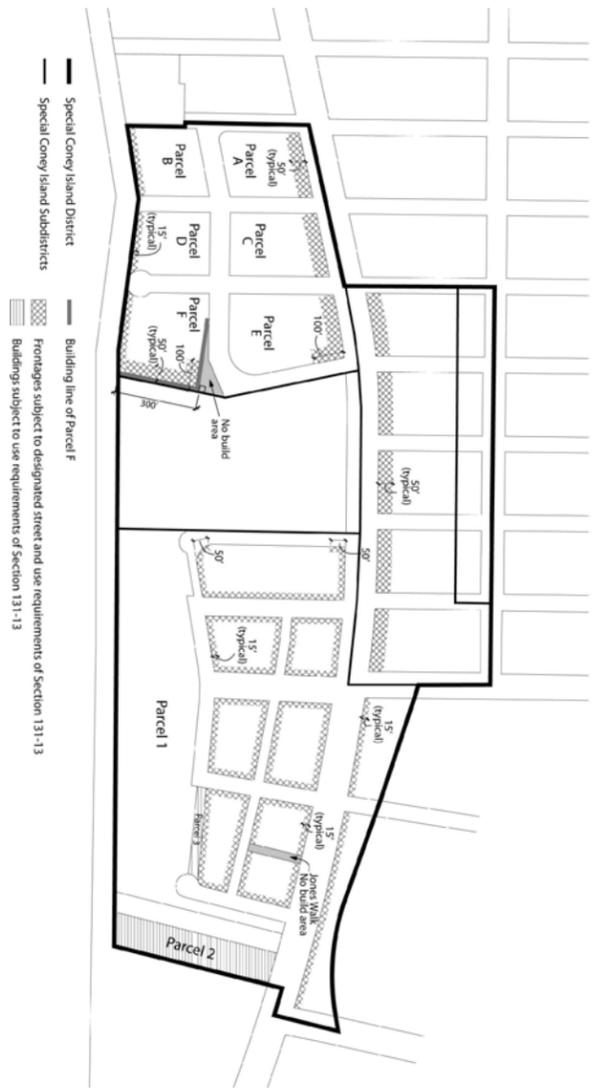
- (ii) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
 - (iii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
 - (iv) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the

recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

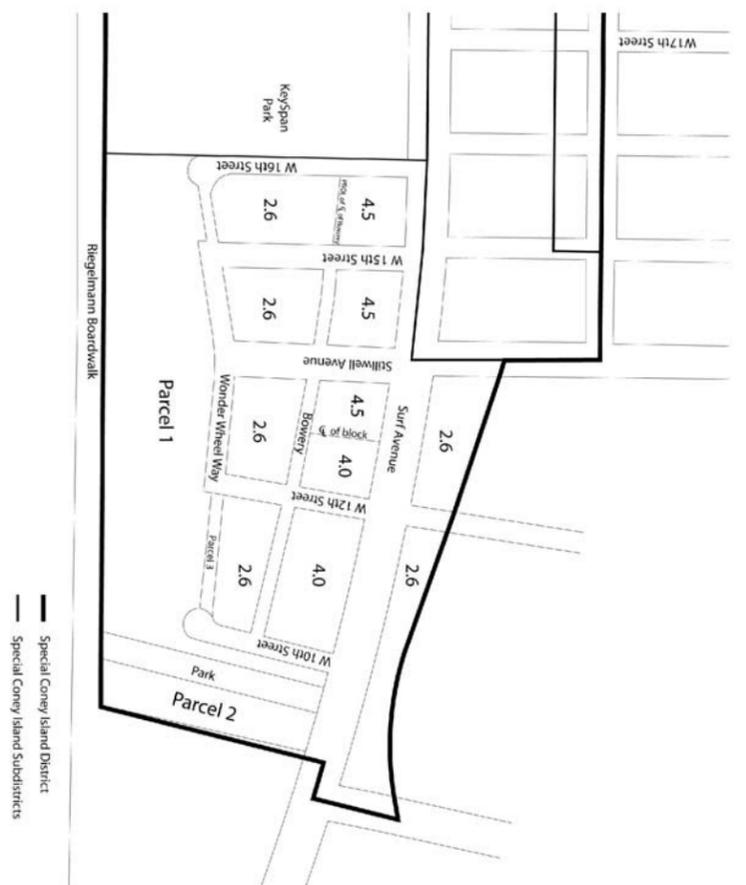
**131-53
Curb Cuts**

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

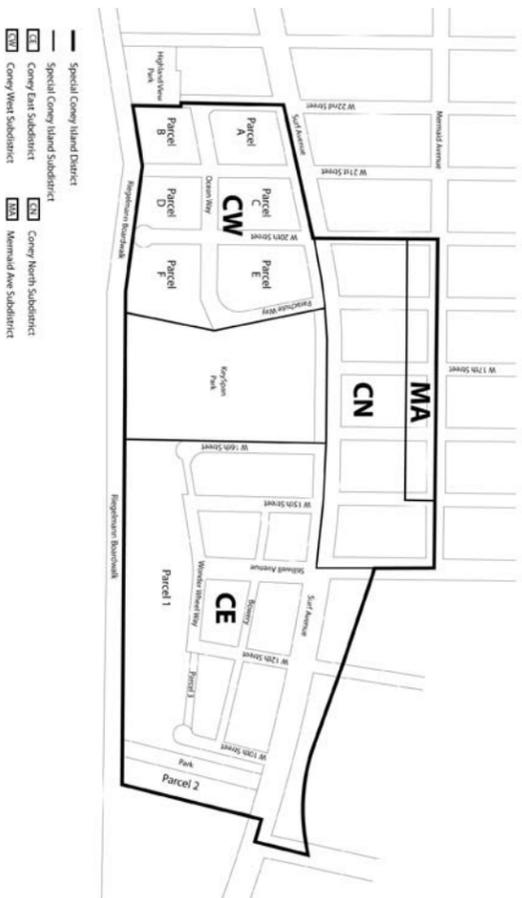
Map 2: Mandatory Ground Floor Use Requirements



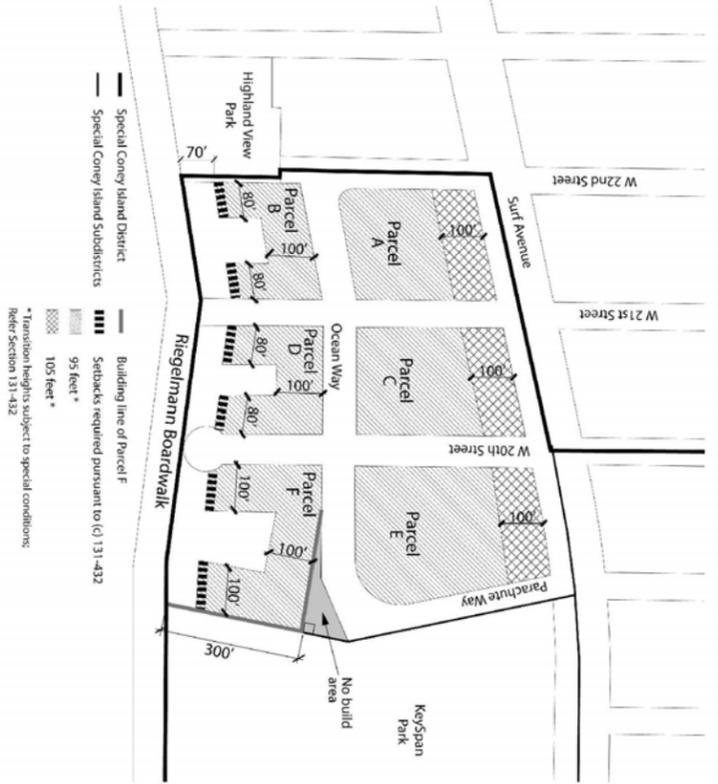
Map 3: Coney East Subdistrict Floor Area Ratios



Map 1: Special Coney Island District and Subdistricts

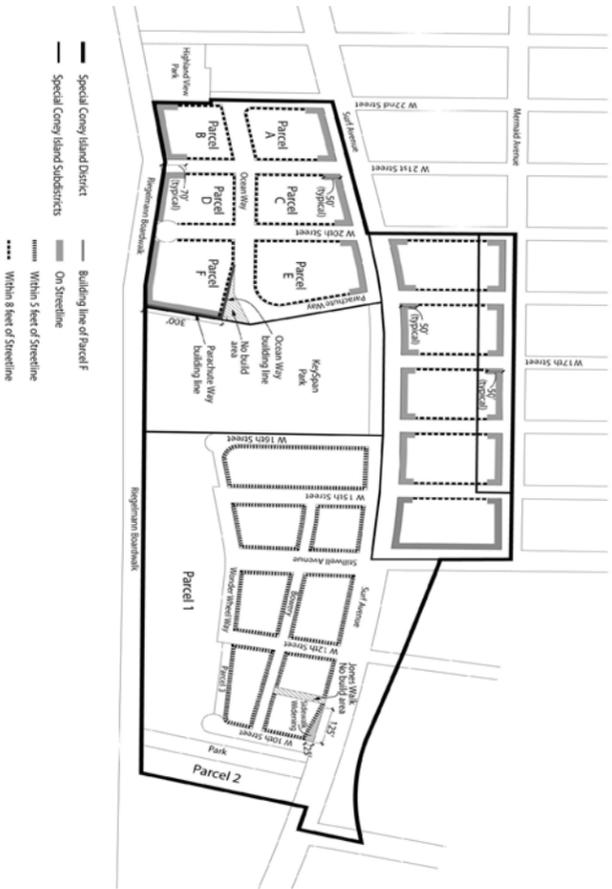


Map 6: Coney West Subdistrict Transition Heights

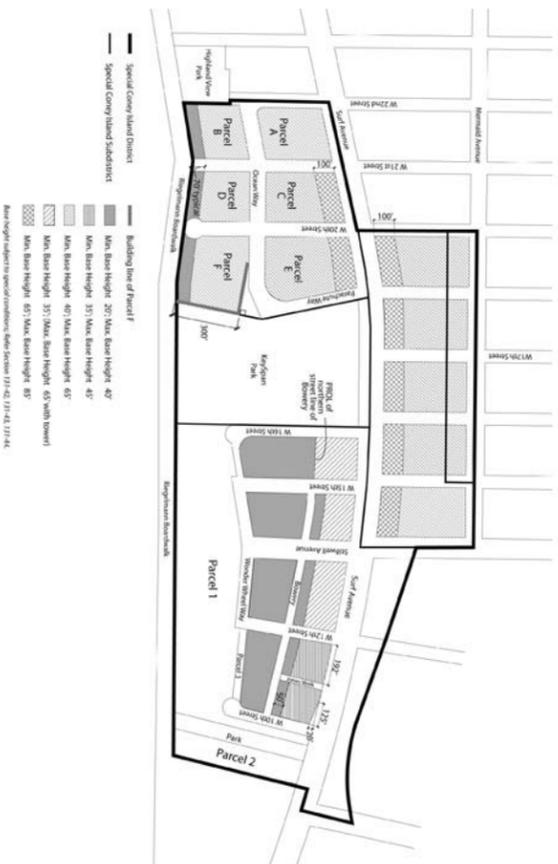


On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



Report for L.U. No. 1138 & Res. No. 2134

Report of the Committee on Land Use in favor of approving and adopting Application no. C 090274 POK submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at Block 7074, Lots 4, 6, p/o 23, 89, p/o 105, 254, p/o 310, 340, 348 and p/o 360, Block 8694, Lot 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421, Block 8695, Lot 61, 64, p/o 72, p/o 120, and p/o 433, and Block 8696, Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3838) and originally reported to the Council on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090274 POK

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

| BLOCK | LOTS |
|-------|---|
| 7074 | 4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360 |
| 8694 | 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421 |
| 8695 | 61, 64, p/o 72, p/o 120, p/o 433 |
| 8696 | 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212 |

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

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

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

Res. No. 2134

Resolution approving the decision of the City Planning Commission on ULURP No. C 090274 POK (L.U. No. 1138), for the acquisition of properties located at Block 7074, Lots 4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360; Block 8694, Lots 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421; Block 8695, Lots 61, 64, p/o 72, p/o 120, p/o 433; and Block 8696, Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212; Borough of Brooklyn.

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on June 18, 2009 its decision dated June 17, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), for properties located at Block 7074, Lots 4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360; Block 8694, Lots 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421; Block 8695, Lots 61, 64, p/o 72, p/o 120, p/o

433; and Block 8696, Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212; Community District 13, Borough of Brooklyn (the "Site"), (ULURP No. C 090274 POK) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090272 ZMK (L.U. No. 1136), an amendment to the Zoning Map, Section Nos. 28d, to rezone C7 and R6 districts to R7A, R7X and R7D districts with C2-4 overlays within the proposed Special Coney Island District and to rezone C7 district to R5 outside of the Special Coney Island District; N 090273 (A) ZRK (L.U. No. 1137), a zoning text amendment to create the Special Coney Island District; C 090275 POK (L.U. No. 1139), an acquisition of property located at West 19th Street and Surf Avenue; C 090276 HAK (L.U. No. 1140), an urban development action area project designation, project approval and disposition of city-owned property located between West 19th Street and West 20th Street and between Surf Avenue and Mermaid Avenue; C 090277 PPK (L.U. No. 1141), a disposition of city-owned property within the Coney East subdistrict; and C 090107 MMK (L.U. No. 1142), an amendment of the City Map to eliminate and establish parkland, to eliminate, discontinue and close, establish and extend certain streets and to modify the grades of existing streets;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 1, 2009;

WHEREAS, the Council has considered the relevant environmental issues; the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 5, 2009 with respect to this application (CEQR No. 08DME007K) and the Technical Memoranda, dated June 15, 2009, in which the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met, and July 22, 2009 in which it was found that the Council modifications would not result in any new significant adverse environmental impacts not already identified in the FEIS;

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

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, together with the modifications thereto adopted herein, and as described in the Technical Memoranda, dated June 15, 2009 and July 22, 2009 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (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 mitigative measures that were identified as practicable; and
- (4) The Decision, the FEIS and the Technical Memoranda dated June 15, 2009 and July 22, 2009, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, the Council approves the Decision.

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. 1139 & Res. No. 2135

Report of the Committee on Land Use in favor of approving and adopting Application no. C 090275 POK submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31), Community District 13, Borough of Brooklyn.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3839) and originally reported to the Council on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090275 POK

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31).

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

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

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

Res. No. 2135

Resolution approving the decision of the City Planning Commission on ULURP No. C 090275 POK (L.U. No. 1139), for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31), Borough of Brooklyn.

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on June 18, 2009 its decision dated June 17, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Housing Preservation and Development, for property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31), Community District 13, Borough of Brooklyn (the "Site"), (ULURP No. C 090275 POK) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090272 ZMK (L.U. No. 1136), an amendment to the Zoning Map, Section Nos. 28d, to rezone C7 and R6 districts to R7A, R7X and R7D districts with C2-4 overlays within the proposed Special Coney Island District and to rezone C7 district to R5 outside of the Special Coney Island District; N 090273 (A) ZRK (L.U. No. 1137), a zoning text amendment to create the Special Coney Island District; C 090274 POK (L.U. No. 1138), an acquisition of property located within the Coney East subdistrict; C 090276 HAK (L.U. No. 1140), an urban development action area project designation, project approval and disposition of city-owned property located between West 19th Street and West 20th Street and between Surf Avenue and Mermaid Avenue; C 090277 PPK (L.U. No. 1141), a disposition of city-owned property within the Coney East subdistrict; and C 090107 MMK (L.U. No. 1142), an amendment of the City Map to eliminate and establish parkland, to eliminate, discontinue and close, establish and extend certain streets and to modify the grades of existing streets;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 1, 2009;

WHEREAS, the Council has considered the relevant environmental issues; the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 5, 2009 with respect to this application (CEQR No. 08DME007K) and the Technical Memoranda, dated June 15, 2009, in which the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met, and July 22, 2009 in which it was found that the Council modifications would not result in any new significant adverse environmental impacts not already identified in the FEIS;

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

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, together with the modifications thereto adopted herein, and as described in the Technical Memoranda, dated June 15, 2009 and July 22, 2009 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(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 mitigative measures that were identified as practicable; and

(4) The Decision, the FEIS and the Technical Memoranda dated June 15, 2009 and July 22, 2009, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, the Council approves the Decision.

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. 1140 & Res. No. 2136

Report of the Committee on Land Use in favor of approving and adopting Application no. C 090276 HAK submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for an Urban Development Action Area and an Urban Development Action Area Project for such area; pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD to facilitate mixed residential and commercial development on properties located within the proposed 19-block Coney Island rezoning area located in Community District 13, Brooklyn.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3839) and originally reported to the Council on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090276 HAK

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:

Block

Lot

Address

| | | | |
|-------------|-----|-----------------------|---------|
| 7060 Avenue | 1 | 1918 | Mermaid |
| 7060 Avenue | 3 | 1920 | Mermaid |
| 7060 Avenue | 4 | 1922 | Mermaid |
| 7060 Avenue | 5 | 1924 | Mermaid |
| 7060 Avenue | 7 | 1928 | Mermaid |
| 7060 Avenue | 8 | 1930 | Mermaid |
| 7060 Avenue | 9 | 1932 | Mermaid |
| 7060 | 14 | West 19th Street | |
| 7060 | 16 | West 19th Street | |
| 7060 | 17 | West 19th Street | |
| 7060 | 18 | 2924 West 19th Street | |
| 7060 | 19 | 2926 West 19th Street | |
| 7060 | 20 | 2930 West 19th Street | |
| 7060 | 21 | 2934 West 19th Street | |
| 7060 | 22 | 2936 West 19th Street | |
| 7060 | 24 | 1901 Surf Avenue | |
| 7060 | 27 | 1905 Surf Avenue | |
| 7060 Street | 31 | 2929A West 20th | |
| 7060 | 32 | 1917 Surf Avenue | |
| 7060 | 35 | 1923 Surf Avenue | |
| 7060 | 44 | 2923 West 20th Street | |
| 7060 | 45 | 2921 West 20th Street | |
| 7060 | 46 | 2919 West 20th Street | |
| 7060 | 47 | 2917 West 20th Street | |
| 7060 | 48 | West 19th Street | |
| 7060 | 49 | West 19th Street | |
| 7060 | 50 | 2938 West 19th Street | |
| 7060 Street | 51 | 2938A West 19th | |
| 7060 | 147 | 1924 West 20th Street | |
| 7061 | 16 | West 17th Street | |
| 7061 | 21 | 2930 West 17th Street | |
| 7061 | 39 | West 19th Street | |
| 7061 | 40 | West 19th Street | |
| 7061 | 41 | West 19th Street | |
| 7061 | 42 | West 19th Street | |
| 7061 | 43 | 2921 West 19th Street | |
| 7061 | 45 | West 19th Street | |

as an Urban Development Action Area; and

an Urban Development Action Area Project for such area; and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate mixed residential and commercial development on properties located within the proposed 19-block Coney Island rezoning area located in Community District 13.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

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

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

Res. No. 2136

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090276 HAK, approving the designation of property located at 1918 Mermaid Avenue (Block 7060, Lot 1), 1920 Mermaid Avenue (Block 7060/ Lot 3), 1922 Mermaid Avenue (Block 7060/Lot 4), 1924 Mermaid Avenue (Block 7060/Lot 5), 1928 Mermaid Avenue (Block 7060/Lot 7), 1930 Mermaid Avenue (Block 7060/ Lot 8), 1932 Mermaid Avenue (Block 7060/Lot 9), West 19th Street (Block 7060/14), West 19th Street (Block 7060/Lot 16), West 19th Street (Block 7060/Lot 17), 2924 West 19th Street (Block 7060/Lot 18), 2926 West 19th Street (Block 7060/Lot 19), 2930 West 19th Street (Block 7060/Lot 20), 2934 West 19th Street (Block 7060/Lot 21), 2936 West 19th Street (Block 7060/Lot 22), 1901 Surf Avenue (Block 7060/Lot 24), 1905 Surf Avenue (Block 7060/Lot 27), 2929A West 20th Street (Block 7060/Lot 31), 1917 Surf Avenue (Block 7060/Lot 32), 1923 Surf Avenue (Block 7060/Lot 35), 2923 West 20th Street (Block 7060/Lot 44), 2921 West 20th Street (Block 7060/Lot 45), 2919 West 20th Street (Block 7060/Lot 46), 2917 West 20th Street (Block 7060/Lot 47), West 19th Street (Block 7060/Lot 48), West 19th Street (Block 7060/Lot 49), 2938 West 19th Street (Block 7060/Lot 50), 2938A West 19th Street (Block 7060/Lot 51), 1924 West 20th Street (Block 7060/Lot 147), West 17th Street (Block 7061/Lot 16), 2930 West 17th Street (Block 7061/Lot 21), West 19th Street (Block 7061/Lot 39), West 19th Street (Block 7061/Lot 40), West 19th Street (Block 7061/Lot 41), West 19th Street (Block 7061/Lot 42), 2921 West 19th Street (Block 7061/Lot 43), and West 19th Street (Block 7061/Lot 45), Borough of Brooklyn, 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. 1140; C 090276 HAK).

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on June 18, 2009 its decision dated June 17, 2009 (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 1918 Mermaid Avenue (Block 7060, Lot 1), 1920 Mermaid Avenue (Block 7060/ Lot 3), 1922 Mermaid Avenue (Block 7060/Lot 4), 1924 Mermaid Avenue (Block 7060/Lot 5), 1928 Mermaid Avenue (Block 7060/Lot 7), 1930 Mermaid Avenue (Block 7060/ Lot 8), 1932 Mermaid Avenue (Block 7060/Lot 9), West 19th Street (Block 7060/14), West 19th Street (Block 7060/Lot 16), West 19th Street (Block 7060/Lot 17), 2924 West 19th Street (Block 7060/Lot 18), 2926 West 19th Street (Block 7060/Lot 19), 2930 West 19th Street (Block 7060/Lot 20), 2934 West 19th Street (Block 7060/Lot 21), 2936 West 19th Street (Block 7060/Lot 22), 1901 Surf Avenue (Block 7060/Lot 24), 1905 Surf Avenue (Block 7060/Lot 27), 2929A West 20th Street (Block 7060/Lot 31), 1917 Surf Avenue (Block 7060/Lot 32), 1923 Surf Avenue (Block 7060/Lot 35), 2923 West 20th Street (Block 7060/Lot 44), 2921 West 20th Street (Block 7060/Lot 45), 2919 West 20th Street (Block 7060/Lot 46), 2917 West 20th Street (Block 7060/Lot 47), West 19th Street (Block 7060/Lot 48), West 19th Street (Block 7060/Lot 49), 2938 West 19th Street (Block 7060/Lot 50), 2938A West 19th Street (Block 7060/Lot 51), 1924 West 20th Street (Block 7060/Lot 147), West 17th Street (Block 7061/Lot 16), 2930 West 17th Street (Block 7061/Lot 21), West 19th Street (Block 7061/Lot 39), West 19th Street (Block 7061/Lot 40), West 19th Street (Block 7061/Lot 41), West 19th Street (Block 7061/Lot 42), 2921 West 19th Street (Block 7061/Lot 43), and West 19th Street (Block 7061/Lot 45), 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 mixed residential and commercial development on properties located within the proposed 19-block Coney Island rezoning area located in Community District 13 (the "Disposition"), Borough of Brooklyn (ULURP No. C 090276 HAK) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090272 ZMK (L.U. No. 1136), an amendment to the Zoning Map, Section Nos. 28d, to rezone C7 and R6 districts to R7A, R7X and R7D districts with C2-4 overlays within the proposed Special Coney Island District and to rezone C7 district to R5 outside of the Special Coney Island District; N 090273 (A) ZRK (L.U. No. 1137), a zoning text amendment to create the Special Coney Island District; C 090274 POK (L.U. No. 1138), an acquisition of property located within the Coney East subdistrict; C 090275 POK (L.U. No. 1139), an acquisition of property located at West 19th Street and Surf Avenue; C 090277 PPK (L.U. No. 1141), a disposition of

city-owned property within the Coney East subdistrict; and C 090107 MMK (L.U. No. 1142), an amendment of the City Map to eliminate and establish parkland, to eliminate, discontinue and close, establish and extend certain streets and to modify the grades of existing streets;

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, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on June 23, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on July 1, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues; the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 5, 2009 with respect to this application (CEQR No. 08DME007K) and the Technical Memoranda, dated June 15, 2009, in which the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met, and July 22, 2009 in which it was found that the Council modifications would not result in any new significant adverse environmental impacts not already identified in the FEIS;

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, together with the modifications thereto adopted herein, and as described in the Technical Memoranda, dated June 15, 2009 and July 22, 2009 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(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 mitigative measures that were identified as practicable; and

(4) The Decision, the FEIS and the Technical Memoranda dated June 15, 2009 and July 22, 2009, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090276 HAK).

The Council finds that the present status of the Project 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 Project 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 New York City Department of Housing Preservation and Development.

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. 1141 & Res. No. 2137

Report of the Committee on Land Use in favor of approving and adopting Application no. C 090277 PPK submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at Block 7074 Lots, 4, 6, p/o 20, p/o 23, 89, p/o 105, 170, p/o 190, 250, 254, p/o 256, 300, p/o 310, 340, 348, p/o 360, Block 8694 Lots 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421, Block 8695, Lots 61, 64, p/o 72, p/o 120, p/o 433, and Block 8696 Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, 211, p/o 212.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3839) and originally reported to the Council on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090277 PPK

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at:

A:

| BLOCK | LOTS |
|-------|--|
| 7074 | 4, 6, p/o 20, p/o 23, 89, p/o 105, 170, p/o 190 |
| 7074 | 250, 254, p/o 256, 300, p/o 310, 340, 348, p/o 360 |
| 8694 | 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421 |
| 8695 | 61, 64, p/o 72, p/o 120, p/o 433 |
| 8696 | 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, 211, p/o 212 |

B: Block 7071, Lot 142, pursuant to zoning.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

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

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

Res. No. 2137

Resolution approving the decision of the City Planning Commission on ULURP No. C 090277 PPK, for the disposition of city-owned property pursuant to zoning, located at A: Block 7074/Lots 4, 6, p/o 20, p/o 23, 89, p/o 105, 170, p/o 190; Block 7074/Lots 250, 254, p/o 256, 300, p/o 310, 340, 348, p/o 360; Block 8694/Lots 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421; Block 8695/Lots 61, 64, p/o 72, p/o 120, p/o 433; Block 8696/Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, 211, p/o 212; B: Block 7071/Lot 142, Borough of Brooklyn (L.U. No. 1141).

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on June 18, 2009 its decision dated June 17, 2009 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business

Services (SBS), for disposition of city-owned property pursuant to zoning, located at **A:** Block 7074/Lots 4, 6, p/o 20, p/o 23, 89, p/o 105, 170, p/o 190; Block 7074/Lots 250, 254, p/o 256, 300, p/o 310, 340, 348, p/o 360; Block 8694/Lots 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421; Block 8695/Lots 61, 64, p/o 72, p/o 120, p/o 433; Block 8696/Lots 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, 211, p/o 212; **B:** Block 7071/Lot 142, pursuant to ULURP Application Number C 090277 PPK, Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090272 ZMK (L.U. No. 1136), an amendment to the Zoning Map, Section Nos. 28d, to rezone C7 and R6 districts to R7A, R7X and R7D districts with C2-4 overlays within the proposed Special Coney Island District and to rezone C7 district to R5 outside of the Special Coney Island District; N 090273 (A) ZRK (L.U. No. 1137), a zoning text amendment to create the Special Coney Island District; C 090274 PQQ (L.U. No. 1138), an acquisition of property located within the Coney East subdistrict; C 090275 PQQ (L.U. No. 1139), an acquisition of property located at West 19th Street and Surf Avenue; C 090276 HAK (L.U. No. 1140), an urban development action area project designation, project approval and disposition of city-owned property located between West 19th Street and West 20th Street and between Surf Avenue and Mermaid Avenue; and C 090107 MMK (L.U. No. 1142), an amendment of the City Map to eliminate and establish parkland, to eliminate, discontinue and close, establish and extend certain streets and to modify the grades of existing streets;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 1, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues; the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 5, 2009 with respect to this application (CEQR No. 08DME007K) and the Technical Memoranda, dated June 15, 2009, in which the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met, and July 22, 2009 in which it was found that the Council modifications would not result in any new significant adverse environmental impacts not already identified in the FEIS;

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, together with the modifications thereto adopted herein, and as described in the Technical Memoranda, dated June 15, 2009 and July 22, 2009 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(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 mitigative measures that were identified as practicable; and

(4) The Decision, the FEIS and the Technical Memoranda dated June 15, 2009 and July 22, 2009, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision, the Council approves the Decision.

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. 1142 & Res. No. 2138

Report of the Committee on Land Use in favor of approving and adopting Application no. C 090107 MMK submitted by the Department of City Planning, Department of Parks and Recreation, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq., of the New York City

Administrative Code, for an amendment to the City Map, Community District 13, Borough of Brooklyn.

The Committee on Land Use, to which was referred on June 30, 2009 (Minutes, page 3840) and originally reported to the Council on July 29, 2009 the annexed Land Use resolution, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

C 090107 MMK

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

- the establishment of new streets;
- the establishment of new parks and park additions;
- the modification and adjustment of grades of existing streets;
- the elimination, discontinuance and closing of portions of streets;
- the elimination of parks and portions of parks;
- the delineation of easements and corridors; and
- the extinguishment of record streets, all within an area generally bounded by West 8th Street, Surf Avenue, West 23rd Street, and the Public Beach,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2009, revised June 17, 2009, and Map Nos. Y-2715, X-2716, X-2717, and Y-2718, dated June 17, 2009, and signed by the Borough President.

INTENT

To facilitate the redevelopment of the Coney Island Amusement Park area in the Borough of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: July 20, 2009 and recessed to July 21, 2009

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

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on July 21, 2009. The City Planning Commission filed a letter dated July 22, 2009, with the Council indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 2138

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 090107 MMK, an amendment to the City Map (L.U. No. 1142).

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on June 18, 2009 its decision dated June 17, 2009 (the "Decision"), on the application submitted by the New York City Department of City Planning, the Department of Parks and Recreation, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of streets;
- the establishment of new parks and park additions;
- the modification and adjustment of grades of existing streets;
- the elimination, discontinuance and closing of portions of streets;
- the elimination of parks and portions of parks;
- the delineation of easements and corridors; and
- the extinguishment of record streets, all within an area generally bounded by West 8th Street, Surf Avenue, West 23rd Street, and the Public Beach;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2009, revised June 17, 2009, and Map Nos. Y-2715, X-2716, X-2717, and Y-2718, dated June 17, 2009, and signed by the Borough President, (ULURP No. C 090107 MMK), Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090272 ZMK (L.U. No. 1136), an amendment to the Zoning Map, Section Nos. 28d, to rezone C7 and R6 districts to R7A, R7X and R7D districts with C2-4 overlays within the proposed Special Coney Island District and to rezone C7 district to R5 outside of the Special Coney Island District; N 090273 (A) ZRK (L.U. No. 1137), a zoning text amendment to create the Special Coney Island District; C 090274 POK (L.U. No. 1138), an acquisition of property located within the Coney East subdistrict; C 090275 POK (L.U. No. 1139), an acquisition of property located at West 19th Street and Surf Avenue; C 090276 HAK (L.U. No. 1140), an urban development action area project designation, project approval and disposition of city-owned property located between West 19th Street and West 20th Street and between Surf Avenue and Mermaid Avenue; and C 090277 PPK (L.U. No. 1141), a disposition of city-owned property within the Coney East subdistrict;

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 July 1, 2009;

WHEREAS, the Council has considered the relevant environmental issues; the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 5, 2009 with respect to this application (CEQR No. 08DME007K) and the Technical Memoranda, dated June 15, 2009, in which the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met, and July 22, 2009 in which it was found that the Council modifications would not result in any new significant adverse environmental impacts not already identified in the FEIS;

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

RESOLVED:

Having considered the FEIS and the Technical Memoranda, 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, together with the modifications thereto adopted herein, and as described in the Technical Memoranda, dated June 15, 2009 and July 22, 2009 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;

(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 mitigative measures that were identified as practicable; and

(4) The Decision, the FEIS and the Technical Memoranda dated June 15, 2009 and July 22, 2009, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 199 of the New York City Charter, the Council approves the Decision with the following modifications:

1) In relation to Wonder Wheel Way, from West 10th to West 12th Streets and West 15th to West 16th Streets, a 30-foot way shall be substituted for the current 56-foot street. By administrative change, the 30-foot way between West 10th and West 12th Streets shall be shown on a separate map from the other street mappings for Coney East and shall be named "East Walk". The 30-foot way between West 15th and West 16th Streets shall be named "West Walk".

2) Where Wonder Wheel Way is narrowed to 30 feet, the park shall be expanded.

3) West 16th Street and West 10th Street shall terminate in turn-arounds, portions of which will be located in areas previously proposed to be mapped as parkland.

4) The Wonder Wheel site and the narrow "Panhandle", i.e., the sliver of property running east-west from West 12th Street, comprising all of Lot 145 south of Wonder Wheel Way, shall be removed from the park mapping.

5) Notes shall be added to the Maps for the foregoing as follows:

Note A:

Between the former easterly line of West 12th Street and the former westerly line of Jones Walk, free pedestrian access between the boardwalk and the "Wonder Wheel" shall be maintained at all times that the park is open to the public.

Note B:

Park use shall be subject to a pedestrian and vehicular access easement appurtenant to the portions of Lot 145 located below West 12th Street for purposes of operation of the Wonder Wheel, for so long as such easement remains in effect, in accordance with its terms. Such easement shall run from a starting point at the northerly line of the park to the westernmost line of the portion of Lot 145 below West 12th Street, and shall be of a sufficient width to accommodate vehicular access for purposes of operation of the Wonder Wheel.

Note C:

Park use shall be subject to a vehicular access easement appurtenant to Lot 145 for so long as such easement remains in effect, in accordance with its terms, running from the easterly line of the formerly mapped West 12th Street along the northern boundary of the western extension of Lot 145. Such easement shall be of a sufficient width to accommodate large equipment when used in combination with the western extension of Lot 145 for such purpose.

All the foregoing are shown on Maps No. Y-2715 and X-2719 (previously referred to as Map X-2717 in the modification letter dated July 21, 2009 that was sent to the City Planning Commission) attached hereto and incorporated herein.

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).

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

| <u>Name</u> | <u>Address</u> | <u>District #</u> |
|----------------------|--|-------------------|
| Nellie B. Alarcon | 25-21 14th Street Queens, NY 11102 | 22 |
| Michael J. Alexander | 227-09 143rd Road Queens, NY 11413 | 31 |
| Lisa Anderson | 320 Adams Avenue Staten Island, -NY 10306 | 50 |
| Justin Greene | 20 Cliff Street #7A Staten Island, NY 10305 | 50 |

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|-------------------------|---|----|
| Anthony Maddaluno | 46 Hamden Avenue Staten Island, NY 10306 | 50 |
| Joseph Angelone | 34 Anita Street Staten Island, NY 10314 | 49 |
| Paul Baron | 122 Clay Street #4 Brooklyn, NY 11222 | 33 |
| Eric P. Payne | 215 Hoyt Street #2D Brooklyn, NY. 11217 | 33 |
| Carlos J. Barreto | 80-64 88th Avenue Queens, NY 11421 | 32 |
| Raymond Basto | 1298 DeKalb Avenue #8 Brooklyn, NY 11221 | 34 |
| Elizabeth Hopkins | 232 Meserole Street #12 Brooklyn, NY 11206 | 34 |
| Jackson L. Quinones Jr. | 231 Maujer Street #2L Brooklyn, NY 11206 | 34 |
| Amanda J. Bernardo | 666 4th Avenue #4R Brooklyn, NY 11232 | 38 |
| Valerie Hill | 15 Bush Street Brooklyn, NY 11231 | 38 |
| Gregory Bok | 88 Clinton Avenue #4R Brooklyn, NY 11205 | 35 |
| Amy Klein | 55 South Portland Avenue #2 Brooklyn, NY 11217 | 35 |
| Lisa D. Leshore | 1007 President Street Brooklyn, NY 11225 | 35 |
| Linda Brown | 2147 Starling Avenue #431 Bronx, NY 10462 | 18 |
| Mariana Rivera | 1515 Metropolitan Avenue #3G Bronx, NY 10462 | 18 |
| Robert Castro | 77 Columbia Street New York, NY 10002 | 2 |
| Gabriel Colon | 140 Columbia Street #11E New York, NY 10002 | 2 |
| Alexis Cira Clavs | 99-45 67th Road #201 Queens, NY 11375 | 29 |
| Theodore DAessio | 2478 East 21st Street Brooklyn, NY 11235 | 48 |
| Joseph F. DiFede | 27 Hinton Street Staten Island, NY 10312 | 51 |
| Mayra Mena | 29 Hammock Lane Staten Island, NY 10312 | 51 |
| Jessica Schrader | 9 Pleasant Plains Avenue Staten Island, NY 10309 | 51 |
| Claudette Fraser | 412 Christopher Avenue Brooklyn, NY 11212 | 42 |
| La-Kiesha Warner | 820 New Jersey Avenue Brooklyn, NY 11207 | 42 |
| Tanisha Givens | 848 Van Nest Avenue Bronx, NY 10462 | 13 |
| Peter Hoy | 200 Court Street #4L Brooklyn, NY 11201 | 39 |
| David A. Johnson | 180 Riverside Blvd #11K New York, NY 10069 | 6 |
| Taniqua S. Mathis | 89-44 162ns Street #5F Queens, NY 11432 | 24 |
| Janira C. Morales | 295 Walton Avenue #5C Bronx, NY 10453 | 14 |
| Athenia A. Park | 188-24 Williamson Avenue Queens, NY 11413 | 27 |
| Antonino Pellerito | 72-11 66th Drive Queens, NY 11379 | 30 |
| Gloria Rivers | 575 Ocean Avenue #11 Brooklyn, NY 11226 | 40 |
| Jose L. Rivera | 1826 East 37th Street Brooklyn, NY 11234 | 46 |
| Sally M. Rivera | 462 76th Street #2A Brooklyn, NY 11209 | 43 |
| Bingshu Yang | 555 Ovington Avenue #C36 Brooklyn, NY 11209 | 43 |
| Clayeon Rivers Jr. | 41 Convent Avenue #2D New York, NY 10027 | 7 |
| Ivette Santana | 4265 Webster Avenue #7F | 11 |

| | | |
|----------------------|--|----|
| Michael Serao | Bronx NY 10470 35-45 204 th Street | 19 |
| Michael E. Velazquez | Bayside, NY 11361 86-46 St. James Avenue #2F | 25 |
| Maria Zaytseva | Queens, NY 11373 292 Quentin Road #2F | 44 |
| | Brooklyn, NY 11223 | |

Approved New Applicants and Reapplicants

| <u>Name</u> | <u>Address</u> | <u>District #</u> |
|------------------------|---|-------------------|
| Rosetta M. Ackerman | 154-17 A Riverside Drive Queens, NY 11357 | 19 |
| Elvira Acosta | 60 Knolls Crescent Bronx, NY 10463 | 11 |
| George Airday. | 5720 Moshulu Avenue Bronx, NY 10471 | 11 |
| Bernard Robert Glick | 3515 Henry Hudson Parkway Bronx, NY 10463 | 11 |
| Yosmari A. Lotz | 3671 Hudson Manor Terrace #16J Bronx, NY 10463 | 11 |
| Francine Anderson | 148-28 88th Avenue #7J Queens, NY 11435 | 24 |
| Althea Elaine Barnes | 70-02 Parsons Blvd #6B Queens, NY 11365 | 24 |
| Darren Gooding | 65-59 Parson Blvd. Queens, NY 11365 | 24 |
| Frank R. Grillo | 73-12 187th Street Flushing, NY 11366 | 24 |
| David Horn | 147-37 78th Road Flushing, NY 11367 | 24 |
| Toni Asendio | 104-12 202nd Street Queens, NY 11412 | 27 |
| Diana Vaz-Phoenix | 164-30 109th Road Jamaica, NY 11433 | 27 |
| Monica Watson | 102-06 213th Street Queens, NY 11429 | 27 |
| Maryann Bagarella | 27-08 Ditmars Blvd Queens, NY 11105 | 22 |
| Rashed Bakth | 1720 Gates Avenue Queens, NY 11385 | 34 |
| Frances Gardner | 91 Boerum Street #16R Brooklyn, NY 11206 | 34 |
| Ollie B. Ross | 31 Leonard Street #10A Brooklyn, NY 11206 | 34 |
| Stella M. Barresi | 156-49 76th Street Howard Beach, NY 11414 | 32 |
| John Bil | 103 East 9 Road Broad Channel, NY 11693 | 32 |
| Sylvester Draggon, Sr. | 95-24 75th Street Ozone Park, NY 11416 | 32 |
| Anthony E. Farina | 154 Beach 133rd Street Queens, NY 11694 | 32 |
| Alex .C. Pangilinan | 78-16151st Avenue #2 nd Floor Howard Beach, NY 11414 | 32 |
| Princess F. Belgrave | 326 Marion Street Brooklyn, 11233 | 41 |
| Danny King | 287 Marion Street Brooklyn, NY 11233 | 41 |
| Janice A. Walker | 249 Thomas S. Boylan Street #19M Brooklyn, NY 11233 | 41 |
| Paul J. Bosco | 367 Hamden Avenue Staten Island, NY 10306 | 50 |
| Grace Cattrama | 132 Jerome Road Staten Island NY 10305 | 50 |
| Phillip Jackier | 37 Uxbridge Street | 50 |

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|-----------------------|---|----|-----------------------------|---|----|
| Loretta M. Laddomada | Staten Island, NY 10314 17 F Signs Road | 50 | Alexander Dorosh | 609 Greenwood Avenue Brooklyn, NY 11218 | 39 |
| Catherine McKeon | Staten Island, NY 10314 567 Quincy Avenue | 50 | Dolores Easton | 8 West 118th Street New York, NY 10026 | 9 |
| Dorothy A. Oliva | Staten Island, NY 10305 73 Columbus Avenue | 50 | Shirley L. Guerrant | 158 West 144th Street New York, NY 10030 | 9 |
| Antoinette Roccanova | Staten Island, NY 10304 1701 85-Street #1A | 50 | Denise K. Rddd | 130 West 113th Street #3A New York, NY 10026 | 9 |
| William Rodriguez | Brooklyn, NY 11214 56 Croak Avenue | 50 | Ann Roberts | 380 Riverside Drive New York, NY 10025 | 9 |
| Zulma Caballero | Staten Island, NY 10314 50 Avenue D #14H | 2 | Teesha Foreman | 135 West 183rd Street #11 Bronx, NY 10453 | 14 |
| Marion Y. Callender | New York, NY 10009 1504 East 54th Street | 46 | Rbbprta C. Gelb, | 151 West 16th Street New York, NY 10011 | 3 |
| Gloria J. Jones | Brooklyn, NY 11234 1199 East 53rd Street #3K | 46 | Mob Valentin | 436 West 27th Street #7H New York, 1111000 1 | 3 |
| Ellen Kogan | Brooklyn, NY 11235 2601 Emmons Avenue #1A | 46 | Robert George | 82-31 62 Avenue Queens, NY 11379 | 30 |
| Andrea Capers | Brooklyn, NY 11235 889 Dawson Street #4 | 17 | Estelle Karker | 601 Fairview Avenue Queens, NY 11385 | 30 |
| Roberta Jackson | Bronx, NY 10459 500 Southern Blvd #1F | 17 | Tavita Srikishun-Sukhnandan | 89-02 107th Street Queens, NY 11418 | 30 |
| Myra Cecilio | Bronx, NY 10455 16 Fleet Walk #3C | 35 | Katerina Gervits | 100 Dreiser Loop #21F Bronx, NY 10475 | 12 |
| Zalmon Liberow | Brooklyn, NY 11201 665 Crown Street | 35 | Barbara A. Mack | 120 Benchley Place Bronx, NY 10475 | 12 |
| John B. Noel | Brooklyn, NY 11213 115 Ashland Place #15C | 35 | Jacqueline Mason | 15-B Debs Place Bronx, NY 10475 | 12 |
| Pauline Cordova | Brooklyn, NY 11201 1081 Virginia Avenue | 18 | Keith F. Raye | 1247 East 223rd Street Bronx, NY 10466 | 12 |
| Ismael Lopez | Bronx, NY 10472 2218 Bruckner Blvd | 18 | Jocelyn Gillot | 1902 Cortelyou Road #3A Brooklyn, NY 11226 | 40 |
| Rosemary A. Costa | Bronx, NY 10473 42 Greaves Avenue | 51 | Stacey Elise Jackson | 2316 Bedford Avenue #2R Brooklyn, NY 11226 | 40 |
| Cesare Giaquinto | Staten Island, NY 10308 232 Bayview Avenue | 51 | Janet L. Glenn | 34-20 137th Street #2F Queens, NY 11354 | 20 |
| Anne R. Mc Donough | Staten Island, NY 10309 1947 North Railroad Avenue | 51 | Galina Grabovsky | 336 99th Street #15 Brooklyn, NY 11209 | 43 |
| Ingrid A. Sima | Staten Island, NY 10306 1079 Ardan Avenue | 51 | Ralph J. Perfetto | 7119 Shore Road #2G Brooklyn, NY 11209 | 43 |
| Luis A. Crespo | Staten Island, NY 10312 67-49 224th Street | 23 | Carmen E. Granados | 49 Payson Avenue #1D New York, NY 10034 | 7 |
| Lila Goldstein | Queens, NY 11364 271-12R Grand Central Parkway | 23 | Olabisi A. Obahnjoko | 267 Edgecomb Avenue #J6 New York, NY 10031 | 7 |
| Michael Karpinos | Floral Park, NY 11005 75-34 Bell Blvd #3D | 23 | Dulce Santana | 609 West 151st Street New York, NY 10031 | 7 |
| Sudhakar Ramnauth | Queens, NY 11364 89-39 210 th Street | 23 | Nydia Jordan | 404 Chestnut Street Brooklyn, NY 11208 | 37 |
| Joan Ingrid Daniels | Queens, NY 11427 2406 Newkirk Avenue #3C | 45 | Mikhail Khoehinsky | 2323 East 12th Street Brooklyn, NY 11229 | 48 |
| Maxeen Douglas | Brooklyn, NY 11226 526 East 42nd Street | 45 | Tomi P. Marshall | 28 Herkimer Street Brooklyn, NY 11216 | 36 |
| Beverly Garcia | Brooklyn, NY 11203 815 East 37th Street | 45 | William Mathews | 326 A Greene Avenue Brooklyn, NY 11238 | 36 |
| Madonna Williams | Brooklyn, NY 11210 641 East 53rd Street | 45 | Carmen Reyes | 93 Lewis Avenue #3C Brooklyn, NY 11206 | 36 |
| Dianna L. Dixon | Brooklyn, NY 11203 50 Vandalia Avenue | 42 | Evelyn Negron | 528 East 139th Street Bronx, NY 10454 | 8 |
| Diane Goggins | Brooklyn, NY 11239 1260 Croton Loop #2D | 42 | Cadyann Parris-David | 145-64158th Street Queens, NY 11434 . | 31 |
| Arnaldo Lopez | Brooklyn, NY 11207 155 Woitthan Avenue #5A | 42 | Aamer Parvez | 15 Guinevere Lane Staten Island, NY 10310 | 49 |
| Moses Samuel Williams | Brooklyn, NY 11207 750 Bradford Street | 42 | Lorraine A. Witzak | 32 Cunard Place Staten Island, NY 10304 | 49 |
| Gloria Dorfman | Brooklyn, NY 11207 500 East 77th Street | 5 | Nilda Rivera | 350 65th Street #17H Brooklyn, NY 11220 | 38 |
| Sarah M. Hyde | New York, NY 10162 1964 Frist Avenue #14 | 5 | Olga Rodriguez | 2097 Muliner Avenue #3 Bronx, NY 10462 | 13 |
| Alexander Stephens | New York, NY 10029 401 East 86th Street #5A | 5 | Grace Gerama Sanginito | 1661 Bogart Avenue Bronx, NY 10462 | 13 |

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 1466 -- | Mayors veto and disapproval message of Introductory Number 992-A, in relation to the residency requirement for city employees (Coupled to be Filed) . | (28) | L.U. 1144 & Res 2109 - | ULURP, app. C 090221 ZSM, special permit Borough of Manhattan, CD 3, to facilitate a proposed trade exposition facility. |
| (2) | M 1559 & Res 2131 - | Michael J. Regan - as a member of the New York City Board of Correction. | (29) | L.U. 1145 & Res 2110 - | ULURP, app. C 090222 ZSM, special permit pursuant to Section 62-342 of the Zoning Resolution, Manhattan, CD 3. |
| (3) | Int 598 -- | Tax on coin-operated amusement devices. | (30) | L.U. 1146 & Res 2111 - | App. N 090223 ZAM Borough of Manhattan, Council District no. 3, to facilitate proposed trade exposition facility. |
| (4) | Int 642-A -- | Prohibiting smoking on and around hospital grounds. | (31) | L.U. 1147 & Res 2112 - | ULURP, app. C 090320 PPQ, College Point Corporate Park, Borough of Queens, Council District no. 19. |
| (5) | Int 780-A - | Bicycle parking in garage and parking lots. | (32) | L.U. 1148 & Res 2113 - | App. N 090335 ZRK inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts. |
| (6) | Int 871-A - | Bicycle access to office buildings | (33) | L.U. 1149 & Res 2114 - | App. C 090336 ZMK Zoning Map, Section Nos. 16d, 17b, 22c, & 23a. |
| (7) | Int 992-A -- | Residency requirements for city employees (Coupled for Override Vote requiring affirmative vote of at least two-thirds of the Council for passage) . | (34) | L.U. 1150 & Res 2115 - | App. N 090262 ZRM (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan. |
| (8) | Int 1031-A -- | Licensing of pedicabs. | (35) | L.U. 1151 & Res 2116 - | App. C 090263(A) ZSM railroad passenger station and ventilation facilities Section 43-43. |
| (9) | L.U. 1071 & Res 2099 - | App. N 090316 ZRY Inclusionary Housing Text Amendment to include the creation of homeownership option. | (36) | L.U. 1153 & Res 2117 - | App. 20095410 TCM, Ali Baba's Terrace Inc., unenclosed sidewalk café, 862 Second Avenue, Manhattan, CD 4. |
| (10) | L.U. 1089 & Res 2100 - | App. 20095466 HAK, UDAAP, 1050 Hancock Street, Council District no. 37, Borough of Brooklyn. | (37) | L.U. 1156 & Res 2118 - | App. 20095172 TCM, 355 West 14 th Street (Block 738, Lot 8), Borough of Manhattan, Council District no.3. |
| (11) | L.U. 1090 & Res 2101 - | App. 20095467 HAK, Albany Crossings Apartments, Council District no. 36, Borough of Brooklyn | (38) | L.U. 1157 & Res 2119 - | App. 20095437 TCM, unenclosed sidewalk café located at 414 West 42 nd Street, Manhattan, Council District no.3. |
| (12) | L.U. 1091 & Res 2102 - | App. 20095468 HAK, Kingston Heights Apartments, Council District no. 36, Borough of Brooklyn. | (39) | L.U. 1158 & Res 2120 - | App. 20095246 TCM, unenclosed sidewalk café located at 26-28 Carmine Street Manhattan, Council District no.3. |
| (13) | L.U. 1093 & Res 2103 - | App. 20095470 HAM, UDAAP, 211 West 135th Street Council District no. 9, Borough of Manhattan. | (40) | L.U. 1159 & Res 2121 - | App. 20095379 TCM, unenclosed sidewalk café located at 182 West 14 th Street Manhattan, Council District no.3. |
| (14) | L.U. 1094 & Res 2104 - | App. 20095471 HAM, UDAAP, 2460 7th Avenue, Council District no. 7, Borough of Manhattan. | (41) | L.U. 1160 & Res 2122 - | ULURP, app. C 070429 MMQ, changes to the City Map, Borough of the Bronx, Council District no. 29. |
| (15) | L.U. 1131 & Res 2105 - | App. 20095673 HAM 21 Avenue C, Council District no. 2, Borough of Manhattan. | (42) | L.U. 1164 & Res 2123 - | App. 20095223 TCM, unenclosed sidewalk café, 125 Macdougall Street, Manhattan, Council District no. 3. |
| (16) | L.U. 1132 & Res 2106 - | App. 20095674 HAM UDAAP, 209 East 7th Street, Council District no. 2, Borough of Manhattan. | (43) | L.U. 1165 & Res 2124 - | App. N 0 090309 ZRK Inclusionary Housing Program, Special Mixed Use District #2 in DUMBO. |
| (17) | L.U. 1133 & Res 2107 - | App. 20095675 HAK, UDAAP, Van Siclen Warwick, Community Board 5, Council District no. 37, Borough of Brooklyn. | (44) | L.U. 1166 & Res 2125 - | App. C 090310 ZMK 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. 12d. |
| (18) | L.U. 1136 & Res 2132 - | App. C 090272 ZMK New York City Charter for an amendment of the Zoning Map, Section No. 28d. | (45) | L.U. 1167 & Res 2126 - | App. N 090333 ZRK relating to the extension of the Inclusionary Housing Program to proposed R7A districts. |
| (19) | L.U. 1137 & Res 2133 - | App. N 090273 (A) ZRK Special Coney Island District (Article XIII, Chapter 1), Borough of Brooklyn, Community District 13. | (46) | L.U. 1168 & Res 2127 - | App. C 090334 ZMK New York City Charter, for an amendment of the Zoning Map. |
| (20) | L.U. 1138 & Res 2134 - | App. C 090274 Small Business Services (SBS), for the acquisition of property. | (47) | L.U. 1169 & Res 2128 - | App. N 090318 ZRQ (Special College Point District) and modifications of related sections. |
| (21) | L.U. 1139 & Res 2135 - | App. C 090275 POK submitted West 19th Street and Surf Avenue Community District 13, Borough of Brooklyn. | (48) | L.U. 1170 & Res 2129 - | App. C 090319 ZMQ for an amendment of the Zoning Map, Section Nos. 7b and 10a |
| (22) | L.U. 1140 & Res 2136 - | App. C 090276 HAK mixed residential and commercial development on properties, Coney Island rezoning. | (49) | L.U. 1171 & Res 2130 - | App. C 090382 ZMQ New York City Charter, for an amendment of the Zoning Map, Section Nos. 13c, 13d, 14a, 14b and 17c. |
| (23) | L.U. 1141 & Res 2137 - | App. C 090277 PPK Small Business Services (SBS), disposition of city-owned property. | (50) | Resolution approving various persons Commissioners of Deeds. | |
| (24) | L.U. 1142 & Res 2138 - | App. C 090107 MMK amendment to the City Map, Community District 13, Borough of Brooklyn. | | | |
| (25) | L.U. 1161 & Res 2097 - | Findlay Plaza in Council District 16, Bronx, pursuant to Section 577 of the Private Housing Finance Law. | | | |
| (26) | L.U. 1143 & Res 2108 - | ULURP, app. C 090220 PPM, Piers 92 and 94, Borough of Manhattan, Council District no. 3. | | | |
| (27) | L.U. 1163 & Res 2098 - | Livonia Terrace Apartments in Council District 43, Brooklyn, pursuant to Section 577 of the Private Housing Finance Law. | | | |

The President Pro Tempore (Council Member Comrie) 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, Avella, Baez, Barron, Brewer, Comrie, Crowley, De Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **47**.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 780-A**:

Affirmative – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, De Blasio, Dickens, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **46**.

Negative – Dilan -- **1**.

The following was the vote recorded for **Int No. 871-A**:

Affirmative – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, De Blasio, Dickens, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **46**.

Negative – Dilan -**1**.

The following was the override vote recorded for **Int No. 992-A**:

Affirmative – Arroyo, Avella, Baez, Barron, Brewer, Comrie, Crowley, De Blasio, Dickens, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **46**.

Negative – Dilan – **1**.

With this 46-1-0 vote, Int No. 992-A has been passed by the Council by a two-thirds affirmative vote which thereby overrides the Mayor's veto and enacts this bill into law.

The following was the vote recorded for **LU No. 1136 & Res No. 2132; LU No. 1137 & Res No. 2133; LU No. 1138 & Res No. 2134; LU No. 1139 & Res No. 2135; LU No. 1140 & Res No. 2136; LU No. 1141 & Res No. 2137; and LU No. 1142 & Res No. 2138:**

Affirmative – Arroyo, Baez, Brewer, Comrie, Crowley, De Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **44**.

Negative – Avella and Barron – **2**.

Abstention – Mendez – **1**.

The following was the vote recorded for **LU No. 1147 & Res No. 2112:**

Affirmative – Arroyo, Baez, Brewer, Comrie, Crowley, De Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **43**.

Negative – Avella, Barron, and Mendez – **3**.

Abstention – Vallone, Jr. – **1**.

The following was the vote recorded for **LU No. 1165 & Res No. 2124 and LU 1166 & Res No. 2125:**

Affirmative – Arroyo, Baez, Barron, Brewer, Comrie, Crowley, De Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Weprin, White, Yassky, Oddo, and the Speaker (Council Member Quinn) – **46**.

Negative – Avella – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos 598, 642-A, 780-A, 871-A, and 1031-A..

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

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote Res. No. 1773-A

Report of the Committee on Contracts in favor of approving, as amended, a Resolution calling upon the New York State legislature to pass and the Governor to sign A. 6807 and S. 3185 of 2009, which authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise program at a cost premium not to exceed ten percent of the lowest bid.

The Committee on Contracts, to which was referred on January 7, 2009 (Minutes, page 88) the annexed amended resolution, respectfully

REPORTS:

On July 28, 2009, the Committee on Contracts, chaired by Council Member Letitia James, will hold a hearing and vote on Proposed Resolution 1773-A (“Prop. Res. No. 1773-A”), calling upon the New York State legislature to pass and the Governor to sign S. 3185 and A. 6087 of 2009, which authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise program at a cost premium not to exceed ten percent of the lowest bid. The Committee held a hearing on this matter on January 27, 2009. The Committee will also hold a hearing and vote on Resolution 1977 (“Res. No. 1977”), calling upon the New York State Legislature to pass and the Governor to enact S.3514 and A.7369 of 2009, which authorize political subdivisions to award public competitively bid contracts to businesses that participate in programs designed to foster participation by small local businesses in

public procurement at a cost premium not to exceed ten percent of the lowest bid. The Committee previously considered this matter on June 25, 2009.

Background on Prop. Res. No. 1773-A

In 2005, the City Council passed Local Law 129, which created the City's M/WBE program. The M/WBE program seeks to expand government contracting opportunities for minority and women owned businesses ("M/WBEs").⁹ Local Law 129 contains M/WBE participation goals¹⁰ set for each of the qualifying categories of M/WBE participants. These goals set the target percentages of the annual agency expenditures on certain types of contracts to be awarded to M/WBEs. Examples are shown below:

| | Prime Contracts | | | | Subcontracts | |
|-------------------|-----------------|-------------------|--------|-----------------------|--------------|-----------------------|
| | Construction | Standard Services | Goods | Professional Services | Construction | Professional Services |
| Black American | 12.63% | 9.23% | 7.47% | 9% | 12.63% | 9% |
| Asian American | No goal | No goal | 5.19% | No goal | 9.47% | No goal |
| Hispanic American | 9.06% | 5.14% | 4.99% | 5% | 9.06% | 5% |
| Caucasian Female | No goal | 10.45% | 17.87% | 16.5% | No goal | 16.5% |

The Department of Small Business Services ("SBS"), through its Division of Economic and Financial Opportunity, is charged with implementing the M/WBE program. Pursuant to Local Law 129, the SBS must certify businesses as M/WBEs. SBS is also charged with: (i) assisting agencies and contractors in identifying opportunities for M/WBEs; (ii) maintaining relationships with contractor associations and groups; (iii) conducting outreach and offering assistance to businesses who desire to become certified as MWBEs, as well as those who are already certified; and implementing technical assistance and educational programs in order to enhance participation of M/WBEs in city procurement. For example, SBS has created an on-line M/WBE directory that is accessible to the public and to every contracting City agency.¹¹

City Agencies are also charged with responsibilities under Local Law 129. Agencies must designate a M/WBE officer¹² who is directly accountable to the agency head for the agency's activities in carrying out its responsibilities under the law.¹³ Some of the enumerated duties of the agency M/WBE officer include: (i) creating the agency's utilization plan;¹⁴ (ii) acting as a liaison with organizations and/or associations of M/WBEs to inform them of the agency's procurement procedures as well as to advise them of future procurement opportunities; (iii) ensuring that bid solicitations are sent to M/WBEs in a timely manner; (iv) referring M/WBEs to technical assistance services available from agencies and other organizations;¹⁵ and (v) establishing processes for quarterly meetings with M/WBEs to discuss what agencies look for in evaluating bids or proposals.¹⁶

Though Local Law 129 sets forth participation goals for the qualifying categories of M/WBE participants, the goals are aspirational. The goals are not quotas or set asides to which agencies would be legally required to adhere. New York State General Municipal Law ("Gen. Mun. Law") governs all contracts for public work in the City with expenditures of over \$20,000, and all purchase contracts with expenditures greater than \$10,000. Specifically, Gen. Mun. Law §103 demands that qualifying contracts be awarded to the lowest responsible bidder. This means that the City can only award a qualifying public contract to a firm that has submitted the lowest responsible bid and cannot institute any other program or rule that seeks to award contracts by any other means.

Discussion on Prop. Res. No. 1773-A

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⁹ In order to qualify for M/WBE certification, a firm must: (1) have been in operation for at least one year; (2) be at least 51 percent owned, operated and controlled by a woman or a member of a recognized minority group; and (3) be located with in the five boroughs or, if located in any of the surrounding counties, derive 25 percent of its business from the City. See: http://www.nyc.gov/html/sbs/nycbiz/html/selling_to_government/wbe.shtml.

¹⁰ Pursuant to *City of Richmond v. J.A. Croson Company*, 488 U.S. 469 (1989), a United States Supreme Court case, a municipality may only create a race-based program if it demonstrates historical and societal discrimination against minority businesses. As a result, the participation goals for this program were established as a result of a disparity study conducted by the City which examined the availability of M/WBEs as compared to their utilization in public contracting.

¹¹ See: http://www.nyc.gov/html/sbs/nycbiz/html/selling_to_government/wbe.shtml. Accessed January 22, 2009.

¹² Admin. Code §6-129(f)

¹³ Id.

¹⁴ A Utilization Plan is a document prepared by each agency delineating its M/WBE goals for each of the categories under the statute. Furthermore the plan includes methods by which the agency will attain the goals.

¹⁵ Id.

¹⁶ Admin. Code §6-129(h)(viii)

Though MWBEs submit bids for city work, the contract awards remain low and fall far below the goals set forth in Local Law 129, as pursuant to Gen. Mun. Law §103, the City is required to award contracts to the lowest bidders. The requirements of Gen. Mun. Law §103, constrain the City from developing a stronger program that might result in more contract awards to certified MWBEs, and MWBEs are losing contracts by very small margins, sometimes by only a few percentage points.

In an effort to develop a stronger MWBE program so that more contracts can be awarded to MWBEs, a change in State law must be made. As many MWBEs are losing bids by very narrow margins, legislation that would allow the City to give certified firms a small price preference could help address this problem. Prop. Res. No. 1773-A calls upon the New York State legislature to pass and the Governor to sign S. 3185 and A. 6807 of 2009, which authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise program at a cost premium not to exceed ten percent of the lowest bid. Prop. Res. No. 1773-A differs from Resolution 1773 in that since the resolution's introduction, the State legislature re-introduced and re-numbered the bills in question at the start of the 2009 legislative session. As such, Prop. Res. No. 1773-A reflects the new bill numbers.

New York State law already contemplates a similar price preference. Gen. Mun. Law §104-a allows for a price preference for the purchase of recycled goods by political subdivisions in New York State. Under this law, agencies of political subdivisions may purchase recycled products at a cost premium not to exceed ten percent of what a non-recycled product would cost or not to exceed 15% for products made with over 50% of secondary materials generated from the New York waste stream. The Council seeks state legislation that mirrors Gen. Mun. Law §104-a, which would allow all municipalities in the state to give certified MWBEs a small price preference when awarding qualifying contracts and would permit municipalities to award contracts to MWBE firms that might not be the lowest responsible bidders, but that have submitted competitive responses to requests for bids and proposals.

Background on Res. No. 1977

Small businesses are the backbone of New York City's economy. It is estimated that more than 220,000 firms are considered to be small businesses.¹⁷ Together, these businesses account for nearly half of the City's private sector jobs.¹⁸ Though firms that employ about 100 persons are considered small businesses,¹⁹ the vast majority (98 percent) of small businesses in New York State have fewer than 50 employees.²⁰

The current economic crisis facing the nation and the City is impacting the ability of small businesses to remain economically viable as they are suffering on two fronts. First, because the economy as a whole is affected, consumer spending is dropping dramatically, thereby reducing the cash flow going in to small businesses. Second, small businesses generally need access to credit to either start-up, expand or simply keep afloat, but they are now unable to secure financing since the major financial institutions have either stopped or severely restricted their lending.

The performance and success of small, local businesses are vital to the economic engine of the City. One way that the City can help ailing small, local businesses is to increase the number of contracts for the procurement of goods and services it awards to them. The City procured over \$16 billion in fiscal year 2008²¹ and if a larger portion of that amount were directed to small, local businesses, it would help support their economic health and vitality. Such support would likely lead to the employment of New York City residents and City neighborhoods remaining economically viable.

New York City already has a program to foster participation of small local businesses in the procurement of certain public contracts. The City, through the Department of Small Business Services ("SBS"), administers the Locally-Based Enterprise (LBE) Program, created by Local Law 49 of 1984, which is designed to assist qualifying New York construction firms to attain subcontracting opportunities on large scale city projects. The LBE law requires that contracting agencies "seek to ensure" that ten percent of the total amount of contracts awarded for construction projects during each fiscal year is awarded to locally based enterprises.²² Furthermore, for construction contracts in which any portion will be subcontracted, agencies are instructed to require that not less than 10 percent of the total amount of the contract is awarded to LBEs.²³ Businesses certified as LBEs: (1) must be in the building or construction business and must have received gross receipts in the last

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¹⁷ Improving Access to Credit for Small Businesses in the Current Economic Climate: Hearing Before the Committee on Small Business, November 26, 2008 (statement by Joshua Winter, Vice President for Strategic Planning at the New York City Economic Development Corporation).

¹⁸ Id.

¹⁹ The State's Economic Development Law defines small businesses as firms that employ 100 or fewer persons, are independently owned and operated and not dominant in their field. New York State Economic Development Law § 131.

²⁰ Id.

²¹ *Agency Procurement Indicators, Fiscal Year 2008*, Mayor's Office of Contracts Services, pg. 1.

²² §6-108.1(b)

²³ 66 RCNY §11-04(a)(2). However, if less than 10% of the contract price is subcontracted, such lesser percentage shall be so awarded.

three or fewer tax years of \$2 million or less for each year²⁴ and (2) in the tax year preceding the date of application, either earned at least 25% of gross receipts from work performed on construction projects located in economic development areas²⁵ or employed a work force of which at least 25% were economically disadvantaged persons.²⁶

Though Local Law 49 of 1984 sets forth participation goals for the qualifying categories of LBE participants, the goals are merely aspirational. The goals are not quotas or set asides to which agencies would be legally required to adhere. New York State General Municipal Law ("Gen. Mun. Law") governs all contracts for public work in the City with expenditures of over \$20,000, and all purchase contracts with expenditures greater than \$10,000. Specifically, Gen. Mun. Law §103 demands that qualifying contracts be awarded to the lowest responsible bidder. This means that the City can only award a qualifying public contract to a firm that has submitted the lowest responsible bid and cannot institute any other program or rule that seeks to award contracts by any other means, unless legislation is enacted at the State level authorizing the City to do so.

Discussion on Res. No. 1977

When an agency solicits bids for a qualifying contract, any LBE or small business that is not a registered LBE may submit bids. Pursuant to Gen. Mun. Law §103, however, the City is required to award prime contracts to the lowest bidders. The requirements of Gen. Mun. Law §103 therefore, constrain the City from developing a stronger program that might result in more contract awards to small local businesses.

In order to develop a stronger program that would facilitate more participation from locally based small businesses in public procurement, a change in State law must be made first. Legislation that would allow the City to give small, locally based firms a price preference could help increase the number of contracts awarded to them. Res. No. 1977 calls upon the New York State Legislature to pass and the Governor to enact S.3514 and A.7369 of 2009, which authorize political subdivisions to award public competitively bid contracts to businesses that participate in programs designed to foster participation by small local businesses in public procurement at a cost premium not to exceed ten percent of the lowest bid. The Committee is cognizant that the current LBE program must also be changed in order to increase the number of small businesses that can avail themselves of the preference if such legislation were to be enacted by the State. As stated above, New York State law already contemplates a similar price preference with Gen. Mun. Law §104-a which allows for a price preference for the purchase of recycled goods by political subdivisions in New York State. The Council seeks state legislation that mirrors Gen. Mun. Law §104-a, which would allow all municipalities in the state to give certified LBEs a small price preference when awarding qualifying contracts and would permit municipalities to award contracts to LBE firms that might not be the lowest responsible bidders, but that submitted competitive responses to requests for bids and proposals.

(For text of Res. No. 1977, please see the Report of the Committee on Contracts for Res. No. 1977 printed in this voice-vote Resolutions section of these Minutes; for text of Res. No. 1773-A, please see below.)

Accordingly, Your Committee recommends the adoption of Res. No. 1773-A and Res. No. 1977.

(The following is the text of Res. No. 1773-A:)

Res. No. 1773-A

Resolution calling upon the New York State legislature to pass and the Governor to sign A. 6807 and S. 3185 of 2009, which authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise program at a cost premium not to exceed ten percent of the lowest bid.

By Council Members Seabrook, Barron, Brewer, Comrie, Dickens, Jackson, James, Liu, Mark-Viverito, Sanders, Sears, Stewart, Weprin, White, de Blasio and Weprin.

Whereas, The City of New York Disparity Study of 2005 revealed a disparity between the availability and the utilization of Minority/Women Owned Business Enterprises (M/WBEs) in the award of government procurement contracts; and

Whereas, in 2005, New York City passed Local Law 129, which created an M/WBE program to expand government contracting opportunities for minority and women owned businesses; and

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²⁴ 66 RCNY 11-02. For companies in business less than one tax year, they must have received gross receipts equal to or less than \$2 million.

²⁵ §6-108.1(a)(6)(b)(i) and 66 RCNY 11-02. An economic development area is defined as an area in the City designated as eligible for participation in the Community Development Block Grant of the United States Department of Housing and Urban Development. §6-108.1(a)(4).

²⁶ §6-108.1(a)(6)(b)(i) and 66 RCNY 11-02.

Whereas, Local Law 129 established target percentages for annual agency expenditures on certain types of contracts to be awarded to M/WBEs; and

Whereas, In order for a minority and women owned business to participate in the City's M/WBE program, the business must be certified as an M/WBE by the Department of Small Business Services; and

Whereas, Although certification efforts are increasing, according to the Mayor's Office of Contract Services' Fiscal Year 2008 Agency Procurement Indicators, the number of M/WBE firms who win contracts remains far below the target percentages set by Local Law 129; and

Whereas, New York State General Municipal Law section 103 requires that qualifying contracts be awarded to the lowest responsible bidder; and

Whereas, As many M/WBEs are losing bids by a few percentage points, legislation permitting localities to give certified M/WBE firms a small price preference could help address this problem; and

Whereas, General Municipal law section 104-a currently allows political subdivisions to exercise a price preference when purchasing recycled products at a cost premium not to exceed ten percent of what a non-recycled product would cost; and

Whereas, Amending section 104-a of the General Municipal law in a similar way for certified M/WBEs could allow municipalities to give certified M/WBEs a small price preference when awarding qualifying contracts; and

Whereas, Assembly bill A. 6807 of 2009 and Senate bill S. 3185 of 2009, which authorize political subdivisions with M/WBE programs to award qualifying contracts under one million dollars to the lowest M/WBE bid if it does not exceed the lowest overall bid by more than ten percent, may address the disparity that still exists between the availability and utilization of MWBE firms; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass and the Governor to sign A. 6807 and S. 3185 of 2009, which authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise program at a cost premium not to exceed ten percent of the lowest bid.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Comrie) declared **Res. No. 1773-A** to be adopted.

The following two Council Members formally **objected** to the passage of this item: Council Members Felder and Vallone, Jr.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 1977

Report of the Committee on Contracts in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to enact S.3514 and A.7369 of 2009, which authorize political subdivisions to award public competitively bid contracts to businesses that participate in programs designed to foster participation by small local businesses in public procurement at a cost premium not to exceed ten percent of the lowest bid.

The Committee on Contracts, to which was referred on May 20, 2009 (Minutes, page 2008) the annexed resolution, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts in this voice-vote Resolutions section of these Minutes)

Accordingly, Your Committee recommends the adoption of Res. No. 1977.

(The following is the text of Res. No. 1977:)

Res. No. 1977

Resolution calling upon the New York State Legislature to pass and the Governor to enact S.3514 and A.7369 of 2009, which authorize political subdivisions to award public competitively bid contracts to businesses that participate in programs designed to foster participation by small local businesses in public procurement at a cost premium not to exceed ten percent of the lowest bid.

By Council Members Comrie, Seabrook, Dickens, Fidler, Gonzalez, Mealy, Reyna, Sanders, White, Jackson, James, de Blasio, Stewart, Mark-Viverito, Garodnick, Liu and Weprin.

Whereas, According to the New York City Economic Development Corporation, there are over 220,000 small businesses in New York City, employing nearly half of all New Yorkers employed in the private sector; and

Whereas, According to the New York City Comptroller, the economic downturn could cause up to 165,000 New Yorkers to be laid off over the next two years in New York City; and

Whereas, New York City's small businesses are the cornerstones of its neighborhoods; and

Whereas, The health of New York City's economy depends on the health of its small businesses; and

Whereas, During these difficult economic times, small businesses are hardest hit, as it is particularly difficult for them to operate due to the decline of access to capital and credit; and

Whereas, New York City procures over \$15 billion per year in goods and services; and

Whereas, New York State General Municipal Law section 103 requires that qualifying contracts be awarded to the lowest responsible bidder and prohibits the City from exercising any flexibility in the award of such contracts; and

Whereas, General Municipal law section 104-a currently allows political subdivisions to exercise a price preference when purchasing recycled products at a cost premium not to exceed ten percent of what a non-recycled product would cost; and

Whereas, Amending section 104-a of the General Municipal law in a similar way would allow New York City and other political subdivisions to give a small price preference, not to exceed ten percent of the lowest bid received, to small locally based businesses when awarding qualifying competitively bid contracts under \$1 million in value; and

Whereas, In order for political subdivisions to exercise the price preference, each political subdivision would be required to establish a program designed to foster participation by small local businesses in public procurement in order to authenticate whether the businesses are small and locally based; and

Whereas, Senate bill S.3514 and Assembly bill A.7369 of 2009, would allow the City and other political subdivisions to give a price preference to small locally based businesses in order to ensure that millions of dollars are injected directly into local economies while supporting the health and vitality of those businesses; 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 enact S.3514 and A.7369 of 2009, which authorize political subdivisions to award public competitively bid contracts to businesses that participate in programs designed to foster participation by small local businesses in public procurement at a cost premium not to exceed ten percent of the lowest bid.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Comrie) declared **Res. No. 1977** to be adopted.

The following Council Member formally **objected** to the passage of this item: Council Member Felder.

Adopted by the Council by voice vote.

At this point, the Speaker (Council Member Quinn) announced that the following items have been **preconsidered** by the Committee on Civil Service and Labor and have been favorably reported for adoption.

Report for voice-vote Res. No. 2090

Report of the Committee on Civil Service and labor in favor of approving a Resolution supporting the continued operation of the Stella D'Oro Biscuit Company in the Bronx and supporting the efforts of Local 50 and the workers at Stella D'Oro Biscuit Company to maintain their jobs and prevent the closure of the Bronx factory.

The Committee on Civil Service and Labor, to which was referred on July 29, 2009 the annexed resolution, respectfully

REPORTS:

On Tuesday, July 28, 2009, the Committee on Civil Service and Labor, chaired by Council Member Michael C. Nelson, will conduct a hearing on Preconsidered Resolution No., a Resolution supporting the continued operation of the Stella D'Oro Biscuit Company in the Bronx and supporting the efforts of Local 50 and the

workers at Stella D'Oro Biscuit Company to maintain their jobs and prevent the closure of the Bronx factory.

More than 130 workers at the Stella D'Oro Biscuit Company in the Bronx face unemployment as Brynwood Partners, owners of Stella D'Oro, plan to close the Bronx factory in October. On August 13, 2008, unionized bakers, packers, machine operators and mechanics went on strike after reaching an impasse in negotiations. During negotiations, company officials proposed a 20% pay cut, elimination of sick days, overtime and other cutbacks.

On July 7, 2009, after an 11-month strike, Stella D'Oro employees returned to work. The employees ended the strike one week after a National Labor Relations Board administrative judge found the Brynwood Partners had engaged in unfair labor practices. The administrative judge ordered Brynwood to reinstate and pay back wages to the striking workers.

Brynwood Partners, a Connecticut-based private equity fund, is now threatening to close the Bronx factory. According to news sources, Brynwood Partners has received significant tax incentives in recent years to keep the factory operating in the Bronx. Allegedly, Brynwood Partners has attempted to increase profit margins by reducing wages and health care costs for a workforce whose earnings range from \$36,000 to \$50,000 a year. Given the actions taken by Brynwood Partners, in which the Pennsylvania State Employees' Retirement System and other pension funds may have investments, state and local officials in appropriate jurisdictions should consider divesting from Brynwood Partners.

Local 50 of the Bakery, Confectionery, Tobacco Workers and Grain Millers (BCGTM) International Union, representing the workers at the Stella D'Oro Biscuit Company has filed charges with the National Labor Relations Board under Article 10-J of the National Labor Relations Act in an attempt to stop the company's planned shutdown of the Bronx factory.

Accordingly, Your Committee recommends its adoption.

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

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Comrie) declared **Res. No. 2090** to be adopted.

Adopted unanimously by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1042

By Council Members Brewer, Vallone Jr., Comrie, Fidler, Gennaro, Gentile, James, Koppell, Nelson, Palma, Sears, Weprin, Avella, Recchia, Crowley and Oddo (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the abatement of graffiti on commercial and residential buildings and repealing subdivisions d, e and f of section 10-117.3 of the administrative code of the city of New York, in relation to the failure to remove graffiti from commercial and residential buildings and the city's removal of such graffiti through nuisance abatement proceedings

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 10-117.3 of the administrative code of the city of New York, as added by local law number 111 for the year 2005, is amended to read as follows:

1. "Graffiti" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing or other mark of any kind visible to the public from a public place that is drawn, painted, chiseled, scratched, or etched on a commercial building or residential building, or any portion thereof, including fencing, that is not consented to by the owner of the commercial building or residential building. There shall be a rebuttable presumption that such letter, word, name, number, symbol, slogan, message, drawing, picture, writing or other mark of any kind is not consented to by the owner. Such presumption may be rebutted [in any proceeding pursuant to this section] *by the owner contacting the city indicating that the owner consents to the marking and intends that it remain on the building.*

§2. Subdivision c of section 10-117.3 of the administrative code of the city of New York, as added by local law number 111 for the year 2005, is amended to read as follows:

c. Availability of city funds; graffiti removal [through written consent]. Subject to the availability of annual appropriations, *an agency or agencies designated by the mayor*[, through the community assistance unit,] shall provide graffiti removal services to abate graffiti on commercial buildings and residential buildings without charge to the property owner [if the property owner first executes a written consent and a waiver of liability in the form prescribed by the mayor]. *The*

owner of any commercial or residential building may request, by contacting the city, that such agency or agencies remove graffiti from such building through the city's graffiti removal services.

§3. Subdivisions d, e, and f of section 10-117.3 of the administrative code of the city of New York are REPEALED, and new subdivisions d, e, f and g are added to read as follows:

d. *Notification to owner of nuisance.* If the owner of a commercial or residential building is in violation of subdivision b of this section, the city shall notify the owner of such building that the building has been determined to be a nuisance, and that after thirty-five days from the date of such notice, unless such owner abates the nuisance by removing or concealing the graffiti and notifies the city of such abatement or contacts the city indicating that the owner consents to the marking and intends that it remain on the building, the owner shall be deemed to have given permission to the city to enter or access the property and use the means it determines appropriate to remove or conceal the graffiti and the city shall not be liable for any property damage arising from the performance of graffiti removal services.

e. *Content of notice.* The notice that the property has been determined to be a nuisance as a result of graffiti on such property shall be provided to the owner of a commercial or residential building by mailing a copy of such notice to the address of such building and to the person designated to receive real property tax bills for the building at the address contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes. Such written notice shall, at a minimum: (1) describe the city's graffiti removal services; (2) identify the property that has become a nuisance; (3) indicate that, if an owner, within thirty-five days of the date of such notice, fails: (i) to remove or conceal such graffiti and notify the city of such abatement; or (ii) to contact the city indicating that the owner consents to the marking and intends that it remain on the building, the city may enter or access the property and use the means it deems appropriate to abate the nuisance; and (4) provide that the city will not be liable for any property damage arising from the performance of graffiti removal services.

f. *Removal of graffiti by the city.*

1. If an owner, within thirty-five days of the date of such notice, fails to abate the nuisance by removing or concealing the graffiti and to notify the city of such abatement or to contact the city indicating that the owner consents to the marking and intends that the marking remain on the building, the city may enter or access the property identified in the notice and abate the nuisance by removing or concealing the graffiti.

2. In no case shall the city be required to clean, paint, or repair any area more extensive than where the graffiti is located.

g. The agency or agencies designated by the mayor to provide graffiti removal services shall have the authority to promulgate rules that determine the form and manner by which property owners must contact the city pursuant to this section.

§4. This local law shall take effect one hundred eighty days after it shall have become a law.

Referred to the Committee on Public Safety

Int. No. 1043

By Council Members Crowley, Comrie, Gentile, James, Koppell, Stewart and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to notices of violation issued by the department of buildings for illegal signs or billboards.

Be it enacted by the Council as follows:

Section 1. Title 28 of the administrative code of the city of New York is amended by adding a new section 28-501.4.1 to read as follows:

§28-501.4.1. *Service.* Service of a notice of violation to a person charged with a violation for any outdoor sign that violates any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto this title, shall be made upon such person, using the methods of service pursuant to the rules of the department, no later than five days after an authorized employee or agent of the department initially drafts such notice of violation.

§2. Title 28 of the administrative code of the city of New York is amended by adding a new section 28-501.7 to read as follows:

§28-501.7 *Grace period.* Where a person has been charged with a violation for any outdoor sign that violates any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto this title, and such person has never previously been found in violation of any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto this title, relating to outdoor signs, the commissioner shall provide such person with a grace period to correct the alleged violation. The commissioner shall determine the duration of the grace period, provided that such grace period commence on the date when the first notice of violation is issued and that no subsequent notice of violation

for the same violation be issued to the respondent unless such respondent has not corrected the alleged violation within the time period provided by the grace period. For the purposes of this section, each day's continuance of the violation shall not be a separate and distinct violation, as provided by section 28-501.4 of this title, unless the alleged violation is not corrected by the end of the grace period, in which case, each day's continuance of the violation after the grace period has expired shall be a separate and distinct violation.

§3. Title 28 of the administrative code of the city of New York is amended by adding a new section 28-502.10 to read as follows:

§28-502.10 *Liability for signs installed by an outdoor advertising company.* Notwithstanding any other provision of law to the contrary, any person who receives a notice of violation for any outdoor sign that violates any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto this title, shall not be liable for such violation where such outdoor sign has been erected, maintained, attached, affixed, painted on, or in any other manner represented on a building by any outdoor advertising company prior to the date when such person owned or leased such building.

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

Referred to the Committee on Housing and Buildings

Int. No. 1044

By Council Members de Blasio, Brewer, Comrie, Dickens, Gonzalez, James, Koppell, Liu, Palma, Recchia Jr., Seabrook, Weprin, Jackson, Gerson, Mendez, Sears, Foster, Ferreras, Yassky and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a division of LGBT youth services within the department of health and mental hygiene.

Be it enacted by the Council as follows:

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

§ 17-196 *Division of LGBT Youth Services.* a. There shall be a division within the department tailored to the unique needs of lesbian, gay, bisexual and transgender (LGBT) youth up to age 24. This division shall address the physical and mental health needs of the LGBT youth community. The division shall also research and develop programs and initiatives including, but not limited to, the prevention of suicide, depression, violence, and the spread of sexually transmitted diseases within the LGBT youth community of the city.

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

Referred to the Committee on Youth Services

Int. No. 1045

By Council Members de Blasio, Brewer, James, Liu, Palma, Seabrook and Comrie.

A Local Law to amend the New York city charter in relation to the budgets of the Public Advocate, Comptroller, Conflict of Interest Board, and the Civilian Complaint Review Board.

Be it enacted by the Council as follows:

Section 1. Section 24 of the New York city charter is amended by adding a new subdivision (o) to read as follows:

o. The public advocate shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the public advocate for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the public advocate shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.

§2. Chapter 5 of the New York city charter is amended by adding a new section 91-a to read as follows:

91-a. *Operating budget of the comptroller.* The comptroller shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the comptroller for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such

recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the comptroller shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.

§3. Section 2602 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

i. The board shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the board for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the board shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.

§4. Paragraph 5 of subdivision c of section 440 of the New York city charter, as amended by vote of the electors on November 7, 1989, is amended to read as follows:

5. The appropriations available to pay for the expenses of the civilian complaint review board during each fiscal year shall not be less than thirty six hundredths percentum of the appropriations available to pay for the expenses of the police department during such fiscal year. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.

§5. This local law shall become effective immediately after it shall be approved by the voters of the city at the next general election held after its enactment.

Referred to the Committee on Finance

Res. No. 2087

Resolution commemorating Michael Jackson's contributions to popular music and culture.

By Council Members Eugene, James, Seabrook, Stewart and Weprin.

Whereas, Michael Joseph Jackson was born on August 29, 1958, in Gary, Indiana, the seventh child in a family of nine children; and

Whereas, Michael Jackson's extraordinary musical gift was evident at a very early age; and

Whereas, According to a Rolling Stone biography, Michael Jackson was a "singing and dancing soul music prodigy;" and

Whereas, Along with his four older brothers, Michael performed with the group the Jackson 5 and became its lead singer; and

Whereas, In 1967, the Jackson 5 performed at the famed Apollo Theater, with young Michael wowing audiences at the age of 9; and

Whereas, The Jackson 5 signed with Motown Records in 1968 and proceeded to top U.S. pop charts with songs such as "ABC," "I'll Be There" and "I Want You Back," to name only a few; and

Whereas, The Jackson 5's music and style influenced not only their fans but future artists; and

Whereas, Michael Jackson continued his groundbreaking career as a solo artist; and

Whereas, Michael Jackson's 1979 album "Off the Wall" skyrocketed Michael into superstardom; and

Whereas, Jackson's 1982 "Thriller" album has sold more copies to date worldwide than any other album in recorded history, and won eight Grammy Awards and seven American Music Awards; and

Whereas, Michael Jackson's 1983 appearance at the 25th anniversary celebration of Motown, where he first performed the now iconic "moon-walk," solidified his place as the "King of Pop," dazzling the world with his dance moves; and

Whereas, Michael Jackson's innovative music videos changed the face of MTV and helped break barriers for other African American artists; and

Whereas, Michael Jackson co-authored and co-performed "We are the World," a benefit single for the USA for Africa charity; and

Whereas, Jackson's career continued with the release of "Bad" and "Dangerous," both of which topped the charts; and

Whereas, In honor of his body of work, Michael Jackson received the Living Legend Award at the 35th Annual Grammy Awards in 1993; and

Whereas, In 2001, Michael Jackson was inducted into the Rock and Roll Hall of Fame; and

Whereas, Michael Jackson died suddenly on June 25, 2009; and

Whereas, On June 30, 2009, hundreds of New Yorkers gathered at the Apollo Theater to remember Jackson's life and celebrate his music; and

Whereas, Michael Jackson's music is beloved by millions of fans across the globe and his contributions to music, fashion, dance and pop culture are unmistakable and unforgettable; now, therefore, be it

Resolved, That the Council of the City of New York commemorates Michael Jackson's contributions to popular music and culture.

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

Int. No. 1046

By Council Member Felder.

A Local Law to amend the New York City charter and the administrative code of the city of New York in relation to abolishing the office of the Public Advocate, and to repeal section 24 and subdivision (a) of section 26 of the charter.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 10 of the New York City charter are amended to read as follows:

§ 10. Succession. a. In case of the suspension of the mayor from office, the mayor's temporary inability to discharge the powers and duties of the office of mayor by reason of sickness or otherwise, or the mayor's absence from the city, the powers and duties of the office of mayor shall devolve upon the [public advocate or the] comptroller [in that order of succession] until the suspension, inability or absence shall cease. While so acting temporarily as mayor [neither] the [public advocate nor the] comptroller shall *not* exercise any power of appointment to or removal from office or any power lawfully delegated by the mayor to a deputy mayor before the commencement of such suspension or inability, or before or after the commencement of such absence; and shall not, until such suspension, inability or absence shall have continued nine days, sign, approve or disapprove any local law or resolution, unless the period during which the mayor can act thereon would expire during said nine days in which case the [public advocate or the] comptroller shall have the power to disapprove the same within forty-eight hours before the time to act expires.

b. In the case of a failure of a person elected as mayor to qualify, or a vacancy in the office caused by the mayor's resignation, removal, death or permanent inability to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon [the public advocate,] the comptroller or a person selected pursuant to subdivision c of section twenty-eight, in that order of succession, until a new mayor shall be elected as provided herein. Upon the commencement of the term of the person first elected mayor pursuant to the provisions of subdivision c of this section, the person then acting as mayor pursuant to the provisions of this subdivision, if an elected official, shall complete the term of the office to which such person was elected if any remains.

§ 2. Section 24 of the New York City charter is REPEALED.

§ 3. Subdivision a of section 26 of the New York City charter is REPEALED.

§ 4. Subdivision a of section 22 of Chapter 2 of the New York City charter is amended and subdivisions b and c are re-lettered subdivisions a and b to read as follows:

§ 22. Composition of council. a. The council shall consist of [the public advocate and of] fifty-one [other] members termed council members. Consistent with state law, the size of the council and the number of districts from which council members are elected may be increased by local law without approval pursuant to section thirty-eight.

§ 5. Section 44 of Chapter 2 of the New York City charter is amended to read as follows:

§ 44. Speaker. The council shall elect from among its members a speaker and such other officers as it deems appropriate. The speaker shall preside over the meetings of the council. [During any period when the public advocate comptroller is acting as mayor, or when a vacancy exists in the office of the public advocate, the speaker shall act as public advocate pending the filling of the vacancy pursuant to subdivision c of section twenty-four, and shall be a member of every board of which the public advocate is a member by virtue of his or her office.]

§ 6. Section 205 of Chapter 8 of the New York City charter is amended to read as follows:

§ 205. Comprehensive waterfront plan. Not later than the thirty-first day of December, two thousand and ten and not less than every ten years thereafter, the department of city planning shall file with the mayor, the council, [the public advocate,] the borough presidents, and the community boards, a comprehensive waterfront plan. Such plan shall be drafted in consultation with the appropriate city, state, and federal agencies and regulatory bodies, and with input from the public, and shall include (1) an assessment of waterfront resources for the natural waterfront, the public waterfront, the working waterfront and the developing waterfront, (2) a statement of the planning policy of the department of city planning, which policy shall take into consideration, among other things, the ten year capital strategy, the

assessment of waterfront resources included pursuant to (1) above, the four year capital plan, the strategic policy statements provided for in section seventeen and plans approved pursuant to section one hundred ninety-seven-a and (3) proposals for implementing the planning policy of the department whether by amendment of the zoning resolution, development of plans or otherwise.

§ 7. Subdivision b of section 93 of Chapter 5 of the New York City charter is amended to read as follows:

§93. b. Powers and duties. The comptroller shall have power to audit and investigate all matters relating to or affecting the finances of the city, including without limitation the performance of contracts and the receipt and expenditure of city funds, and take the testimony under oath of such persons as the comptroller may deem necessary. The comptroller shall conduct all audits of entities under contract with the city as expeditiously as possible and in no case shall initiate an audit later than two years after the expiration of a contract term unless the comptroller determines in writing that: (1) such audit is initiated in connection with litigation brought by or against the city, (2) it was not practicable to initiate an audit within such two year period, or (3) the initiation of the audit after the two year period is appropriate in light of information discovered in an audit of another contract of the same contractor. Such written determination shall be filed with the mayor[,] and council [and public advocate].

§ 8. Subdivision a of section 97 of Chapter 5 of the New York City charter is amended to read as follows:

§ 97. Audit Committee. a. There shall be an audit committee which shall consist of the mayor, the comptroller, [the public advocate] *the speaker of the council* and four private members appointed by the mayor, two of whom shall be appointed upon the recommendation of the comptroller. The members of the committee shall elect a private member as chair for an annual term commencing on the first day of March.

§ 9. Subdivisions a and f of section 192 of Chapter b of the New York City charter are amended to read as follows:

§ 192. City planning commission. a. There shall be a city planning commission to consist of the chair and twelve other members. The mayor shall appoint the chair and six other members of the commission, the [public advocate] *council* shall appoint one member, and each borough president shall appoint one member. Members shall be chosen for their independence, integrity and civic commitment. Appointments of all members, except for the chair *and council appointee*, shall be subject to the advice and consent of the council. For such appointments by officials other than the mayor *and the council*, the procedure for obtaining the advice and consent of the council shall be the same as the procedure provided for in section thirty-one for appointments by the mayor. Except as otherwise provided in section one hundred ninety-one, no member shall hold any other city office. Members other than the chair shall be appointed for a term of five years; provided, however, that of the members other than the chair, one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-one; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-two; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-three; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-four; and two members appointed by the mayor, the member appointed by the [public advocate] *council* and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-five. The borough presidents shall determine by lot the length of the term to be served by the member first appointed by each borough president. The appointing officials shall make their first appointments to the commission on or before the first day of March, nineteen hundred ninety. The commission members so appointed shall assume office on the first day of July, nineteen hundred ninety. Members of the commission shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of term shall be filled by the official who appointed the member in the same manner as the original appointment. A person so appointed shall serve for the unexpired portion of the term of the member succeeded. Terms shall begin on the next date after the expiration date of the preceding term.

f. Not later than the thirty-first day of December, nineteen hundred ninety-two and every four years thereafter, the commission shall file with the mayor, the council, [the public advocate,] the borough presidents, and community boards, a zoning and planning report. The report shall include (1) a statement of the planning policy of the commission, which policy shall take into consideration, among other things, the ten-year capital strategy, the four-year capital program, the report on the social, economic and environmental health of the city issued pursuant to section sixteen, the strategic policy statements provided for in section seventeen and plans approved pursuant to section one hundred ninety-seven-a, (2) a summary of the significant plans and studies completed or undertaken by the department of city planning in the preceding four years, (3) an analysis of those portions of the zoning resolution that merit reconsideration in light of the planning policy of the commission and (4) proposals for implementing the planning policy of the commission whether by amendment of the zoning resolution, development of plans or otherwise.

§ 10. Subdivision b of section 216 of Chapter 9 of the New York City charter is amended to read as follows:

b. Upon the adoption of any such amendment by the council, it shall be certified by the mayor[, the public advocate] and the city clerk and the

capital budget shall be amended accordingly.

§ 11. Subdivisions a and d of section 259 of Chapter 11 of the New York City charter are amended to read as follows:

§ 259. Independent budget office. a. There shall be an independent budget office to be headed by a director who shall be appointed upon the recommendation of the independent budget office advisory board, by a special committee convened for this purpose. Such committee shall consist of the comptroller, [the public advocate,] a borough president chosen by the borough presidents, and a council member chosen by the council, and shall act by majority vote. The director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties assigned by this chapter. The term of office of the director first appointed shall expire on August first, two thousand, and the terms of office of directors subsequently appointed shall expire on such date in each fourth year thereafter. Any individual appointed to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of the term. An individual serving as director at the expiration of a term may continue to serve until a successor is appointed.

d. There shall be an independent budget office advisory committee consisting of ten members appointed jointly by the comptroller and the [public advocate] *council* for five year staggered terms. Of the members originally appointed, two shall serve until the thirty-first day of March, nineteen hundred ninety-nine, two shall serve until the thirty-first day of March, two thousand, two shall serve until the thirty-first day of March, two thousand one, two shall serve until the thirty-first day of March, two thousand two and two shall serve until the thirty-first day of March, two thousand three. The members shall all be individuals with extensive experience and knowledge in the fields of finance, economics, accounting, public administration and public policy analysis, including at least one former director of the New York city office of management and budget or of a comparable office in another local government jurisdiction in the United States; one nationally recognized expert in the fields of budget theory and the budgetary process; one former director of the New York state division of the budget or of a comparable legislative or executive office in another state government; one dean or director or former dean or director of a graduate school of business administration located in New York city; one dean or director or former dean or director of a graduate school of public administration or public affairs or public policy located in New York city; one chair or former chair of a graduate economics department of a college or university located in New York city; one officer or former officer of, or economic advisor of, a labor union; one officer or former officer of, or economic advisor to, a business corporation; one officer or former officer of a civic or public interest advocacy organization involved in budgetary matters; and one officer or former officer of a human services advocacy organization involved in budget matters. No member may be reappointed to consecutive terms. Vacancies occurring because of the expiration of terms shall be filled promptly on the recommendation of the members of the committee whose terms are not expiring. Vacancies occurring otherwise shall be filled promptly on the recommendation of the remaining members of the committee. The members of the committee shall receive no compensation but shall be reimbursed for their necessary expenses. The committee shall at its first meeting in every even numbered year elect, from among its members, a chair and vice-chair who shall serve until the thirty-first day of March of the next even numbered year.

§ 12. Subdivision b of section 333 of Chapter 13 of the New York City charter is amended to read as follows:

b. 1. If a borough president determines there is reason to believe a term or condition of a contract providing for the delivery of services in the borough is not being complied with and that the contract should be terminated for noncompliance, modified, not renewed, modified at the time of renewal, or that the existing terms of the contract should be enforced, the borough president shall document in writing the reasons for that determination and present such determination, with a recommendation for appropriate action, to the agency head for review. In the case of a recommendation that a contract should not be renewed or should be modified at the time of renewal, such recommendation shall be made to the agency head at least one hundred and twenty days prior to the expiration of the contract.

2. The agency head shall respond to the borough president's findings within ten days from receipt of such findings, indicating what action, if any, shall be taken. If such action is not satisfactory to the borough president, the borough president shall, within thirty days of receipt of such responses, be authorized to require that a hearing be held in the borough by a contract performance panel consisting of the [public advocate, the] comptroller, *a council appointee*, and the mayor, or their designees, to receive the testimony of the borough president and other interested persons on the borough president's recommendations.

§ 13. Section 1052 of Chapter 46 of the New York City charter is amended to read as follows:

§ 1052. Campaign finance board. a. 1. There shall be a campaign finance board consisting of five members. Two members of the board shall be appointed by the mayor, provided that not more than one such member shall be enrolled in any one political party, and two members shall be appointed by the speaker of the council, provided that not more than one such member shall be enrolled in any one political party, and one member, who shall be the chairperson, shall be appointed by the mayor after consultation with the speaker. The members shall first be appointed to serve as follows:

(a) one member appointed by the speaker for a term of one year;

- (b) one member appointed by the mayor for a term of two years;
- (c) one member appointed by the speaker for a term of three years;
- (d) one member appointed by the mayor for a term of four years; and
- (e) the chairperson for a term of five years.

Each term shall commence on April first, nineteen hundred eighty-eight. Thereafter, each member shall be appointed for a term of five years by the mayor or the speaker, according to the original manner of appointment. Upon expiration of the term of a member, if the mayor or the speaker, as appropriate, shall fail to appoint a member within one hundred twenty days of the expiration of such term, the member whose term has expired shall be deemed appointed for an additional term of five years, provided, however, that if the expiration of such term occurs in a year in which elections, except special elections, covered by the voluntary system of campaign finance reform are scheduled, the member whose term has expired shall be deemed appointed for an additional term of five years if the mayor or the speaker, as appropriate, shall fail to appoint a member within ninety days of the expiration of such term. In case of a vacancy in the office of a member, a member shall be appointed to serve the remainder of the unexpired term by the mayor or the speaker, according to the original manner of appointment. If the mayor or the speaker, as appropriate, shall fail to appoint a member within one hundred eighty days of such vacancy, then a member shall be appointed by the board to serve for the remainder of the unexpired term, if additional time remains in such term, provided, however, that if such vacancy occurs in a year, or within ninety days prior to a year, in which elections, except special elections, covered by the voluntary system of campaign finance reform are scheduled, then a member shall be appointed by the board to serve for the remainder of the unexpired term, if additional time remains in such term, if the mayor or the speaker, as appropriate, shall fail to appoint a member within ninety days of such vacancy. Except for the chairperson, such member shall not be enrolled in the same political party as the other member appointed by the official who failed to so appoint. Each member shall be a resident of the city, registered to vote therein. Each member shall agree not to make contributions to any candidate for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president, or member of the council which in the aggregate are in excess of the maximum contribution applicable to such office pursuant to any local law establishing a voluntary system of campaign finance reform. No member shall serve as an officer of a political party, or be a candidate, or participate in any capacity in a campaign by a candidate, for nomination for election or election to the office of mayor, [public advocate,] comptroller, borough president or member of the city council. Officers and employees of the city or any city agency, lobbyists required to file a statement of registration under section 3-213 of the administrative code and the employees of such lobbyists shall not be eligible to be members of the board. In appointing members to the board, the mayor and the speaker shall consider campaign experience in general and particularly campaign experience with the New York city campaign finance system. Members of the board shall be required to undergo training developed pursuant to paragraph 14 of this section.

2. The members of the board shall be compensated at the rate of one hundred dollars per calendar day when performing the work of the board.

3. The board may employ necessary staff, including an executive director and a counsel, and make necessary expenditures subject to appropriation.

4. No member of the campaign finance board shall be removed from office except for cause and upon notice and hearing.

5. The board shall have the power to investigate all matters relating to the performance of its functions and any other matter relating to the proper administration of any voluntary system of campaign finance reform established by local law and for such purposes shall have the power to require the attendance and examine and take the testimony under oath of such persons as it shall deem necessary and to require the production of books, accounts, papers and other evidence relative to such investigation. Notwithstanding any other provision of law, the investigative and adjudicatory powers and functions of the staff to the board shall be separate and no staff member of the board shall perform both investigative and adjudicatory tasks or functions.

6. The board shall publicize, as it deems appropriate, the names of candidates for nomination or election to the office of the mayor, [public advocate,] comptroller, borough president, or city council who violate any of the provisions of any voluntary system of campaign finance reform established by local law.

7. The board may render advisory opinions with respect to questions arising under any local law establishing a voluntary system of campaign finance reform. Such advisory opinions may be rendered on the written request of a candidate, an officer of a political committee or member of the public, or may be rendered on its own initiative. The board shall make public its advisory opinions. The board shall develop a program for informing candidates and the public as to the purpose and effect of the provisions of any voluntary system of campaign finance reform established by local law.

8. The board shall have the authority to promulgate such rules and provide such forms as it deems necessary for the administration of any voluntary system of campaign finance reform established by local law. The board shall promulgate regulations concerning the form in which contributions and expenditures are to be reported, the periods during which such reports must be filed and the verification required. The board shall require the filing of reports of contributions and expenditures for purposes of determining compliance with any contribution or expenditure limitations provided in any local law establishing a voluntary system of campaign finance reform, provided that the schedule established by the board for such filings shall be in accordance with the schedule specified by the state board of elections for the filing of campaign receipt and expenditure statements.

9. The board shall develop a computer data base that shall contain all information necessary for the proper administration of this chapter including information on contributions to and expenditures by candidates and their authorized committees and distributions of moneys from the campaign finance funds. Such data base shall be accessible to the public.

10. The board may take such other actions as are necessary and proper to carry out the purposes of any local law establishing a voluntary system of campaign finance reform. If at any time, the board determines that the amount of money in any special fund or funds established by any such local law, establishing a voluntary system of campaign finance reform, to fund a system of optional public campaign financing for candidates abiding by the requirements of such law, is insufficient, or is likely to be insufficient, for payment to such participating candidates pursuant to such law, it shall report this determination to the commissioner of finance, along with its estimate of the additional amount which will be necessary to provide such participating candidates with financing pursuant to such law and a detailed statement of the assumptions and methodologies on which such estimate is based. Not more than four days after receiving such estimate and supporting materials, the commissioner of finance shall transfer an amount equal to such estimate from the general fund to such special fund or funds. All monies transferred to such special fund or funds shall not be considered revenues of the city and payments from such fund or funds shall be made without appropriation and shall not be included in the expense budget of the city. The comptroller shall have custody of such fund or funds on behalf of the board and shall have the power to invest the monies of such fund or funds in the manner in which the city is authorized to invest its funds and shall deposit the monies of the fund or funds in such deposit banks as have been designated by the banking commission pursuant to section fifteen hundred twenty-four of this charter. The comptroller shall submit monthly reports to the board regarding the status of the fund or funds and more frequent reports when the board requires. Monies of the fund or funds shall be paid out by the comptroller only on warrant of the board.

11. The board shall have the authority to implement any system established for the regulation of inauguration and transition donations and expenditures including the promulgation of rules and regulations and the imposition of any penalties related thereto, as required by local law.

12. (a) The board shall require that candidates participating in the voluntary system of campaign finance reform or candidates who otherwise file disclosure reports with the board shall disclose to the board the acceptance of campaign contributions from individuals and entities doing business with the city. The board shall promulgate such rules as it deems necessary to implement and administer this provision and provide that information regarding such contributions shall be accessible to the public. The board shall also promulgate such rules as it deems necessary to regulate the acceptance by candidates participating in the voluntary system of campaign finance reform of campaign contributions from individuals and entities doing business with the city, including rules that determine which business dealings shall be covered by such rules. Elected officials, city agencies, boards and commissions, including the mayor, comptroller, [public advocate,] borough presidents, the city council and members of the city council shall cooperate with the board to provide to the board such information about such individuals and entities as the board shall require.

(b) The board shall promulgate such rules as it deems necessary to attribute expenditures that indirectly assist or benefit a candidate participating in the voluntary system of campaign finance reform as in-kind contributions to such candidate.

(c) In promulgating rules pursuant to this paragraph, the board shall consider the following criteria: (1) the effectiveness of the voluntary system of campaign finance reform, (2) the costs of such system, (3) the maintenance of a reasonable balance between the burdens of such system and the incentives to candidates to participate in such system.

(d) Any rules promulgated pursuant to this paragraph shall apply only with respect to nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president, or member of the city council.

(e) Proposed rules promulgated pursuant to this paragraph shall be published in accordance with subdivision b of section one thousand forty-three of this charter no later than December thirty-first, nineteen hundred ninety-nine. Final rules promulgated pursuant to this paragraph shall be adopted in accordance with such section as soon as practicable thereafter. Final rules adopted in the initial promulgation of rules pursuant to this paragraph shall supersede any inconsistent provisions of the administrative code that are in effect on the effective date of such final rules.

13. Notwithstanding any other provision of law, the board shall prohibit candidates for offices covered by the voluntary system of campaign finance reform from accepting, either directly or indirectly, a campaign contribution, loan, guarantee or other security for such loan, from any corporation. The board shall promulgate such rules as it deems necessary to implement and administer this provision.

14. a. The council and the mayor, in conjunction with the campaign finance board, shall develop a curriculum to be used to train members of the campaign finance board and staff. Such curriculum shall include the issues and problems confronted by campaigns for covered office and how the application and enforcement of the city's campaign finance laws impacts these campaigns.

b. The board shall take such actions as it deems necessary and appropriate to improve public awareness of the candidates, proposals or referenda in all elections in which there are contested elections for the offices of mayor, [public advocate,] borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, including but not necessarily

limited to the publication of a non-partisan, impartial voters guide providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such guide to each household in which there is at least one registered voter eligible to vote in the election involved. In any year in which the board publishes a voters guide, if the board determines that the amount of money in its budget is insufficient or likely to be insufficient for the publication and distribution of the voters guide, it shall report such determination to the director of the office of management and budget, who, after consultation with the board, shall, without an appropriation, transfer to the board a reasonable amount, as the director shall determine, to cover the cost of publishing and distributing the voters guide.

c. The board shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the campaign finance board for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the campaign finance board shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.

d. The board may take such other actions as are necessary and proper to carry out any other authority the city council shall give to the board in any local law, including the promulgation of any rules and the provision of any forms.

§ 14. Subdivision a of section 1054 of Chapter 46 of the New York City charter is amended to read as follows:

§ 1054. Voter assistance commission. a. There shall be a voter assistance commission, the head of which shall be elected by the members of the commission from among their membership which shall consist of sixteen members and which shall advise all appropriate officials on matters relating to voter participation in New York city. The commission shall include the first deputy mayor, or if there is no first deputy mayor, such other deputy mayor as the mayor shall designate to serve on this commission, the director of the office of management and budget, the president of the board of education, [the public advocate,] the executive director of the board of elections, the corporation counsel and the chair of the campaign finance board. In addition there shall be nine members broadly representative of (1) groups that are underrepresented among those who vote and/or among those who are registered to vote, (2) community, voter registration, civil rights, and disabled groups, and (3) the business community.

§ 15. Subdivision a of section 1061 of Chapter 47 of the New York City charter is amended to read as follows:

§ 1061. Commission on public information and communication. a. There shall be a commission on public information and communication which shall consist of the [public advocate] *comptroller*, as chair, the corporation counsel or the delegate of such officer, the director of operations or the delegate of such officer, the commissioner of the department of records and information services or the delegate of such officer, the commissioner of information technology and telecommunications or the delegate of such officer, the president of the WNYC communications group or the delegate of such officer, and one council member elected by the council, all of whom shall serve on the board without compensation. In addition, there shall be four other members, each appointed for a four-year term, who shall not hold or seek public or political party office or be public employees in any jurisdiction, except the representative of the community board as set forth herein, to be appointed as follows: two by the mayor, one of whom is or has been a representative of the news media and one of whom shall be a member of a community board; one by the [public advocate] *speaker of the council*; and one by the borough presidents acting as a group.

§ 16. Subdivisions b and c of section 1075 of Chapter 48 of the New York City charter are amended to read as follows:

b. Within seven business days from the end of each month, the department shall submit in electronic format to the speaker of the council [the public advocate] and each community board, and shall make available on the city's official website, a report regarding requests for service received by the 311 citizen service center since April 1, 2004, disaggregated on a month-by-month and fiscal year-by-year basis.

c. Within seven business days from the end of each month, the department shall submit in electronic format to the speaker of the council, [the public advocate] and each community board and shall make available on the city's official website a report regarding directory assistance calls received by the 311 citizen service center since April 1, 2004, disaggregated on a month-by-month and fiscal year-by-year basis.

§ 17. Section 1109 of Chapter 49 of the New York City charter is amended to read as follows:

§ 1109. Summary inquiry. A summary inquiry into any alleged violation or neglect of duty in relation to the property, government or affairs of the city may be conducted under an order to be made by any justice of the supreme court in the first, second or eleventh judicial district on application of the mayor, the comptroller, [the public advocate,] any five council members, the commissioner of investigation or any five citizens who are taxpayers, supported by affidavit to the effect that one or more officers, employees or other persons therein named have knowledge or information concerning such alleged violation or neglect of duty.

§ 18. Section 1137 of Chapter 50 of the New York City charter is amended to read as follows:

§ 1137. Public policy. It is hereby declared to be the public policy of the city of New York to limit the time elected officials can serve as mayor, [public advocate,] comptroller, borough president and council member so that elected representatives are "citizen representatives" who are responsive to the needs of the people and are not career politicians. It is further declared that this policy is most appropriately

served by limiting the time such officials can serve to not more than three full consecutive terms.

§ 19. Section 1138 of Chapter 50 of the New York City charter is amended to read as follows:

§ 1138. Term limits. Notwithstanding any provision to the contrary contained in this charter, no person shall be eligible to be elected or serve in the office of mayor, [public advocate,] comptroller, borough president or council member if that person had previously held such office for three or more full consecutive terms, unless one full term or more has elapsed since that person last held such office; provided, however, that in calculating the number of consecutive terms a person has served, only terms commencing on or after January 1, 1994 shall be counted.

§ 20. Section 1301 of Chapter 56 of the New York City charter is amended to read as follows:

§ 1301. Powers and duties of the commissioner (of Small Business Services): the department shall include in any contract with a local development corporation under which such local development corporation is engaged in providing or administering economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, a requirement that such local development corporation submit to the mayor, the council, the city comptroller, [the public advocate] and the borough presidents by January 31 of each year, a report for the prior year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such local development corporation for the purpose of the creation or retention of jobs, whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such local development corporation in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of land where the project is estimated to retain or create not less than twenty-five jobs.

§ 21. Section 1518 of Chapter 58 of the New York City charter is amended to read as follows:

§ 1518. Collection of the real property tax. 1. Immediately upon the completion of the assessment rolls, the city clerk shall procure the proper warrants authorizing and requiring the commissioner to collect the several sums therein mentioned according to law. Such warrants need be signed only by the [public advocate] *comptroller* and counter-signed by the city clerk.

§ 22. Section 2601 of Chapter 68 of the New York City charter is amended to read as follows:

§ 2601. Definitions (for conflict of interest purposes). As used in this chapter. 10. "Elected official" means a person holding office as mayor, comptroller, [public advocate,] borough president or member of the council.

§ 23. Paragraph 3 of subdivision d of section 2604 of Chapter 68 of the New York City charter is amended to read as follows:

3. No elected official, nor the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation or chair of the city planning commission shall, within a period of one year after termination of such person's employment with the city, appear before any agency in the branch of city government served by such person. For the purposes of this paragraph, the legislative branch of the city consists of the council and the offices of the council, and the executive branch of the city consists of all other agencies of the city[, including the office of the public advocate].

§ 24. Subdivision j of section 2704 of Chapter 69 of the New York City charter is amended to read as follows:

j. On or before the first day of December, nineteen hundred ninety, the mayor shall appoint a task force on service delivery, consisting of no more than ten members, to review the requirements of subdivision a, c, and f of this section. Such task force shall include members appointed upon the recommendations of the council, comptroller, [public advocate,] and borough presidents. The membership of the task force shall include, but not be limited to community board members, district managers, and representatives of the agencies subject to the requirements of this section. On or before the first day of December, nineteen hundred ninety-two, the task force shall submit a report to the mayor and council summarizing its conclusions and presenting such recommendations for changes in the list of services made coterminous pursuant to subdivisions a or c, and in the requirements for such services contained in subdivision f, as the task force deems appropriate.

§ 25. Subdivision a of section 7-301 of Title 7 of the administrative code of the city of New York is amended to read as follows:

a. The board of statutory consolidation shall consist of the mayor, the comptroller, the [public advocate] *speaker of the council* and the corporation counsel. The board from among its members shall elect a chairperson, a vice-chairperson and a secretary. The members of such board shall serve as such members without compensation. The powers and duties of such board shall include the direction and control of the revision, simplification, consolidation, codification,

restatement and annotation of the statutes, local laws, and departmental rules and regulations having the force of law affecting and relating to the government, affairs and property of the city and of the counties contained therein.

§ 26. Section 11-222 of Chapter 2 of Title 11 of the administrative code of the city of New York is amended to read as follows:

§ 11-222 Tax account of the commissioner of finance. Upon notification from the [public advocate] *city clerk* of the amount of taxes mentioned in such assessment-rolls and tax warrants, the comptroller shall cause the proper sum to be charged to the commissioner of finance for collection.

§ 27. Section 13-103 of Chapter 1 of Title 13 of the administrative code of the city of New York is amended to read as follows:

§ 13-103 Board of trustees of retirement system. a. (1) The retirement system shall be administered by a board of trustees which shall, subject to the provisions of law, from time to time establish rules and regulations for the administration and transaction of the business of such system and to carry out the provisions of law in relation thereto. The provisions of sections one thousand forty-two, one thousand forty-three, one thousand forty-four and one thousand forty-five of the charter shall not be construed to apply to the adoption of such rules and regulations.

(2) An executive director of the retirement system shall be appointed by the board. The executive director shall perform such duties as may be conferred upon him or her by the board or by law and shall have the powers of the head of a department in respect to the retirement system and the officers and employees thereof.

b. Such board of trustees shall consist of:

1. A representative of the mayor who shall be appointed by the mayor and who shall be entitled to cast one vote. The mayor, by a written authorization filed with the board, may designate one or more members of his or her office to act in the place of such representative, in the event of his or her absence. Such representative or designee acting in his or her place shall be chairperson of the board.

[2. The public advocate, who shall be entitled to cast one vote. The public advocate may, by written authorization filed with the board, designate one or more officers or employees appointed by him or her to act in his or her place as a member of such board, in the event of the absence of such public advocate.]

[3] 2. The comptroller of the city, who shall be entitled to cast one vote.

[4] 3. The president of each borough. Each such president shall be entitled to cast a one-fifth vote. Each such president may, by written authorization filed with the board, designate his or her deputy borough president, or executive assistant to the borough president, or counsel to the borough president to act in his or her place as a member of such board.

[5] 4. (a) Three employee representatives, who shall each be entitled to cast one vote. The chief executive officer of each of the three employee organizations designated as herein provided shall be one of such representatives.

(b) On or before July first of the year in which this subparagraph shall take effect, the director of labor relations of the city (or other officer performing the same or similar functions under another title) shall, by instrument in writing filed in his or her office and with the board, designate the three employee organizations which represent, for the purposes of collective bargaining on pension matters, the largest number of employees who are members of the retirement system. Such designation shall be reviewed annually by such director or other officer, and if such review discloses a change in the standing of the employee organizations concerned, such designation shall thereupon be revised by him or her to specify the three such organizations having the leading representational status as hereinabove prescribed.

(c) Any such employee representative may, by written authorization filed with the board, designate one or more persons to act in the place of such member on such board in the event of the absence of such member, provided, however, that the by-laws or constitution of the organization of which he or she is chief executive officer authorize such designation.

(d) Each act of such board shall be by a resolution adopted by at least three and three-fifths votes. The concurrence of one employee representative and one non-employee representative member or members entitled to one vote shall be necessary for an act of such board. A quorum of such board shall consist of members entitled to cast at least three and three-fifths votes.

§ 28. This local law shall take effect on the first day of January of the year immediately following its approval by vote of the electorate.

Referred to the Committee on Governmental Operations

Int. No. 1047

By Council Members Foster, Comrie, Fidler, Gonzalez, James, Koppell, Lappin, Palma, Recchia, Seabrook, Stewart, Gerson, Avella, Nelson and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to replacement of trees.

Be it enacted by the Council as follows:

Section 1. Section 18-107 of the administrative code of the city of New York is amended to read as follows:

§ 18-107 Replacement of trees removed [during construction]. Any individual, firm [or] corporation *or city agency* that intends to remove [during construction] any tree that is within the jurisdiction of the commissioner, *shall obtain a permit from the department. Prior to obtaining such permit, such individual, firm, corporation or city agency shall post a bond with the commissioner to insure that within thirty days [after the completion of construction] following such removal* all trees removed, destroyed or severely damaged shall be replaced at the expense of the permittee. The total caliper of all trees planted in the course of restoration shall in no event be less than the total caliper of all trees removed, *destroyed or severely damaged, with the maximum caliper of such replacement trees to be determined by the commissioner by rule, and the number of trees replaced shall be equal to or greater than the number of trees removed, destroyed, or severely damaged.* Replacement shall be made [with 2 1/2 to 6 inch caliper trees and/or] *as directed by the department horticultural officer[.], consistent with this section.* The replacement shall be made in the spring or fall season, as determined by such horticultural officer. The amount of the bond as determined by the commissioner shall be sufficient to cover the cost of replacement. *The provisions of this section requiring posting a bond and obtaining a permit shall not apply to the department, but the department shall comply with all other requirements of this section and any rules promulgated pursuant to this section.*

§2. This law shall take effect ninety days following enactment, except that the commissioner shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Parks and Recreation

Int. No. 1048

By Council Members Garodnick, de Blasio, Barron, Vann, Foster, Jackson, James, Koppell, Mendez, Stewart, Comrie, Brewer, Dickens, Lappin, Liu, Palma, Sanders and Seabrook.

A Local Law to amend the New York city charter in relation to authorizing the Civilian Complaint Review Board to prosecute cases of police misconduct the board has substantiated.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The City Council finds that assertions that the New York City Police Department (“NYPD”) is failing to prosecute misconduct cases substantiated by the Civilian Complaint Review Board (“CCRB”) are credible. The Council finds that because the Department Advocate’s Office, by its own admission, is reinvestigating the substantiated cases sent to it by the CCRB, the NYPD and the CCRB are currently duplicating each other’s efforts, which is resulting in a considerable waste of city resources. The Council finds it is necessary to address this situation by authorizing the CCRB to independently prosecute its substantiated cases within the NYPD’s internal system. This will not interfere with the ultimate disciplinary authority over the police force vested in the Police Commissioner by the city Charter. It will, however, ensure that substantiated CCRB cases are not only investigated, but also prosecuted by the City’s independent, non-police agency that handles claims initiated by the civilian complainant, and help to restore public confidence that officers against whom findings are made regarding the use of excessive force, abuse of authority, discourtesy or use offensive language or commission of any act subject to the CCRB’s jurisdiction, if necessary, will be subject to appropriate penalties. It will also ensure that the CCRB and NYPD are not duplicating each other’s work and result in a net savings for city taxpayers.

§2. Paragraph (1) of subdivision (c) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints *or allegations* by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation *by the board* shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation. *Cases the board substantiates, in accordance with this chapter and the rules of the board, shall be prosecuted by the board’s administrative prosecution unit (APU) before the New York City police department’s deputy commissioner of trials or may be plea-bargained by the APU, subject to final approval by the police commissioner. The prosecutors of the board’s APU shall have the same authority currently held by the New York City police department’s advocate’s office in prosecuting substantiated cases in the trial room, including but not limited to compelling the attendance of witnesses and requiring the production of such records and other materials as are necessary for the prosecution of substantiated cases. The authority of the APU shall be limited to the prosecution of substantiated CCRB cases.*

§3. Paragraph (5) of subdivision (c) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints *and licensed attorneys for an administrative prosecution unit to prosecute substantiated cases before the New York City police department's deputy commissioner of trials.*

§4. Paragraph (1) of subdivision (d) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, *and for the prosecution of substantiated cases by the board's administrative prosecution unit pursuant to this section,* except such records or materials that cannot be disclosed by law.

§5. Paragraph (2) of subdivision (d) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquires, notices, requests for appointments, or subpoenas issued by the board [and], its civilian investigators, *and its administrative prosecution unit staff* in connection with the investigation of complaints submitted pursuant to this section [,] *and with the prosecution of substantiated cases by the board's administrative prosecution unit,* provided that such inquiries *and prosecutions* are conducted in accordance with department procedures for interrogation *and trials* of members.

§6. This local law shall take effect one hundred and twenty days after it is enacted provided, however, that the Commissioner and the board shall have the authority to enact all necessary rules prior to the effective date.

Referred to the Committee on Public Safety

Res. No. 2088

Resolution opposing passage of A.2009-C/S.2165-B, legislation that would legalize mixed martial arts in New York State.

By Council Members Gennaro and James.

Whereas, Mixed martial arts (MMA), also known as ultimate fighting and cage fighting, is a form of fighting that combines wrestling, boxing, jujitsu and hand to hand combat and takes place in an octagon ring that is enclosed in a cage; and

Whereas, This sport has been popularized in the United States in recent years by the Ultimate Fighting Championship, which is often shown on pay-per-view; and

Whereas, The first Ultimate Fighting Championship was held in 1993; and

Whereas, The original MMA competitions had no time limits, no weight classes and few rules; and

Whereas, During his efforts to prevent growth of unregulated ultimate fighting, Sen. John McCain referred to it as "human cockfighting;" and

Whereas, Because of its sheer violence and lack of regulation, MMA was banned in New York State in 1997; and

Whereas, Since then, some regulations and changes have been implemented by those governing this sport and many proponents and supporters have called for its legalization in New York; and

Whereas, Despite changes made to rules, MMA is considered overly violent and barbaric by many of its opponents, who cite the extreme punching, head-butting elbowing and kicking allowed; and

Whereas, In an online post dated January 22, 2009, entitled "The Disturbing Rise of Ultimate Fighting," The New York Times' editorial writers referred to ultimate fighting, as "blood soaked slugfests;" and

Whereas, In 2008, a bill to legalize MMA was introduced in the New York State legislature with a slightly amended version of the bill introduced in the 2009 session; and

Whereas, This legislation, A.2009-C/S.2165-B, would authorize mixed martial arts events in the State of New York; and

Whereas, The legislation would also amend New York State tax law in relation to imposing a tax on the gross receipts of any person holding professional matching or exhibitions; and

Whereas, A report issued by Assemblyman Bob Reilly of Albany refuted the assumption that such legislation would financially benefit New York State; and

Whereas, The report, entitled "The Case Against Ultimate Fighting in New York State," claims that the legalization of this sport would not benefit, but would actually harm the local economy, stating that the nature of Ultimate Fighting is transitory and strictly profit driven; and

Whereas, According to a poll conducted by Gramercy Communications, 67% of respondents believe that MMA should not be legal in New York State; and

Whereas, Mixed marital arts is an extremely violent sport which would not add any value to the residents of New York State; now, therefore, be it

Resolved, That the Council of the City of New York opposes passage of A.2009-C/S.2165-B, legislation that would legalize mixed martial arts in New York State.

Referred to the Committee on State and Federal Legislation.

Res. No. 2089

Resolution calling on the New York City Department of Environmental Protection to implement and encourage the use of advanced thermal technologies as part of its program to manage the conversion of biosolids and organic waste.

By Council Members Gennaro, Brewer, Comrie, Fidler, James, Koppell, Nelson, Palma, Sanders, Weprin and Gerson.

Whereas, New York City's water pollution control plants treat 1.4 billion gallons of wastewater every day; and

Whereas, The wastewater treatment process produces approximately 1200 tons of biosolids each day; and

Whereas, Pursuant to Section 1401 of the New York City Charter, the New York City Department of Environmental Protection may decide on and implement the process for the removal and conversion of biosolids and fats, oils, and greases; and

Whereas, The Department of Environmental Protection currently treats its biosolids in a variety of ways, with the largest portion dried and converted into pellets that are used as fertilizer in agriculture, and smaller portions composted or stabilized with lime for agricultural use; and

Whereas, Fertilizer pellets and other biosolid products are then transported throughout the country, requiring the use of fuel and generating greenhouse gas emissions; and

Whereas, The Department of Environmental Protection removes fats, oils, and greases from sewage during the wastewater treatment process; and

Whereas, The fats, oils, and greases removed during this process are transported to landfills to be disposed of as solid waste; and

Whereas, The decomposition of fats, oils, and greases in landfills produces methane, a potent greenhouse gas; and

Whereas, Heat drying and incineration processes have proven to be environmentally unsuitable and energy inefficient and further contribute to greenhouse gas levels; and

Whereas, Thermal processes are currently available to convert both biosolids as well as fats, oils, and greases into renewable fuel; and

Whereas, This fuel does not need to be transported long distances and can be used to generate power, thereby reducing New York City's reliance on coal-fired power plants and further reducing greenhouse gas emissions; and

Whereas, Fuels produced through thermal processes produce twice the amount of energy that is needed to create them; and

Whereas, New York City should take advantage of all opportunities to use its waste products as resources; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Environmental Protection to implement and encourage the use of advanced thermal technologies as part of its program to manage the conversion of biosolids and organic waste.

Referred to the Committee on Environmental Protection.

Int. No. 1049

By Council Members Gerson, Comrie, James, Koppell, Lappin, Liu, Nelson, Palma and Weprin.

A Local Law to amend the administrative code of the city of New York, in relation to allowing the purchase of Energy Star certified appliances by tenants.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 27-2057 to subchapter 2 of chapter 2 of title 27 to read as follows:

§27-2057 *ENERGY STAR* appliances. a. For the purposes of this section, the following definitions shall apply:

(1) The term "*ENERGY STAR*" shall mean a designation from the United States environmental protection agency or department of energy indicating that a product

meets the energy efficiency standards set forth by such agency for compliance with the ENERGY STAR program.

(2) The term "household appliance" shall mean any refrigerator, room air conditioner, dishwasher or clothes washer, within a dwelling unit in a multiple dwelling that is provided by the owner of such multiple dwelling.

b. When requested, the owner of a dwelling unit and in a building owned cooperatively the shareholder of shares of stock attendant to a dwelling unit in a multiple dwelling shall allow any lawful occupant who resides in such dwelling unit to replace at such lawful occupant's expense any household appliance provided by such owner or shareholder with a household appliance that is certified as Energy Star provided that such household appliance is the appropriate size, will not damage or otherwise interfere with the building's electrical system or will not require the movement of walls or fixtures to permit its use.

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

Referred to the Committee on Housing and Buildings

Int. No. 1050

By Council Members Gioia, Gennaro, James and Sanders.

A Local Law to amend the administrative code of the city of New York, in relation to designating expenditures for carbon offsets as campaign expenditures and exempting the price of carbon offsets from expenditure limitations.

Be it enacted by the Council as follows:

Section 1. Subdivision 21 of Section 3-702 of the administrative code of the city of New York is amended to read as follows:

21. a. For purposes of campaigns that accept public funds pursuant to section 3-705 of this chapter, the terms "expenditure" and "campaign expenditure" shall include all payments and liabilities in furtherance of a political campaign for covered office, including, but not limited to, all qualified campaign expenditures and expenditures subject to or exempt from the expenditure limitations of this chapter. There shall be a rebuttable presumption that the following expenditures are in furtherance of a political campaign for elective office; provided, however, that the presumptions contained in this subdivision shall not apply to an expenditure to a person or entity associated with the candidate; and provided further that in rebutting any such presumption the campaign finance board may consider factors including the timing of the expenditure and whether the campaign had an unusually high amount of spending on a particular type of expenditure. For purposes of this subdivision a person or entity associated with a candidate shall include the candidate's spouse, domestic partner, child, parent, or sibling or a person or entity with whom or with which the candidate has a business or other financial relationship:

1. Contributions to charitable organizations designated as 501(c)(3) organizations pursuant to the internal revenue code;

2. Contributions to candidates and political committees subject to the provisions of section 3-705(8);

3. Community events including, but not limited to, events hosted by civic and neighborhood associations; provided, however, that this presumption shall not apply to sporting events, concerts, theater or other entertainment events which shall be subject to the provisions of paragraph b;

4. Ballot proposal advocacy where there are indicia that the expenditure relates to the candidate;

5. Travel related solely and exclusively to a political campaign for a covered office or the holding of public office; provided, however, that any travel not related solely and exclusively to a political campaign or the holding of public office shall be subject to the provisions of paragraph b;

6. Legal defense of a non-criminal matter arising out of a political campaign;

7. Computer hardware, software and other office technology purchased more than two weeks before the date of a primary election, in the case of a candidate who is opposed in the primary election, or two weeks before the date of a general election, in the case of a candidate who was not opposed in a primary election;

8. A post-election event for staff, volunteers and/or supporters held within thirty days of the election;

9. Payment of non-criminal penalties or fines arising out of a political campaign;

10. Costs incurred in demonstrating eligibility for the ballot or public funds payments or defending against a claim that public funds must be repaid; [and]

11. Food and beverages provided to campaign workers and volunteers[.]; and

12. Purchases of carbon offsets or offsets of other greenhouse gases to offset emissions related to a campaign and pursuant to rules to be promulgated by the Board.

§2. Subdivision 4 of Section 3-706 of the administrative code of the city of New York is amended to read as follows:

4. a. Expenditures made for the purpose of: (i) bringing or responding to any action, proceeding, claim or suit before any court or arbitrator or administrative agency to determine a candidate's or political committee's compliance with the requirements of this chapter, including eligibility for public funds payments, or pursuant to or with respect to election law or other law or regulation governing candidate or political committee activity or ballot status, (ii) expenses to challenge or defend the validity of petitions of designation or nomination or certificates of nomination, acceptance, authorization, declination or substitution, and expenses related to the canvassing or re-canvassing of election results, [and] (iii) expenses related to the post-election audit, (iv) expenses equaling the difference between the price of durable goods purchased that have a demonstrable benefit to the environment by virtue of their rate of energy consumption or quantity of greenhouse gas emissions and the purchase price of substantially similar durable goods, subject to rules to be promulgated by the board, and (v) expenses incurred to purchase carbon offsets or offsets of other greenhouse gases, subject to rules to be promulgated by the Board shall not be limited by the expenditure limitations of this section.

§3. This local law shall take effect January 1, 2010.

Referred to the Committee on Governmental Operations

Int. No. 1051

By Council Members Ignizio, Oddo, Mitchell, Comrie and James.

A Local Law to amend the administrative code of the city of New York, in relation to notification of requests for waivers in paving plans.

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-154 to read as follows:

§19-154 Requirement of notification of waiver on paving plans. Upon receipt by the department of any application for a waiver of any rules promulgated by the department with respect to the installation or repair of a roadway sidewalk and/or curb, the department shall notify, via facsimile and regular mail transmission, the borough president of the borough where such sidewalk or curb is located and the council member in whose district such sidewalk or curb is located of such waiver application. No waiver shall be granted by the department within thirty days of receipt by such borough president and council member of such notification. If such waiver is granted, the department shall notify such borough president and council member via facsimile and regular mail transmission within five business day of such granting. All notifications made to a council member pursuant to this section shall be sent to the district office of such council member, or to any other office of such council member maintained by such council member pursuant to their council duties, if no such district office exists.

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

Referred to the Committee on Transportation

Res. No. 2090

Resolution supporting the continued operation of the Stella D'Oro Biscuit Company in the Bronx and supporting the efforts of Local 50 and the workers at Stella D'Oro Biscuit Company to maintain their jobs and prevent the closure of the Bronx factory.

By Council Member Koppell, the Speaker (Council Member Quinn) and Council Members Jackson, Liu, Comrie, James, Katz, Palma, Sanders, Weprin and Gerson.

Whereas, More than 130 workers at the Stella D'Oro Biscuit Company in the Bronx face the permanent loss of their jobs and unemployment as Brynwood Partners, owners of Stella D'Oro, plan to close the Bronx factory in October; and

Whereas, These workers, which include unionized bakers, packers, machine operators and mechanics, went on strike on August 13, 2008 after reaching an impasse in negotiations as company officials tried to force workers to accept a 20% pay cut, elimination of sick days and overtime and other cutbacks; and

Whereas, The employees returned to their jobs on July 7, 2009, a week after an administrative judge with the National Labor Relations Board ordered Brynwood Partners, the current owner of Stella D'Oro, to reinstate and pay back wages to the striking workers, finding that the company had engaged in unfair labor practices; and

Whereas, This brought an end to the 11-month strike, however, Brynwood Partners, a Connecticut-based private equity fund, is now threatening to close the Bronx factory; and

Whereas, According to news sources, Brynwood Partners has received significant tax incentives over recent years to keep its factory operating in the Bronx; and

Whereas, It has been reported that Brynwood Partners' primary strategy has been to increase profit margins by driving down wages and health care costs for a workforce whose earnings range from \$36,000 to \$50,000 a year; and

Whereas, Local 50 of the Bakery, Confectionery, Tobacco Workers and Grain Millers (BCGTM) International Union, representing the workers at the Stella D'Oro Biscuit Company has filed charges with the National Labor Relations Board under Article 10-J of the National Labor Relations Act in an attempt to stop the company's planned shutdown of the Bronx factory; and

Whereas, Given the actions taken by Brynwood Partners, in which the Pennsylvania State Employees' Retirement System and other pension funds may have investments, state and local officials in appropriate jurisdictions should consider divesting from Brynwood Partners; now, therefore, be it

Resolved, That the Council of the City of New York supports the continued operation of the Stella D'Oro Biscuit Company in the Bronx and supports the efforts of Local 50 and the workers at Stella D'Oro Biscuit Company to maintain their jobs and prevent the closure of the Bronx factory.

Adopted by the Council (preconsidered and approved by the Committee on Civil Service and Labor).

Res. No. 2091

Resolution calling on the United States Congress to adopt legislation removing the exemption for hydraulic fracturing from the Safe Drinking Water Act, and calling on the United States Environmental Protection Agency to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing.

By Council Members Lappin, Brewer, Comrie, Gennaro, James, Koppell, Palma, Sanders, Gerson and Avella.

Whereas, The New York City drinking water supply is one of our most vital resources; and

Whereas, Ninety percent of the New York City drinking water supply sits atop natural gas formations that may be accessed using a technique known as hydraulic fracturing; and

Whereas, The hydraulic fracturing process involves injecting water mixed with chemicals, some of which may present public health risks, into sealed wells; and

Whereas, The New York City drinking water supply, as well as drinking water supplies throughout the country, should be protected to the highest degree possible; and

Whereas, The Energy Policy Act of 2005 exempted hydraulic fracturing from regulation under the Underground Injection Control program of the Safe Drinking Water Act; and

Whereas, State-by-state regulation of hydraulic fracturing activities results in inconsistent standards for drilling activities and unreliable information about the dangers of hydraulic fracturing; and

Whereas, Representatives DeGette, Hinchey, and Salazar have recently introduced Congressional legislation, H.R. 2766 of 2009, known as the "Fracturing Responsibility and Awareness of Chemicals Act of 2009," to repeal the exemption for hydraulic fracturing from the Safe Drinking Water Act; and

Whereas, Lisa Jackson, the current Administrator of the United States Environmental Protection Agency, has recognized the need for the EPA to re-examine the potential danger to drinking water supplies posed by hydraulic fracturing; and

Whereas, Federal study and regulation of hydraulic fracturing will support and enhance State efforts to protect drinking water supplies; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to adopt legislation removing the exemption for hydraulic fracturing from the Safe Drinking Water Act, and calls on the United States Environmental Protection Agency to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing.

Referred to the Committee on Environmental Protection.

Int. No. 1052

By Council Members Mark-Viverito, Gonzalez, James and Seabrook.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of security gates on windows that lead to fire escapes.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2043.1 to read as follows:

§ 27-2043.1 *Security gates for windows leading to fire escapes. a. For purposes of this section, "security gate" shall mean a gate that is placed over or in a window for the primary purpose of protecting the occupants of a dwelling unit by preventing access to such dwelling unit from the outside.*

b. The owner of a multiple dwelling shall provide, install and maintain a security gate on any window of such dwelling leading to a fire escape. All security gates shall be installed and maintained in accordance with the rules of the fire department.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Housing and Buildings

Res. No. 2092

Resolution calling upon the New York State Legislature to pass, and the Governor to approve, legislation creating a Mitchell-Lama-type program for the 21st Century for buildings to be built on vacant lots owned by the City of New York and for vacant City-owned buildings.

By Council Members Mark-Viverito, Brewer, Fidler, Gonzalez, James, Palma, Reyna, Sanders, Sears, Avella and Comrie.

Whereas, There is currently a severe shortage of affordable housing in the City of New York; and

Whereas, According to the 2008 New York City Housing and Vacancy Survey (HVS), the Citywide vacancy rate for rental apartments was only 2.88 percent; and

Whereas, The low vacancy rate is an indication of the City's affordable housing crisis; and

Whereas, The City has seen recent losses in affordable housing due to withdrawals from the Mitchell-Lama and project-based Section 8 programs, and the deregulation of rent-regulated housing; and

Whereas, Funding for the construction of new affordable housing has not kept pace with New York City's needs; and

Whereas, Affordable housing programs keep neighborhoods economically diverse and vibrant by allowing low to middle-income New Yorkers to remain residents of the City; and

Whereas, Housing associations are comprised of the owners of affordable housing developments organized pursuant to the Private Housing Finance Law and help sustain affordable housing; and

Whereas, Housing associations help improve the quality of life for tenants by serving as a collective voice for such tenants with respect to matters concerning building operations and maintenance; and

Whereas, A recent survey by the President of the Borough of Manhattan, Scott Stringer, found that some of the vacant lots and buildings in Manhattan were owned by the City of New York; and

Whereas, The New York State Legislature (the Legislature), through the creation of affordable housing programs such as the Mitchell-Lama program and other programs established in the Private Housing Finance Law, attempted to remedy a serious shortage of decent housing by providing affordable rental units for individuals and families whose incomes were too high for public housing, but not high enough to afford housing developed through private enterprise; and

Whereas, Currently, owners of Mitchell-Lama buildings are permitted to buy out their mortgages and take their buildings out of this program after 20 years, and there are thousands of apartments in buildings where property owners currently have this option; and

Whereas, Some neighborhoods in the City have seen rapid gentrification in recent years in areas where vacant lots and buildings exist; and

Whereas, Rapid gentrification may have resulted in the displacement of low and middle-income New Yorkers, severely disrupting the life of the communities where such individuals have lived; and

Whereas, Since rapid gentrification may have contributed to the displacement of some New Yorkers, and some New Yorkers residing in a Mitchell-Lama building may be adversely affected by such opt-outs, the Legislature should create a new Mitchell-Lama program for the 21st Century analogous to the existing program, which would encourage development on vacant City-owned lots and by converting vacant City-owned buildings into residences; and

Whereas, At a time when the City is hemorrhaging affordable housing, New York State should help this housing crisis end, and ensure that it is not exacerbated by allowing vacant City-owned buildings and lots to remain vacant without providing a mechanism to turn them into affordable housing; and

Whereas, State legislation to create a new Mitchell-Lama-type program for the 21st Century for buildings to be built on vacant lots owned by the City and for vacant City-owned buildings, with a requirement that some of the units created be reserved for neighborhood residents who have been previously displaced, would make it easier for the City to survive this affordable housing crisis and help keep neighborhoods economically diverse and vibrant; 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 approve, legislation creating a Mitchell-Lama-type program for the 21st Century for buildings to be built on vacant lots owned by the City of New York and for vacant City-owned buildings.

Referred to the Committee on Housing and Buildings.

Int. No. 1053

By Council Members Mitchell, Brewer, Comrie, Gennaro, Gentile, Liu, Palma, Reyna, Weprin, Gerson, Avella and Ferreras.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide school nurses to afterschool programs in public and private primary schools and summer camps.

Be it enacted by the Council as follows:

Section 1. Paragraphs one and two of subdivision a section 17-187 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 57 for the year 2004, are renumbered as paragraphs two and three, respectively, and new paragraphs one and four are added to read as follows:

(1) "Afterschool program" means a recreational, educational or cultural program operating on property of a public or private primary school providing instruction or care for ten or more enrolled children on a periodic or recurrent basis for less than 24 hours a day during weekday hours after regularly scheduled classes have ended for the day. Such term shall include, but not be limited to, programs that are operated by city agencies, community organizations, public or private organizations, firms, groups and associations.

(4) "Summer camp program" means a program on a property owned, leased, operated or funded by the city of New York consisting of a tract of land, and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied by ten or more children under the age of thirteen under general supervision on a scheduled basis at any time between May 15 and September 15, primarily for the purpose of organized group activities.

§ 2. Subdivisions d, e and f of section 17-187 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 57 for the year 2004, are relettered as subdivisions f, g and h, respectively, and new subdivisions d and e are added to read as follows:

d. Afterschool Programs. The department shall provide at least one nurse at an afterschool program in a public or private primary school which i) had at least two hundred students enrolled on the last day of the second month of the preceding school year in the public or private primary school in which the afterschool program is located; ii) submits a written request to the department that such nurse be provided for the afterschool program; and iii) maintains, pursuant to any rules promulgated by the commissioner, an appropriate medical room wherein such nurse can carry out his or her nursing duties.

e. Summer Camp Programs. The department shall provide at least one nurse at a summer camp program which i) submits a written request to the department that such nurse be provided for the summer camp program and ii) maintains, pursuant to any rules promulgated by the commissioner, an appropriate medical room wherein such nurse can carry out his or her nursing duties.

§ 3. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health

Int. No. 1054

By Council Members Oddo and Comrie.

A Local Law to amend the administrative code of the city of New York, in relation to roadway and sidewalk widths.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-154 to read as follows:

§19-154 Street, roadway and sidewalk widths. a. For the purposes of this section, the following terms shall be defined as follows:

1. "Roadway" shall have the same meaning as defined under section one hundred forty of the vehicle and traffic law.

2. "Street" shall have the same meaning as defined under section one hundred forty eight of the vehicle and traffic law.

b. The width of each sidewalk included as part of a corresponding street shall be determined by multiplying the width of the street by ten percent and adding five feet to the product. The remaining width of the street, after subtracting the mandatory widths for the sidewalks, shall constitute the minimum width of such street's roadway.

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

Referred to the Committee on Transportation

Res. No. 2093

Resolution calling on the New York State Assembly to pass A.5696-C and the New York State Senate to introduce and pass a companion bill; on the Senate to pass S.5489; and on the Governor to sign these bills so that all New York City residents enjoy further protections from the misuse of firearms.

By Council Members Sears, Brewer, Fidler, Weprin and Comrie.

Whereas, New York City is a national leader in gun safety and policy initiatives designed to increase public safety in the City; and

Whereas, The laws in New York respect the right of an individual to own a firearm while keeping weapons away from those who may abuse that right; and

Whereas, New York City has strict regulations surrounding the sale and possession of firearms in order to protect our highly populated urban communities; and

Whereas, In 2008, 292 people were shot to death in New York City, down from 347 the year before, continuing a longtime decline in deaths by firearms; and

Whereas, The declining number of firearm-related deaths indicates that strong restrictions on guns can positively impact public safety; and

Whereas, Despite recent decreases in New York's firearm-related deaths, the onus is on state and local government to further decrease the rate of deaths by firearms; and

Whereas, In the wake of tragedies such as the mass shooting in Binghamton, New York and Blacksburg, Virginia it is more important than ever to regulate and control the sale of firearms if New York hopes to avoid similar devastating situations; and

Whereas, Several bills currently pending in the State Assembly and Senate would effect such regulation and control; and

Whereas, A.3076-B (Kavanagh) was passed by the New York State Assembly on April 28, 2009 and would broaden provisions relating to eligibility for a firearms license if its companion bill, S.5489 (Adams), is passed as well; and

Whereas, A.3076-B would amend the penal code in order to tighten the eligibility criteria for issuance of a license to carry a firearm as such criteria relate to the mental capacity and mental health of the applicant; and

Whereas, A.3076-B would require an individual to prove mental stability before being permitted to purchase a firearm in New York and would require a licensed official to investigate claims of competent mental status prior to allowing individuals to purchase firearms; and

Whereas, A.3076-B and S.5489 additionally create a training course and testing requirement for any individual who wishes to purchase a firearm in the state of New York; and

Whereas, Much like a driving test before one can drive a car, A.3076-B and S.5489 would require a firearms training course to be completed, a test to be passed and the applicant to show proof of a certificate of completion issued in his or her name and endorsed by an authorized instructor before an individual could legally possess a firearm in New York State; and

Whereas, In addition to A.3076-B and S.5489, A.5696-C (Kavanagh), currently pending in the New York State Assembly, would require all employees of gunsmiths and dealers of firearms who sell or handle firearms to submit to an instant

background check through the National Instant Criminal Background Check System (NICS); and

Whereas, Firearms dealers must participate in NICS in order to be licensed to sell firearms but their employees, who have open access to firearms, never do; and

Whereas, This bill would ensure that individuals selling firearms are legally able and responsible enough to own one as well, giving the public more assurance that credibly exists at all levels during the sale of a firearm; and

Whereas, These bills would put in place safeguards that would provide for the continued safety of New York residents from the reckless sale and use of firearms that do not belong on the streets of urban centers like New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass A.5696-C and the New York State Senate to introduce and pass a companion bill; on the Senate to pass S.5489; and on the Governor to sign these bills so that all New York City residents enjoy further protections from the misuse of firearms.

Referred to the Committee on Public Safety.

Res. No. 2094

Resolution calling upon the New York State Department of Health to require that all ambulances carry insulin to be able to treat patients in the event of a diabetes-related health emergency.

By Council Members Stewart, Barron, Koppell, Nelson, Palma, Weprin and Liu.

Whereas, According to the American Diabetes Association, diabetes is a disease where a person's body does not produce or properly utilize insulin, a necessary hormone that converts sugar and other foods into energy; and

Whereas, As of June 2008, approximately 24 million people suffered from diabetes, representing nearly 8 percent of the country's population, according to the United States Centers for Disease Control and Prevention (the "CDC"); and

Whereas, Additionally, the CDC estimates that another 57 million people have pre-diabetes, which places individuals at a higher risk of suffering from this disease; and

Whereas, CDC data indicates that nationwide, diabetes is the seventh leading cause of death, accounting for nearly 234,000 deaths annually; and

Whereas, Diabetes can cause further serious health complications including heart disease, blindness, kidney failure, and lower-extremity amputations; and

Whereas, While the causes of diabetes are unclear, it is believed that genetic predisposition, obesity and living a sedentary lifestyle contribute to the prevalence of this disease; and

Whereas, According to the National Diabetes Information Clearinghouse, diabetes-related mortality, the associated health care costs of treating individuals with diabetes and lost time and wages, totaled \$174 billion in 2007; and

Whereas, In New York City, diabetes has become an epidemic due to significant increases in obesity; and

Whereas, According to the New York City Department of Health and Mental Hygiene ("DOHMH"), it is estimated that 700,000 New York City residents suffer from diabetes and nearly a third are unaware that they have this disease; and

Whereas, Of the number of New Yorkers with diabetes, DOHMH estimates that more than 100,000 are at high risk of heart attack, stroke, kidney failure, blindness and amputations; and

Whereas, DOHMH recommends that individuals with diabetes constantly monitor and control their blood sugar, blood pressure and cholesterol, as well as regularly exercise, maintain a healthy diet and take prescribed medications; and

Whereas, According to DOHMH's Diabetes in New York City: Public Health Burden and Disparities report, diabetes-related hospitalizations, increased by 20 percent from 1994 to 2003; and

Whereas, The DOHMH report also indicates that in 2003, nearly 40 percent of diabetic-related hospitalizations in the City were for short-term, potentially life-threatening complications, including diabetic ketoacidosis, hyperosmolarity and coma; and

Whereas, By administering insulin, intravenous fluids, potassium and sodium, a patient can be effectively treated for these conditions; and

Whereas, Article 30 of the New York State Public Health law empowers the New York State Department of Health to set statewide emergency medical services policy and appoint regional emergency medical services councils to take into account the needs of particular regions; and

Whereas, In New York City, the Regional Emergency Medical Services Council of New York City ("REMSCO"), coordinates emergency medical services, including treatment and equipment protocols; and

Whereas, Yet REMSCO has not required all ambulances throughout New York City to carry insulin; and

Whereas, Emergency medical workers in New York City, therefore, do not have the option of administering insulin when responding to an individual with diabetes exhibiting potentially life-threatening complications; and

Whereas, Mandating that all ambulances carry insulin would improve the level of care performed by the emergency medical workers and may help diabetic patients experience better outcomes; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Health to require that all ambulances carry insulin to be able to treat patients in the event of a diabetes-related health emergency.

Referred to the Committee on Health.

Res. No. 2095

Resolution calling on the United States government to give additional special consideration to applicants for naturalization who are veterans of the United States Armed Forces.

By Council Members Stewart, Barron, Fidler, Koppell, Liu, Sanders, Sears, Weprin, Dilan and Nelson.

Whereas, As of 2007, approximately 645,000 veterans of the U.S. Armed Forces self-identified as immigrants; and

Whereas, Veterans of the U.S. Armed Forces include those who served in either the Army, Navy, Marine Corps, Air Force, Coast Guard, certain Reserve components of the National Guard, and the Selected Reserve of the Ready Reserve; and

Whereas, As of May 2008, more than 65,000 immigrants were serving on active duty in the U.S. Armed Forces; and

Whereas, Generally, an applicant for citizenship must demonstrate good moral character, knowledge of the English language, knowledge of U.S. government and history, an attachment to the U.S., and must also establish residency and physical presence; and

Whereas, It generally takes between three and five years before a legal immigrant can apply to become a citizen, depending on various circumstances; and

Whereas, Membership in the U.S. Armed Forces does not automatically grant non-citizen immigrants U.S. citizenship status and, like all applicants for U.S. citizenship, veterans and active duty service members must meet strict requirements; and

Whereas, There is an opportunity for non-citizen immigrants who are on active duty or have been recently discharged to apply for citizenship earlier than those who have not participated in the Armed Forces; and

Whereas, Presidential Executive Order No. 13269 allows non-citizens on active duty in the Armed Forces, who served at any time during a specified period of hostility, beginning September 11, 2001, to immediately apply for naturalization; and

Whereas, Despite this expedited citizenship process, many immigrants who have served in the U.S. Armed Forces during this period of hostility continue to have long waits for their naturalization applications to be processed; and

Whereas, As of February 2008, Abdool Habibullah, a Guyanese immigrant honorably discharged from the Marines, still had not heard about the status of his citizenship application completed when he returned from Iraq in 2005; and

Whereas, Feyad Mohammed, an immigrant from Trinidad and Tobago and a resident of Richmond Hill, Queens, applied for U.S. citizenship four times between 2004 and 2007 during his two tours in Iraq; and

Whereas, Mr. Mohammed was finally naturalized in January 2008, six months after he was honorably discharged from the Army, four years after he submitted the first of four citizenship applications, and only after reaching out to Senator Schumer's office for assistance; and

Whereas, As of February 2008, approximately 7,200 service members in active duty or service members who had been recently discharged had citizenship applications pending; and

Whereas, Veterans of the U.S. Armed Forces who served honorably, but were no longer serving on active duty status as of September 11, 2002, may still be naturalized without having to comply with residency and physical presence requirements for naturalization, so long as they filed their application while still serving in the U.S. Armed Forces or within six months of termination; and

Whereas, There are reports of veterans of the U.S. Armed Forces who are facing deportation; and

Whereas, Warren Joseph, a veteran of the Persian Gulf war, was placed in custody of Immigration and Customs Enforcement officials for more than three years, while immigration officials tried to deport him; and

Whereas, Mr. Joseph applied for U.S. citizenship twice while serving in the Army, but was never able to complete the process, due, in part, to an error made by U.S. Armed Forces officials; and

Whereas, The goal of many immigrants is to become naturalized U.S. citizens because of the number of opportunities that may become available, including employment benefits; and

Whereas, In order to be eligible for certain City positions, such as a police officer or fire fighter, an applicant must be a U.S. citizen; and

Whereas, According to the 2000 Census, approximately 2.9 million of New York City's residents were foreign born; and

Whereas, Non-citizen immigrants are allowed to serve in the U.S. Armed Forces in order to show their appreciation, support and commitment to this country, but they often must wait indefinitely to be deemed citizens of this country; and

Whereas, Non-citizen immigrants should no longer be denied the rights and privileges of U.S. citizenship after proving their devotion to this nation by serving in the U.S. Armed Forces; now, therefore be it

Resolved, That the Council of the City of New York calls on the United States government to give additional special consideration to applicants for naturalization who are veterans of the United States Armed Forces.

Referred to the Committee on Immigration.

Int. No. 1055

By Council Members Vacca, Barron, Brewer, Fidler, Gennaro, Palma, Weprin, Avella, Comrie and Nelson.

A Local Law to amend the administrative code of the City of New York, in relation to requiring the Fire Commissioner to send certain reports to the City Council.

Be it enacted by the Council as follows:

Section 1. Section FC 104 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, is amended by adding a new section 104.13 to read as follows:

104.13 Reporting to the City Council. *The commissioner shall prepare and send a quarterly report, within seven business days of the end of each quarter, to the council members, community boards and borough presidents whose districts were previously served by any firehouse, any tour of a fire fighting unit or a fire fighting unit that was permanently closed, removed or relocated after January 1, 2009. Such report shall indicate the average response time for the quarterly period, as well as year to date, to all fire, medical and non-medical emergencies of the new first and second due fire fighting unit or units to the affected coverage area. In the event any average response time for the quarterly period is greater than six minutes, the report must include a detailed statement as to whether the department intends to seek to reduce the response time and, if so, how. For the purposes of this section, the term "permanent" shall mean a time period in excess of three months.*

§2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services

Int. No. 1056

By Council Members Vallone Jr., Gennaro, Nelson and Gerson.

A Local Law to amend the administrative code of the city of New York, in relation to the reuse or recycling of discarded carpeting from commercial units or buildings.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-C to read as follows:

CHAPTER 4-C
16-470 Definitions
16-471 Disposal Ban
16-472 Source Separation
16-473 Collection
16-474 Delivery
16-475 List of Carpet Recycling Companies
16-476 Certificate of Recycling
16-477 Reporting
16-478 Enforcement

§16-470 Definitions. *When used in this chapter the following terms shall have the following meanings:*

a. "Conforming project" shall mean a construction, alteration, demolition or other such project within the city in which carpeting covering a floor space equal to ten thousand or more square feet within the same commercial building or unit is to be removed as part of the same project.

b. "Covered carpeting" shall mean carpeting that has been or will be removed from a commercial unit or building as part of a conforming project.

c. "Responsible party" shall mean the owner, tenant, carpet retailer, carpet installer, general contractor, subcontractor, or any other party who is responsible for ensuring the proper disposal of the refuse generated by a conforming project.

d. "Recycle" shall have the same meaning as in section 16-303 of this title.

e. "Reuse" shall mean use of carpeting in a manner that retains the original purpose and performance characteristics of the carpeting.

f. "Carpet recycling company" shall mean an individual, company or other entity which (i) refurbishes or otherwise processes carpeting for reuse or resale, or (ii) removes, separates, or otherwise extracts components or commodities from carpeting either by manual or mechanical separation or by changing such carpeting's physical or chemical composition for the purpose of reusing or recycling such components or commodities.

g. "Licensed carter" shall mean the holder of a valid license pursuant to section 16-505 of this title.

h. "Source separation" shall have the same meaning as in section 16-303 of this title.

§ 16-471 Disposal Ban. *Beginning on January 1, 2010, no person shall dispose of covered carpeting within the city as solid waste.*

§ 16-472 Source separation. *Beginning on January 1, 2010, a responsible party shall ensure that all covered carpeting is separated and kept separate from all solid waste produced as a result of a conforming project.*

§ 16-473 Collection. a. *Beginning on January 1, 2010, a responsible party shall, at its own expense or at the expense of any party with whom the responsible party has secured payment, arrange for the collection and transportation for reuse or recycling of all covered carpeting pursuant to the terms of this chapter through a licensed carter or a carpet recycling company.*

b. *Any carpet recycling company collecting covered carpeting within the city shall be licensed pursuant to 16-505 of this chapter.*

§ 16-474 Delivery. a. *Any licensed carter that collects source separated covered carpeting shall deliver such carpeting to a carpet recycling company.*

b. *A licensed carter shall tag, mark, segregate, or cause to be tagged, marked or segregated, covered carpeting so as to identify the source of the covered carpeting it collects in order to ensure that such covered carpeting may be properly identified and attributed to the responsible party, whose conforming project was the source of such covered carpeting, upon delivery to a carpet recycling company.*

§ 16-475 List of carpet recycling companies. *Beginning on December 1, 2009 the department shall maintain and regularly update a non-exclusive list of carpet recycling companies. Such list shall include the name, address and contact information for each carpet recycling company, shall be maintained on the department website and, upon request, a printed copy shall be distributed by mail to a responsible party.*

§ 16-476 Certificate of Recycling. a. *Beginning January 1, 2010, a responsible party shall submit to the commissioner a certificate for each conforming project for which it is responsible which shall include:*

1. *the location of the conforming project;*
2. *the amount of carpeting, calculated either by weight or area, collected at the conforming project;*
3. *the name of the licensed carter or carpet recycling company who collected and was to deliver the covered carpeting;*
4. *the name of the carpet recycling company where the covered carpeting was delivered, if known;*
5. *a sworn affirmation by a qualified representative of the responsible party averring that:*

i. the responsible party adhered to the source separation and collection requirements of this chapter; and

ii. the information provided by the responsible party is accurate; and

6. any other information required by department rules.

b. *The responsible party shall file the certificate of recycling with the department within thirty days of collection of the covered carpeting by the licensed carter or carpet recycling company.*

c. *Beginning on January 1, 2010, a licensed carter or carpet recycling company that collects covered carpeting from within the city pursuant to this chapter shall submit to the commissioner a certificate for each conforming project from which it collects covered carpeting which shall include:*

1. the location of the conforming project from which the covered carpeting was collected;

2. the name of the responsible party;

3. the amount of carpeting, calculated either by weight or area, collected at the conforming project;

4. the name of the carpet recycling company where the covered carpeting was delivered, if different than the entity that collected the carpeting;

5. an affirmation by a qualified representative of the licensed carter or carpet recycling company averring that:

i. the licensed carter or carpet recycling company adhered to the collection and

delivery requirements of this chapter; and

ii. the information provided by the licensed carter or carpet recycling company is an honest reporting; and

6. any other information required by department rules.

§ 16-477 Reporting. Any carpet recycling company receiving covered carpeting under the terms of this chapter shall, on a regular basis as determined by the commissioner by rule so as to distribute the dates evenly over the course of a year, submit to the department a report containing the following information:

1. a list of all conforming projects from which the carpet recycling company accepted covered carpeting, the name of the responsible party or carting company which delivered the covered carpeting and the amount of covered carpeting received from each conforming project;

2. the total amount of covered carpeting received during the reported period;

3. the total amount of covered carpeting reused or recycled during the reported period;

4. the total amount of covered carpeting not reused or recycled during the reported period and the methods used for disposal of such carpeting.

§ 16-478 Enforcement. a. Any notice of violation alleging a violation of any provision of this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein.

b. Beginning on January 1, 2010, any person or entity who violates the provisions of section 16-471 of this chapter shall be liable for a civil penalty of five thousand dollars for each such violation.

c. Beginning on January 1, 2010, any person or entity who violates the provisions of section 16-472 of this chapter shall be liable for a civil penalty of five thousand dollars for each conforming project for which such person or entity fails to source separate covered carpeting.

d. Beginning on January 1, 2010, any person or entity who violates the provisions of subdivision a of section 16-473 of this chapter shall be liable for a civil penalty of five thousand dollars for each conforming project for which such person fails to observe the collection requirements of this chapter.

e. Beginning on January 1, 2010, any person or entity who violates the provisions of subdivision a of section 16-474 of this chapter shall be liable for a civil penalty of five thousand dollars for each conforming project for which such person or entity fails to properly deliver covered carpeting pursuant to the requirements of this chapter.

f. Beginning on January 1, 2010, any person or entity who violates the provisions of subdivision b of section 16-474 of this chapter shall be liable for a civil penalty of one thousand dollars for each conforming project for which such person or entity fails to properly mark, tag, segregate or otherwise identify covered carpeting pursuant to the requirements of subdivision b of section 16-474.

g. Beginning on January 1, 2010, any person or entity who fails to submit a certificate of recycling pursuant to section 16-476 of this chapter shall be liable for a civil penalty of ten thousand dollars for each conforming project for which the person or entity fails to submit a certificate.

h. Beginning on January 1, 2010, any person or entity who knowingly submits a certificate of recycling as required by section 16-476 of this chapter that contains a false or misleading statement as to a material fact or omits to state any material fact shall be liable for a civil penalty of five thousand dollars for each such statement or omission. It shall be an affirmative defense that a person or entity neither knew nor should have known that a statement of material fact was false or misleading, or that an omission of a material fact was inadvertent.

i. Beginning on January 1, 2010, any carpet recycling company which fails to file a report with the department pursuant to the provisions of section 16-477 shall be liable for a civil penalty of twenty thousand dollars for each such violation.

j. Beginning on January 1, 2010, any carpet recycling company which knowingly submits a certificate of recycling as required by section 16-477 of this chapter that contains a false or misleading statement as to a material fact or omits to state any material fact shall be liable for a civil penalty of five thousand dollars for each such statement or omission. It shall be an affirmative defense that a person or entity neither knew nor should have known that a statement of material fact was false or misleading, or that an omission of a material fact was inadvertent.

§2. This local law shall take effect six months after enactment except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management

Int. No. 1057

By Council Members Weprin and Comrie (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the extension of the Times Square 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 25-422.3 to read as follows:

§25-422.3 *Times Square business improvement district; extension of 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 extension of the district; that all the real property benefited is included within the limits of the district; and that the extension 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, the Times Square business improvement district in the borough of Manhattan is hereby extended. Such district is extended in accordance with the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan upon which the Times Square business improvement district, and the extension thereof, is based.

c. The amended district plan shall not be further 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 and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2009.

Referred to the Committee on Finance

Int. No. 1058

By Council Members Weprin and Comrie (by request of the Mayor).

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

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 25-422.4 to read as follows:

§25-422.4 *Times Square business improvement district; amendment of the district plan.* a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Times Square business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

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

§2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2009.

Referred to the Committee on Finance

Res. No. 2096

Resolution concerning the extension of the Times Square Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the extension of such district

By Council Members Weprin and Comrie.

WHEREAS, pursuant to the authority formerly granted to the Board of Estimate by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Board of Estimate, by a resolution dated July 19, 1990 (Cal . No. 322), provided for the preparation of a district plan (the "Original Plan") for the Times Square Business Improvement District (the "District") in the Borough of Manhattan; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation extending Business Improvement Districts; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted an amended District Plan (the "Amended Plan") for the Times Square Business Improvement District to the City Planning Commission (the "CPC") on March 3, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the City Council on March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the Council Members representing the council districts in which the proposed extended district is located on March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the community board (Manhattan Community Board Number 4, hereinafter the "Community Board") for the community district in which the proposed extended district is located on March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Board notified the public of the Amended Plan in accordance with the requirements established by the CPC; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Board conducted a public hearing on April 1, 2009; and

WHEREAS, on April 1, 2009, the Community Board voted to approve the extension of the District; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC reviewed the Amended Plan, held a public hearing and prepared a report certifying its unqualified approval of the Amended Plan; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the affected Borough President, to the City Council and to the Council Members representing the council districts in which the proposed extended district is located; and

WHEREAS, pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the Original and Amended Plans, was transmitted for filing with the City Clerk on May 20, 2009; and

WHEREAS, pursuant to section 25-406 (a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406 (a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, Municipal Building, Room 265, New York, New York; and

WHEREAS, pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the extended District, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) July __, 2009 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the "Public Hearing") to hear all persons interested in the extension of the District;

(ii) the Times Square District Management Association shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district;

(iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general

circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the Times Square District Management Association, Inc. mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

Referred to the Committee on Finance

Res. No. 2139

Resolution concerning an amendment to the District Plan of the Times Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing a change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based.

By Council Members Weprin and Comrie.

Whereas, pursuant to the authority formerly granted to the Board of Estimate by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Board of Estimate, by a resolution dated July 19, 1990 (Cal. No. 322), provided for the preparation of a district plan (the "Original Plan") for the Times Square Business Improvement District (the "District") in the Borough of Manhattan; and

Whereas, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based 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 such change and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such change; and

Whereas, the Times Square Business Improvement District wishes to amend the District Plan in order to provide for changes in the method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the 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 district specifying the time when and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the Law, hereby directs that:

(i) _____ is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the Law, the District Management Association of the Times Square Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the proposed change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based.

Referred to the Committee on Finance

L.U. No. 1161

By Council Member Weprin:

Full exemption from real property taxes for rental housing for the elderly, located at Findlay Plaza in Council District 16, Bronx, pursuant to Section 577 of the Private Housing Finance Law.

Referred to the Committee on Finance.

L.U. No. 1162

By Council Member Weprin:

Full exemption from real property taxes for the rehabilitation of housing for low income families located at 200 East Moshulu Parkway South in Council District 11, Bronx, pursuant to Section 577 of the Private Housing Finance Law.

Referred to the Committee on Finance.

L.U. No. 1163

By Council Member Weprin:

Full exemption from real property taxes for the rehabilitation of housing for low income families located at the Livonia Terrace Apartments in Council District 43, Brooklyn, pursuant to Section 577 of the Private Housing Finance Law.

Referred to the Committee on Finance.

L.U. No. 1164

By Council Member Katz:

Application no. 20095223 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc. d/b/a The Groove to establish, maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan, Council District no. 3.

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

L.U. No. 1165

By Council Member Katz:

Application no. N 0 090309 ZRK 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, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO.

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

L.U. No. 1166

By Council Member Katz:

Application no. C 090310 ZMK 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. 12d.

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

L.U. No. 1167

By Council Member Katz:

Application no. N 090333 ZRK by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts.

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

L.U. No. 1168

By Council Member Katz:

Application no. C 090334 ZMK 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. 12c, 13a and 13b.

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

L.U. No. 1169

By Council Member Katz:

Application no. N 090318 ZRQ submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections.

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

L.U. No. 1170

By Council Member Katz:

Application no. C 090319 ZMQ submitted by the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 7b and 10a

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

L.U. No. 1171

By Council Member Katz:

Application no. C 090382 ZMQ 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. 13c, 13d, 14a, 14b and 17c.

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

L.U. No. 1172

By Council Member Katz:

Application no. 20095655 HKM (N 090458 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 414, LP-2337) by the Landmarks Preservation Commission of Fort Washington Presbyterian Church located at 21 Wadsworth Avenue (aka 21-27 Wadsworth Avenue, 617-619 West 174th Street), Council District no 10 .

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

L.U. No. 1173

By Council Member Katz:

Application no. 20095656 HKK (N 090460 HKK) , pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 414, LP-2337) by the Landmarks Preservation Commission of the Fillmore Place Historic District, Council District no. 34 .

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

L.U. No. 1174

By Council Member Katz:

Application no. 20095657 HKM (N 090459 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 414, LP-2337) by the Landmarks Preservation Commission of the Audubon Historic District, Council District no 7.

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

L.U. No. 1175

By Council Member Katz:

Application no. 20105001 HHM pursuant to §7385 (6) of the Enabling Act, concerning the lease of approximately 25,000 square feet of space on the 3rd floor of the “C&D Building” on the campus of Bellevue Hospital Center, Council District no. 3.

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

L.U. No. 1176

By Council Member Katz:

Application no. 20095458 SCX, a proposed site for a new 612 seat Primary/Intermediate School Facility, to be located at 3177 Webster Avenue (Block 3353, Lot 40), Council District No. 11, Borough of The Bronx. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

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

L.U. No. 1177

By Council Member Katz:

Application no. C 0800088 ZSM submitted by 111 8th Avenue Parking 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 625 spaces on portions of the ground floor and cellar of an existing 17-story commercial building on property located at 111 8th Avenue (Block 39, Lot 1). 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. 1178

By Council Member Katz:

Application no. C 090003 ZSM submitted by RJM/EM 4 East 94th Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the

grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Sections 23-691, 23-633 (b), 23-633 (d) and 23-663 to allow the renovation of two buildings located at 4 and 6-8 East 94th Street (Block 1505, Lot 66). 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. 1179

By Council Member Katz:

Application no. C 090366 PCM submitted by the Police Department and the Department of Citywide Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 770 Eleventh Avenue (Block 1082, p/o Lot 1), for use as a police mounted unit facility and stables.

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

L.U. No. 1180

By Council Member Katz:

Application no. 20095375 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Chow Down, Inc, to establish, maintain and operate an unenclosed sidewalk café located at 824 Ninth Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 1181

By Council Member Katz:

Application no. 20095609 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sullivan Restaurant, LLC, to establish, maintain and operate an unenclosed sidewalk café located at 230 Ninth Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 1182

By Council Member Katz:

Uniform land use review procedure application no. C 080012 PCM submitted by the Police Department and the Department of Citywide Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 770 Eleventh Avenue (Block 1082, p/o Lot 1), for use as a police mounted unit facility and stables.

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

L.U. No. 1183

By Council Member Katz:

Application no. 20095590 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of NYLA Café, LLC, to establish, maintain and operate an unenclosed sidewalk café located at 101 Rivington Street, Borough of Manhattan, Council District no. 1.

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

L.U. No. 1184

By Council Member Katz:

Application no. 20105023 HAK, an Urban Development Action Area Project known as Vermont/Wyona 2, located in Community Board 5, Council District no. 42 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

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

L.U. No. 1185

By Council Member Katz:

Application no. 20105024 HAK, an Urban Development Action Area Project known as Vermont/Wyona2, located in Community Board 5, Council District no. 37 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

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

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

ANNOUNCEMENTS:

Tuesday, August 18, 2009

Subcommittee on ZONING & FRANCHISES9:30 A.M. See Land Use Calendar Available Thursday, August 13, 2009, in Room 5 City Hall Committee Room – City Hall Tony Avella, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M. See Land Use Calendar Available Thursday, August 13, 2009, in Room 5 City Hall Committee Room – City HallJessica Lappin, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS.....1:00 P.M. See Land Use Calendar Available Thursday, August 13, 2009, in Room 5 City Hall Committee Room – City HallDaniel Garodnick, Chairperson

Wednesday, August 19, 2009

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 – City HallMelinda R. Katz, Chairperson

★ Continuation of Recessed meeting of July 27, 2009

Committee on LOWER MANHATTAN REDEVELOPMENT2:00 P.M. Oversight - Update on Rebuilding of the World Trade Center Site Hearing Room – 250 Broadway, 14th Floor Alan Gerson, Chairperson

Thursday, August 20, 2009

Committee on FINANCE11:00 A.M. Proposed Res 2096-A - By Council Member Weprin - Resolution concerning the extension of the Times Square Business Improvement District in the Borough of Manhattan and setting the date, time and place for the public hearing to hear all persons interested in the extension of such district.

Proposed Res 2139-A - By Council Member Weprin - Resolution concerning an amendment to the District Plan of the Times Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing a change in the method of assessment upon which the district charge in the Times Square Business Improvement District is based.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall David Weprin, Chairperson

Committee on RULES, PRIVILEGES & ELECTIONS11:00 A.M.

M 1509 - Communication from the Mayor - Submitting the name of Ernest Cavallo to the Council for its advice and consent regarding his appointment to the Environmental Control Board, Pursuant to Sections 31 and 1049-a of the City Charter.

M 1510 - Communication from the Manhattan Borough President - Submitting the name of Anna Levin to the Council for its advice and consent regarding her appointment to the City Planning Commission, pursuant to Section 192 (a) of the New York City Charter.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Council Chambers – City Hall Diana Reyna, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m. Agenda – 1:30 p.m.

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Thursday, August 20, 2009.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council

Editor's Local Law Note: Int Nos. 1022, 1033, and 1041 (adopted by the Council at the Stated Council Meeting of June 30, 2009) were signed by the Mayor into law on July 17, 2009 as, respectively, Local Law Nos. 45, 46, and 47 of 2009. Int No. 992-A (adopted by the Council at the Stated Council Meeting of June 10, 2009 held on June 19, 2009) became law upon the override by the Council of the Mayor's June 29, 2009 veto at this July 29, 2009 Stated Council Meeting and was subsequently assigned as Local Law No. 48 of 2009. Int No. 1030 (adopted by the Council at this Stated Council Meeting of June 30, 2009) became Local Law No. 49 of 2009 pursuant to the City Charter on July 31, 2009 due to the lack of Mayoral action within the Charter-prescribed thirty day time period (returned unsigned).

Editor's Note: Due to his July 14, 2009 resignation from the Council, Council Member Martinez's name was removed from all pending legislation that remained in committee as of that date.

