

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, OCTOBER 27, 2010

THE COUNCIL

*Minutes of the
STATED MEETING*

of
Wednesday, October 27, 2010, 2:30 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Gennaro and Koppell.

Editor's Note: There is a vacancy in the Council pending the certified results of the scheduled Tuesday, November 2, 2010 Special Election in the 28th Council District (Queens).

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

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

There were 48 Council Members present at this Stated Meeting held at the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y.

INVOCATION

The Invocation was delivered by Reverend Victor Brown, Mt. Sinai United Christian Church, 16 Pike Street, Staten Island, NY 10301-2915.

Let us bow our heads.
Oh, Lord, our Lord,
how excellent is Thy Name.
God of Heaven and God of Earth,
We reverently pause to give You thanks
for the blessing of a new day.
We appreciatively thank You
for a reasonable portion
of life, health and strength.
We petition Your governing,
Guarding and guiding presence
over Speaker Quinn
and Members of this prestigious Council.
Overshadow our Mayor and his staff,
grant unto him the clarity of wisdom
to govern without selfish pretense.
Remember, Lord, President Obama,
as he leads, seeks to lead us
through the tempestuous waves
of economic unrest,
mean spirited partisan politics,
wars and rumors of wars abroad,
and the challenge of getting
much needed resource to Main Street.
Grant us the inspiration to run swiftly
to the banquet table of brother and sisterhood,
with the understanding
that there is the worst and the best of us,
the best and the worst of us,
therefore it should behoove many of us
not to judge the rest of us.
Hasten the day
when lion and lamb
can lie down together,
and justice indeed
will run down like waters
and righteousness
like a mighty stream.
Grant us the serenity
to accept the things we cannot change,
the courage to change the things we can,
and the wisdom to know the difference.
May we always answer in the affirmative
to the proverbial question of the ages,
"Am I my brother's keeper?"
And then God grant us peace,
joy and contentment
for the balance of this day,
and in days to come.
Amen.

Council Member Rose 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 Mary D'Alba.

Mary D'Alba, 70, mother of the City Council's Director of Security, Carl D'Alba, Jr., died on October 25, 2010 after a long illness. Ms. D'Alba, a resident of Flushing, Queens, had recently celebrated her 49th wedding anniversary with her husband, Carl. Sr. After working as a secretary, she was able to stay home and raise the family's four children. She leaves behind her husband, three sons and a daughter.

ADOPTION OF MINUTES

Council Member Ignizio moved that the Minutes of the Stated Meeting of September 16, 2010 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-285

Communication from the Mayor - Withdrawing the nomination of Michael Devonshire (M-221) from the City Council for its advice and consent regarding his appointment to the Landmarks Preservation Commission.

October 26, 2010

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

Dear Speaker Quinn:

I sent a letter to you recently presenting the name of Michael Devonshire for advice and consent of the City Council regarding his appointment to the Landmarks Preservation Commission.

I hereby request that Mr. Devonshire be withdrawn from consideration at this time. Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg
Mayor

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-286

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



David Yassky Commissioner
Licensing and Standards
32-02 Queens Boulevard
Long Island City, NY 11101
+1 212 227 6324 tel
+1 718 391 5786 fax

October 22, 2010

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 October 21, 2010 the Taxi & Limousine Commission voted to approve the following 21 for-hire-vehicle base license applications:

NEW (5):	LICENSE #	COUNCIL DISTRICT
Amigo Piolin Express Car Service, Inc.	B02403	48
AQA Car & Limo. Service Inc.	B02414	26
Fairway Car Service Inc.	B02415	13
New Storm Car Service Inc.	B02416	49
Power Luxury Radio Dispatch Inc.	B02405	7
RENEWALS (9):	LICENSE #	COUNCIL DISTRICT
Area's Two Transportation Inc.	B01452	51
Huang Hou Car Services Inc.	B02111	20
Lower East Side Car Service Corp.	B01318	2
Melmac Service Group Corp. D/b/a Econo Express Car Service	B01100	35

DIAL 311 – Government Services and Information for NYC

Printed on paper containing 30% post-consumer material.

Merengue Limo. & Car Service Inc.	B01437	29
R.N.D. Transportation, Inc. D/b/a Malone's Car Service	B01306	33
T.J.'s Car Service Inc.	B01833	49
Top Limousine Service Inc.	B01578	16
Zion Car Service, Inc.	B01029	39
RENEWAL & RELOCATION (2):	LICENSE #	COUNCIL DISTRICT
American Dream Car Service Inc.	B01734	4/26
Easy Fast Car Service Inc.	B01924	45
RENEWAL & OWNERSHIP CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Blue Diamond Car Service, Inc.	B02020	43
Community Car Service Priscilla Corp.	B00041	34/30
RENEWAL, OWNERSHIP CHANGE & NAME CHANGE (1):	LICENSE #	COUNCIL DISTRICT
Colonial II Car & Limo. Service	B02089	46
RENEWAL & NAME CHANGE(1):	LICENSE #	COUNCIL DISTRICT
Bensonhurst Car Service Corp.	B01280	47
RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
New Superior Radio Group Corp.	B01768	8/16

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
Assistant Commissioner
Licensing & Standards
Taxi & Limousine Commission

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Referred to the Committee on Transportation.

M-287

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license AQA Car & Limo.

Service Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-288

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Fairway Car Service Inc., Council District 13, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-289

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

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-290

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Power Luxury Radio Dispatch Inc., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-291

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Area's Two Transportation Inc., Council District 51, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-292

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Huang Hou Car Services Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-293

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lower East Side Car Service Corp., Council District 2, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-294

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

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-295

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Merengue Limo. & Car Service Inc., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-296

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license R.N.D. Transportation, Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-297

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license T.J.'s Car Service Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-298

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

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-299

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

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-300

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license American Dream Car Service Inc., Council Districts 4 and 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-301

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license Easy Fast Car Service Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-302

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Blue Diamond 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 TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-303

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Community Car Service Priscilla., Council Districts 30 and 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-304

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Colonial II Car & Limo. Service., Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-305

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

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

M-306

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license New Superior Radio Group Corp., Council Districts 8 and 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-286 printed above in this Communications from City, County & Borough section of these Minutes)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-307

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 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 unenclosed sidewalk café located at 33 Greenwich Avenue, Community Board 2, Application 20105693 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-308

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 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 unenclosed sidewalk café located at 184 West 10th Street, Community Board 2, Application 20105755 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-309

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 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 unenclosed sidewalk café located at 202 West 36th Street, Community Board 5, Application 20115138 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-310

By Council Member Mendez:

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 76 Avenue B, Community Board 3, Application 20105436 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 Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

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

(Present but Not Voting – Vallone, Jr.)

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Governmental Operations

Report for Int. No. 373-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report certain hate crime statistics on the city's website.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page 4353), respectfully

REPORTS:

I. Introduction

Proposed Introduction 373-A, by Council Member Mark-Viverito and the Speaker (Council Member Quinn), would amend the administrative code of the city of New York, in relation to requiring the Mayor's Office of Operations to report certain hate crime statistics on the My Neighborhood Statistics website.

A Preconsidered Introduction, by Council Member Mark-Viverito, would amend the administrative code of the city of New York, in relation to requiring the Mayor's Office of Operations to report certain domestic violence statistics on the My Neighborhood Statistics website.

The Committee previously heard testimony on these pieces of legislation on October 25, 2010.

II. Mayor's Office of Operations and My Neighborhood Statistics Website

Established pursuant to the City Charter, the Mayor's Office of Operations is charged with, among other duties, evaluating agency performance, assisting agencies in improving service quality and delivery, and overseeing Mayoral and agency initiatives.

Since 1977, the Charter has required the Mayor to report twice a year to the public and the Council on the service goals of each City agency, the actual performance of each City agency, and the management efficiency in achieving each agency's goals.¹ This task is coordinated by the Office of Operations. The purpose of the Preliminary Mayor's Management Report ("PMMR") and the Mayor's Management Report ("MMR") is to monitor the responsiveness of City government and to assist the City in making improvements where needed.

In an attempt to make the PMMR and MMR more user-friendly, the administration altered the format of the MMR and PMMR and created the My Neighborhood Statistics website to provide the public with information on how City agencies are performing on a local level. The Mayor's Office of Operations maintains the My Neighborhood Statistics website.

According to the Office of Operations, the website allows New Yorkers to learn "how City agencies are performing in their neighborhood by viewing locally mapped performance statistics using a street address or intersection."² The website "provides year to year neighborhood and citywide comparisons for agency performance data, as well as month to month and citywide comparisons for select

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¹ See New York City Charter § 12 (2006).

² Mayor's Office of Operations website, http://www.nyc.gov/html/ops/html/mns/my_stats.shtml.

services requested through the 311 Citizen Service Center."³ My Neighborhood Statistics also allows users to save data in a variety of common formats, allowing for data analysis using third-party software.

The bills under consideration today, Proposed Introduction 373-A and a Preconsidered Introduction, would enhance the My Neighborhood Statistics website by adding information to the site relating to domestic violence and hate crimes. It is important that data on these issues be included on the website so that City residents may view information related to domestic violence and hate crimes on a local level. The data that would be required by these pieces of legislation is already reported in a more centralized manner in the MMR and by the Mayor's Office to Combat Domestic Violence.

III. Preconsidered Introduction

According to the New York State Coalition Against Domestic Violence, "Domestic violence is abusive behavior - emotional, psychological, physical, or sexual - that one person in an intimate relationship uses in order to control the other. It takes many different forms and includes behaviors such as threats, name-calling, preventing contact with family or friends, withholding money, actual or threatened physical harm and sexual assault. Stalking can also be a form of domestic violence."⁴

Section 459-A of the New York Social Services Law defines a victim of domestic violence as "any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and (i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and (ii) such act or acts are or are alleged to have been committed by a family or household member."

It is important that certain information regarding domestic violence and the New York Police Department's response to incidences of domestic violence be reported on the My Neighborhood Statistics website to allow City residents to examine such information on a local level, sorted by precinct, in a user-friendly manner.

The proposed legislation would require that the following information regarding domestic violence be posted by the Mayor's Office of Operations on the My Neighborhood Statistics website: (1) the number of domestic violence radio runs; (2) the number of murders related to domestic violence; (3) the number of rape incidences related to domestic violence; and (4) the number of felonious assaults related to domestic violence.

Such statistics would be provided in a manner consistent with other Police Department data already available on the My Neighborhood Statistics website.

III. Proposed Int. 373-A

The Anti-Defamation League ("ADL") defines a hate crime as "a criminal act against a person or property in which the perpetrator chooses the victim because of the victim's real or perceived race, religion, national origin, ethnicity, sexual orientation, disability or gender."⁵

Local and state law provide legal definitions of hate crimes. According to the City's administrative code, a hate crime is "a crime that manifests evidence of prejudice based on race, religion, ethnicity, disability, sexual orientation, national origin, age, gender, or alienage or citizenship status."⁶

Section 485.05 of the New York State Penal Law, states that a person "commits a hate crime when he or she commits a specified offense and either intentionally selects the person against whom the offense is committed, or intentionally commits the act constituting the offense, based on a belief regarding the victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief is correct."⁷

Providing local-level information regarding hate crimes in a user-friendly manner on the My Neighborhood Statistics website will allow residents to have a better understanding of how often such crimes occur in their neighborhoods.

Thus, this legislation would require that the following information regarding hate crimes be posted by the Mayor's Office of Operations on the My Neighborhood Statistics website: (1) the number of hate crimes; (2) the number of murders determined by the police department to be hate crimes; and (3) the number of felonious assaults determined by the Police Department to be hate crimes.

Such statistics would be provided in a manner consistent with other Police Department data available on the My Neighborhood Statistics website. For the purposes of this legislation, the term hate crime would have the meaning ascribed to it by New York state law.

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³ Id.

⁴ New York Coalition Against Domestic Violence website, <http://www.nyscadv.org/domesticviolence.htm>.

⁵ Anti-Defamation League (ADL), "ADL Hate Crimes Information for Law Enforcement," http://www.adl.org/learn/hate_crimes_laws/police_card.asp.

⁶ NYC Administrative Code §8-102(22) and NYS Penal Law §485.05.

⁷ N.Y. Penal Law §485.05(1)(a), (b).

(The following is from the text of the Fiscal Impact Statement for Int. No. 373-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: n/a

IMPACT ON EXPENDITURES: This legislation would be implemented using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: n/a

SOURCE OF INFORMATION: New York City Council Finance Division, New York City Council Legislative Affairs Division

ESTIMATE PREPARED BY: Lionel Francois, Legislative Finance Analyst, Andy Grossman, Deputy Director, New York City Council Finance Division

HISTORY: This bill was introduced at the Council Stated Meeting of October 13, 2010 and referred to committee. This bill is scheduled for a Committee vote on Tuesday, October 26th, and to a vote by the full council at the stated meeting of Wednesday, October 27th, 2010.

DATE SUBMITTED TO COUNCIL: October 13th, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 373-A:)

Int. No. 373-A

By Council Member Mark-Viverito, The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, Gentile, Greenfield, James, Koppell, Lander, Mealy, Palma, Recchia, Rose, Sanders, Van Bramer, Williams, Lappin, Gennaro, Rodriguez, Jackson, Garodnick, Gonzalez, Barron and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report certain hate crime statistics on the city's website.

Be it enacted by the Council as follows:

Section 1. Section 3-112 of the administrative code of the city of New York, as added by a local law for the year 2010 amending such code in relation to reporting certain domestic violence statistics, as proposed in a preconsidered introduction, is amended to read as follows:

§3-112. On-line reporting of domestic violence *and hate crime* statistics. The mayor's office of operations shall include the following police department statistics among the data presented on the My Neighborhood Statistics pages of the city's website or on any successor pages of such website that are substantially similar in form or function:

- (a) the number of domestic violence radio runs;
- (b) the number of murders related to domestic violence;
- (c) the number of rapes related to domestic violence; [and]
- (d) the number of felonious assaults related to domestic violence;
- (e) the number of hate crimes;
- (f) the number of murders determined by the police department to be hate crimes; and
- (g) the number of felonious assaults determined by the police department to be hate crimes.

For purposes of subdivisions (e) through (g) of this section, the term "hate crime" shall have the meaning ascribed to it by section 485.05 of the New York penal law. Such statistics shall be provided in a manner consistent with other police department data available on the pages of such website.

§2. This local law shall take effect on the same date and in the same manner as a local law for the year 2010 amending the administrative code of the city of New York relating to reporting certain domestic violence statistics.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA JR., PETER F. VALLONE, JR., INEZ E. DICKENS, Committee on Governmental Operations, October 26, 2010.

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

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

Report for Int. No. 393

Report of the Committee on Governmental Operations in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report certain domestic violence statistics on the city's website.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on October 27, 2010, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 373-A printed in these Minutes.)

Accordingly, this Committee recommends its adoption.

(The following is from the text of the Fiscal Impact Statement for Int. No. 393:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: n/a

IMPACT ON EXPENDITURES: This legislation would be implemented using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: n/a

SOURCE OF INFORMATION: New York City Council Finance Division, New York City Council Legislative Affairs Division

ESTIMATE PREPARED BY: Lionel Francois, Legislative Finance Analyst, Andy Grossman, Deputy Director, New York City Council Finance Division

HISTORY: This bill is scheduled to be introduced at the Council Stated Meeting of October 27th, 2010 and will be subjected to a vote by the Committee on Governmental Operation on Tuesday, October 26th, 2010 as a preconsidered bill and then to a full council vote at the stated meeting of Wednesday, October 27th, 2010.

DATE SUBMITTED TO COUNCIL: October 27th, 2010.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 393:)

Int. No. 393

By Council Members Mark-Viverito, Jackson, Barron, Chin, Comrie, Fidler, Garodnick, Greenfield, Lander, Lappin, Palma, Sanders, Vann, Williams, Dickens, Foster, James and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report certain domestic violence statistics on the city's website.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-112 to read as follows:

§3-112. *On-line reporting of domestic violence statistics. The mayor's office of operations shall include the following police department statistics among the data presented on the My Neighborhood Statistics pages of the city's website or on any successor pages of such website that are substantially similar in form or function:*

- (a) the number of domestic violence radio runs;
- (b) the number of murders related to domestic violence;
- (c) the number of rapes related to domestic violence; and
- (d) the number of felonious assaults related to domestic violence.

Such statistics shall be provided in a manner consistent with other police department data available on the pages of such website.

§2. This local law shall take effect 60 days after its enactment into law.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA JR., PETER F. VALLONE, JR., INEZ E. DICKENS, Committee on Governmental Operations, October 26, 2010.

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. 217

Report of the Committee on Land Use in favor of approving Application no. 20115198 HAX, an Urban Development Action Area Project located at 190 Brown Place, Council District no. 8, Borough of the Bronx. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4133), respectfully

REPORTS:

SUBJECT

Proposal 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"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
190 Brown Place Bronx	2264/01	20115198 HAX	217	Neighborhood Redevelopment

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes 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; and
4. Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the proposal, 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 Comrie and Levin offered the following resolution:

Res. No. 508

Resolution approving an Urban Development Action Area Project located at 190 Brown Place (Block 2264, Lot 01), Borough of the Bronx, 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. 217; 20115198 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 16, 2010 its request dated August 30, 2010 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 190 Brown Place (Block 2264, Lot 01), Community District 1, Borough of the Bronx (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 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; and
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

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 October 25, 2010;

WHEREAS, the Council has considered the land use 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 in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

20115198 HAX
Page 1 of 1
L.U. No. 217

- | | |
|-------------------------------------|--|
| 1. PROGRAM: | Neighborhood Redevelopment Program |
| 2. PROJECT: | Promesa Court Limited Partnership |
| 3. LOCATION: | |
| a. BOROUGH: | Bronx |
| b. COMMUNITY DISTRICT: | 1 |
| c. COUNCILMANIC DISTRICT: | 8 |
| d. DISPOSITION AREA: | <u>BLOCKS</u> <u>LOTS</u> <u>ADDRESSES</u>
2264 01 190 Brown Place |
| 4. BASIS OF DISPOSITION PRICE: | Nominal (\$1 per building) |
| 5. TYPE OF PROJECT: | Rehabilitation |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | One Multiple Dwelling |
| 7. APPROXIMATE NUMBER OF UNITS: | 20 & 1 for a Superintendent |
| 8. HOUSING TYPE: | Rental |
| 9. ESTIMATE OF INITIAL RENTS: | Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies. |
| 10. INCOME TARGETS: | The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 165% of the area median. |
| 11. PROPOSED FACILITIES: | None |
| 12. PROPOSED CODES/ORDINANCES: | None |
| 13. ENVIRONMENTAL STATUS: | Type II |
| 14. PROPOSED TIME SCHEDULE: | Approximately 12 months from closing to completion of construction (1 st Phase). |

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 225

Report of the Committee on Land Use in favor of approving Application no. 20105650 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 7th Avenue Restaurant Group LLC, d/b/a Veranda, to continue to maintain and operate an unenclosed sidewalk café located at 130 Seventh Avenue South, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 29, 2010 (Minutes, page 4136), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20105650 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 7th Avenue Restaurant Group, LLC, d/b/a Veranda, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 130 Seventh Avenue South.

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: October 25, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Res. No. 509

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 130 Seventh Avenue South, Borough of Manhattan (20105650 TCM; L.U. No. 225).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 24, 2010 its approval dated September 23, 2010 of the petition of 7th Avenue Restaurant Group, LLC, d/b/a Veranda, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 130 Seventh Avenue South, 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 of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 25, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 229

Report of the Committee on Land Use in favor of approving Application no. 20115126 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Union Square Operating, Inc. d/b/a TGI Fridays and Tim Horton's to establish, maintain and operate an unenclosed sidewalk café located at 34 Union Square East, Borough of Manhattan, Council District no. 2.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4376), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20115126 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Union Square Operating, Inc., d/b/a T.G.I. Friday's and Tim Horton's, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 34 Union Square East.

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: October 25, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Res. No. 510

Resolution approving the petition for a revocable consent for a small unenclosed sidewalk café located at 34 Union Square East, Borough of Manhattan (20115126 TCM; L.U. No. 229).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 24, 2010 its approval dated September 23, 2010 of the petition of Union Square Operating, Inc., d/b/a T.G.I. Friday's and Tim Horton's, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 34 Union Square East, Community District 5, 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 of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 25, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 230

Report of the Committee on Land Use in favor of approving Application no. C 100409 ZMQ 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. 10c, 10d, 11b, 15a, Borough of Queens, Community District 7, 8 and 11.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4376), respectfully

REPORTS:

SUBJECT

QUEENS CB's - 7, 8 and 11

C 100409 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. 10c, 10d, 11b, 15a.

INTENT

A partial rezoning of the Auburndale, Oakland Gardens and Hollis Hills neighborhoods of Queens.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 231

Report of the Committee on Land Use in favor of approving Application no. N 100419 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas) relating to the extension of the Inclusionary Housing Program to the proposed C6-2A district, Borough of Manhattan, Community District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4376), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

N 100419 ZRM

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, concerning Appendix F (Inclusionary housing designated areas), relating to the extension of the Inclusionary Housing Program to the proposed C6-2A district.

INTENT

A text amendment to foster new development that reflects the existing built character of the area, and to create new opportunities for affordable housing along identified streets, where appropriate.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 511

Resolution approving the decision of the City Planning Commission on Application No. N 100419 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas), relating to the extension of the Inclusionary Housing Program to the proposed C6-2A district, Community District 3, Borough of Manhattan (L.U. No. 231).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 4, 2010 its decision dated September 29, 2010 (the "Decision"), pursuant to Section 200 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, concerning Appendix F (Inclusionary housing designated areas), relating to the extension of the Inclusionary Housing Program to the proposed C6-2A district. The proposed text amendment will allow the Inclusionary Housing program to be used in the proposed C6-2A district in the rezoning area bounded by East 13th Street, Third Avenue, East 9th Street and Fourth Avenue and including the east-side frontage of Third Avenue between East 13th Street and East 9th Street (Application No. N 100419 ZRM), Community District 3, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application Number C 100420 ZMM (L.U. No. 232), a zoning map amendment to Map No. 12c, to rezone all or portions of eight blocks in the East Village neighborhood of Manhattan, from a C6-1 zoning district to a C6-2A zoning 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 October 25, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 24, 2010 which included (E) designations for air quality (CEQR No. 10DCP044M);

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, and based on the environmental determination and consideration described in this report, N 100419 ZRM, incorporated by reference herein, the Council approves the Decision.

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

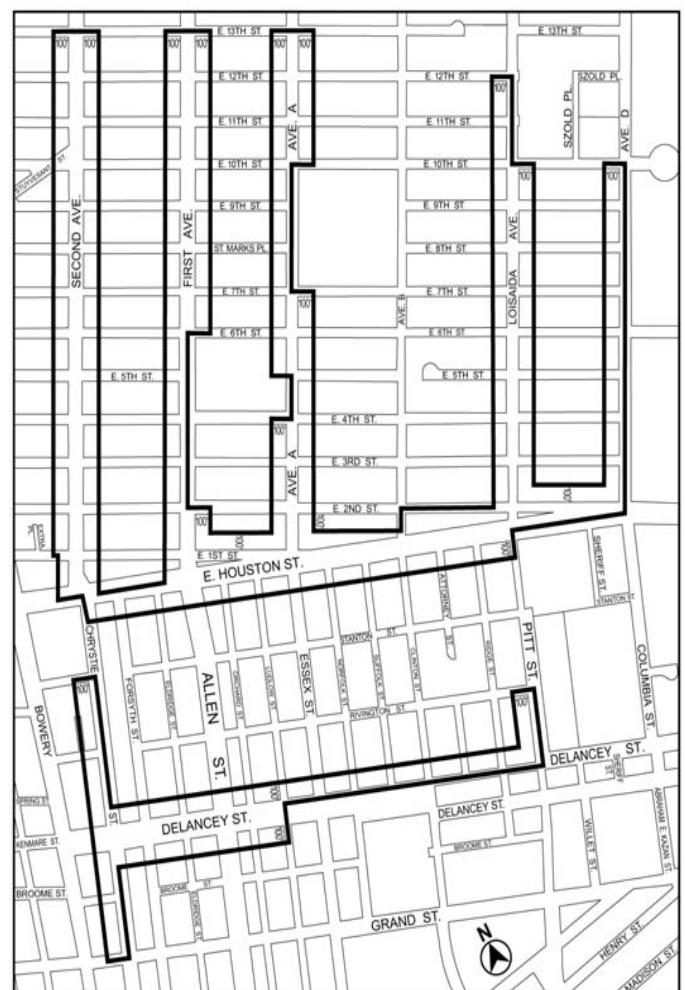
- Matter in underline is new, to be added
- Matter in ~~strikeout~~ is old, to be deleted;
- Matter within # # is defined in 12-10 or
- * * * indicates where unchanged text appears in the Zoning Resolution

**Appendix F (3/3/10)
Inclusionary housing designated areas**

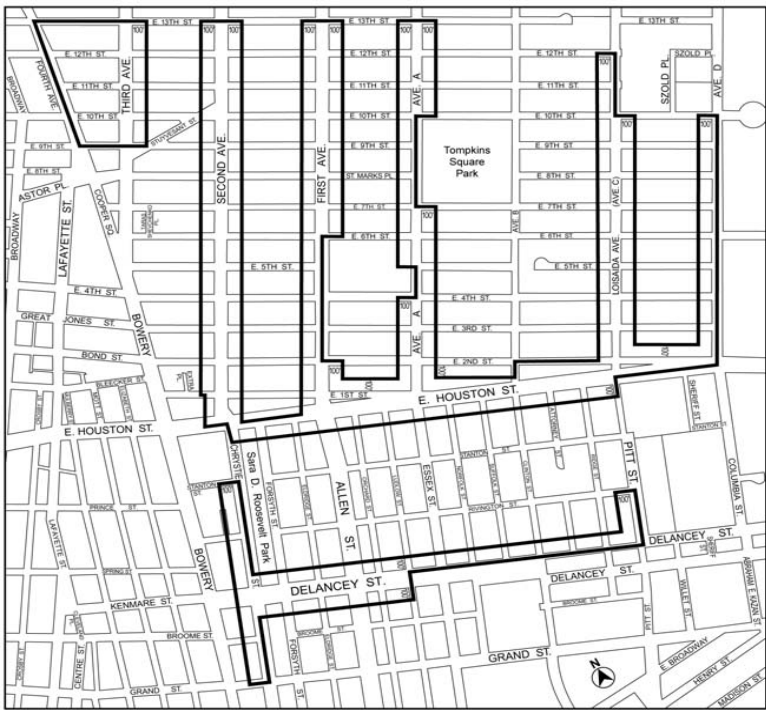
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations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

* * *

Manhattan
Manhattan Community District 3
In the R7A, R8A and R9A Districts within the areas shown on the following Map 1:
Map 1 - (11/19/08)



Portion of Community District 3, Manhattan
Existing Map 1: to be deleted



Portion of Community District 3, Manhattan
Amended Map 1: To be added

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 232

Report of the Committee on Land Use in favor of approving Application no. C 100420 ZMM 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. 12c, by changing from a C6-1 District to a C6-2A District, Borough of Manhattan, Community District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4377), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3 C 100420 ZMM

City Planning Commission decision approving an application submitted by the NYC 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. 12c, by changing from a C6-1 District to a C6-2A District property bounded by East 13th Street, a line 100 feet easterly of Third Avenue, East 9th Street, and Fourth Avenue, Borough of Manhattan, Community District 3, as shown on a diagram (for illustrative purposes only) dated May 24, 2010, and subject to the conditions of CEQR Declaration E-254.

INTENT

A text amendment to foster new development that reflects the existing built character of the area, and to create new opportunities for affordable housing along identified streets, where appropriate.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 512

Resolution approving the decision of the City Planning Commission on ULURP No. C 100420 ZMM, a Zoning Map amendment (L.U. No. 232).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 4, 2010 its decision dated September 29, 2010 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone all or portions of eight blocks in the East Village neighborhood in Manhattan, Community District 3. In conjunction with a related zoning text amendment, the requested action would map a C6-2A District in place of an existing C6-1 District (ULURP No. C 100420 ZMM (the "Application");

WHEREAS, the Application is related to Application Number N 100419 ZRM (L.U. No. 231), a zoning text amendment to Appendix F of the Zoning Resolution of the City of New York, to apply the Inclusionary Housing Program to the proposed R8A and equivalent commercial districts in Manhattan Community District 3;

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 October 25, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 24, 2010 which included (E) designations for air quality (CEQR No. 10DCP044M);

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, and based on the environmental determination and consideration described in this report, C 100420 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12c, by changing from a C6-1 District to a C6-2A District property bounded by East 13th Street, a line 100 feet easterly of Third Avenue, East 9th Street, and Fourth Avenue, as shown on a diagram (for illustrative purposes only) dated May 24, 2010, and subject to the conditions of CEQR Declaration E-254, Community District 3, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 233

Report of the Committee on Land Use in favor of approving Application no. C 100437 ZMM 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. 12a by changing from a C6-1 District to a C1-6A District, Borough of Manhattan, Community District 2.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4377), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 100437 ZMM

City Planning Commission decision approving an application submitted by the NYC 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. 12a, changing from a C6-1 District to a C1-6A District property bounded by 12th Street, a line 100 feet easterly of Washington Street, a line midway between West 11th Street and Perry Street, Greenwich Street, West 10th Street, a line 150 feet easterly of Washington Street, a line 125 feet northerly of West 10th Street, and Washington Street, as shown on a diagram (for illustrative purposes only) dated June 7, 2010.

INTENT

Rezoning to address the disparity between the commercial and residential FAR allowed in a C6-1 district and to encourage new development in relation to neighborhood character and scale.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 513

Resolution approving the decision of the City Planning Commission on ULURP No. C 100437 ZMM, a Zoning Map amendment (L.U. No. 233).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 4, 2010 its decision dated September 29, 2010 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone portions of six blocks in the far western part of the West Village generally bounded by the east side of Washington Street approximately between West 10th and West 12th Streets, extending eastward to include the west side of Greenwich Street between West 11th and West 10th Streets. The proposed amendment would change the existing non-contextual C6-1 zoning district to a contextual C1-6A zoning district and is intended to: (1) address the disparity between the commercial and residential FAR allowed in the C6-1 district; and (2) encourage new development that reflects existing neighborhood character and scale (ULURP No. C 100437 ZMM) (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 October 25, 2010;

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 June 7, 2010 (CEQR No. 10DCP047M);

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, and based on the environmental determination and consideration described in this report, C 100437 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12a, changing from a C6-1 District to a C1-6A District property bounded by 12th Street, a line 100 feet easterly of Washington Street, a line midway between West 11th Street and Perry Street, Greenwich Street, West 10th Street, a line 150 feet easterly of Washington Street, a line 125 feet northerly of West 10th Street, and Washington Street, as shown on a diagram (for illustrative purposes only) dated June 7, 2010, Community Districts 2, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 234

Report of the Committee on Land Use in favor of approving Application no. N 100424 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Article IX, Chapter 6 (Special Clinton District), Article IX, Chapter 8 (Special West Chelsea District), and Article XII, Chapter 1 (Special Garment Center District), Borough of Manhattan, Community District 4.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4377), respectfully

REPORTS:

SUBJECT

**MANHATTAN CB - 4
ZRM**

C 100424

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, concerning Article IX, Chapter 3 (Special Hudson Yards District), Article IX, Chapter 6 (Special Clinton District), Article IX, Chapter 8 (Special West Chelsea District), and Article XII, Chapter 1 (Special Garment Center District).

INTENT

To facilitate the construction of the above-grade infrastructure necessary for access and operation of the No. 7 Subway extension.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 514

Resolution approving the decision of the City Planning Commission on Application No. N 100424 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Article IX, Chapter 6 (Special Clinton District), Article IX, Chapter 8 (Special West Chelsea District), and Article XII, Chapter 1 (Special Garment Center District), Borough of Manhattan (L.U. No. 234).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 4, 2010 its decision dated September 29, 2010 (the "Decision"), pursuant to Section 200 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 IX, Chapter 3 (Special Hudson Yards District), Article IX, Chapter 6 (Special Clinton District), Article IX, Chapter 8 (Special West Chelsea District), and Article XII, Chapter 1 (Special Garment Center District). The proposed text amendment would facilitate the construction of the above-grade infrastructure necessary for access and operation of the No. 7 Subway extension, and to address community concerns that the significant growth forecasted for Hudson Yards and the adjacent areas, should it occur, could result in development pressure that may affect housing that has historically provided an affordable housing resource for area residents (Application No. N 100424 ZRM), Community District 4, Borough of Manhattan (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2010;

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 (CEQR No. 10DCP045M);

A Notice of Minor Modification was issued on June 7, 2010, which determined that the text changes set forth in the application would not result in any new or additional significant adverse impact not already set forth in the Final Generic Environmental Impact Statement for Hudson Yards and the Final Environmental Impact Statement for West Chelsea.

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, and based on the environmental determination and consideration described in this report, N 100424 ZRM, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article IX - Special Purpose Districts

**Chapter 3
Special Hudson Yards District**

* * *

**93-03
District Plan and Maps**

* * *

Map 5 – Transit Facilities ~~Easements and Subway Entrances~~

* * *

**93-14
Ground Floor Level Requirements**

The following provisions shall apply to all Subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the building's #street# frontage, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways ~~or~~ _ entrances to subway stations , or other subway-related #uses# as described in Section 93-65 (Transit Facilities). In no event shall the length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated #streets#, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.

* * *

**93-65
Transit Facilities**

- (a) Any #development# or #enlargement# on a #zoning lot# that includes the ~~locations listed below southwest corner of West 40th Street and Eighth Avenue~~ shall provide an easement for ~~subway-related #use# and~~ public access to the subway mezzanine or station as illustrated on Map 5 (Transit Facilities) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

- (a) ~~The area bounded by Tenth Avenue, West 41st Street, a line 190 feet east of and parallel to Tenth Avenue, and a line 55 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue.~~

- (b) ~~For any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated~~

~~subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.~~

~~These locations are illustrated on Map 5 (Transit Easements and Subway Entrances) in Appendix A of this Chapter.~~

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with and the approval of the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Floor space within ~~such any required~~ transit easement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

~~(b) For the locations listed in this paragraph (b), floor space devoted to subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station, which are established pursuant to easement or other agreement, shall be excluded from the definition of #floor area#.~~

~~(1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #public park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5.~~

~~(2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5.~~

~~(3) The tax lot located at Block 1051, Lot 2, existing on DATE OF ENACTMENT, up to a height of 73 feet, as illustrated on the District Map in Appendix A of the #Special Clinton District#.~~

~~(4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of the #Special West Chelsea District#.~~

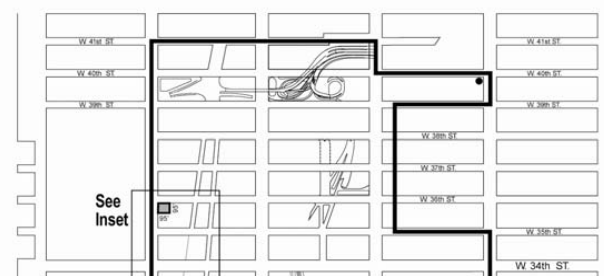
Any transit easement or other agreement for such subway-related #use# shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

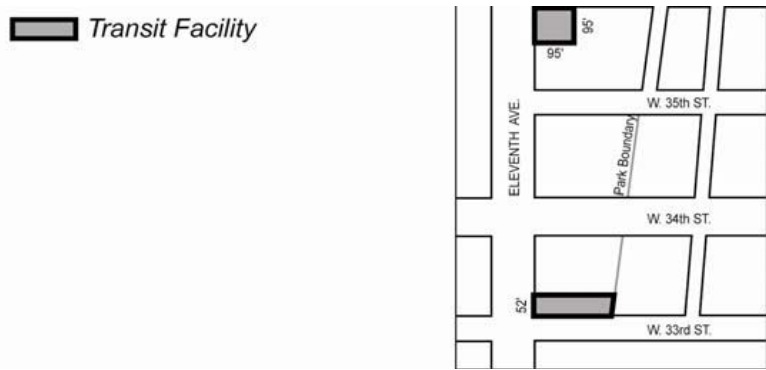
**93-91
Demolition**

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Preservation Area P-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Preservation Area P-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of residential #floor area# in such #multiple dwelling# by 20 percent or more, unless:

- (a) such #multiple dwelling# is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216, of the New York City Administrative Code; or
- (b) the Commissioner of the Department of Housing Preservation and Development, after providing sixty days notice and opportunity to comment to the local Community Board, has certified:
 - (1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;
 - (2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally-funded program; and
 - (3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section 93-90, paragraph (c), or has certified compliance with the cure provisions of Section 93-90, paragraph (d).
- (c) the following structures shall be exempt from the provisions of this Section:
 - (1) any city-owned #multiple dwellings#;
 - (2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
 - (3) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;
 - (4) any #exempt hotel# as defined in Section 93-90;
 - (5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or
 - (6) any #exempt institutional residence#, as defined in Section 93-90.

**Appendix A
Map 5. Transit Facilities**





Article IX - Special Purpose Districts

**Chapter 6
Special Clinton District**

**96-108
Demolition of buildings**

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of residential floor area in a building shall be issued by the Department of Buildings for any building containing dwelling units within the Preservation Area, unless it is an unsafe building and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216, Title 26, Subchapter 3, Article 8 of the New York City Administrative Code.

**96-21
Special Regulations for 42nd Street Perimeter Area**

(b) Floor area regulations

(2) Floor area regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the basic floor area ratio of any development or enlargement shall be 10.0. However, the floor area ratio of any development or enlargement containing residential use may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90, except that any units for which a floor area increase has been earned pursuant to Section 23-90 shall be within the Special Clinton District. For developments or enlargements that have fully utilized the Inclusionary Housing Program, the maximum permitted floor area ratio may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

Any development or enlargement on a zoning lot that includes the area bounded by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

Floor space within the volume governed by such transit easement or other agreement shall be excluded from the definition of floor area, and may be temporarily used by the owner of the zoning lot for any permitted uses until such time as required

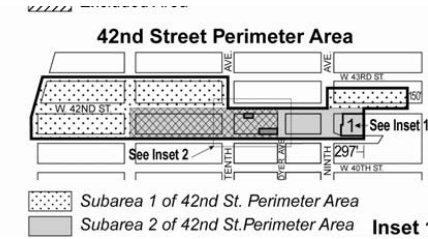
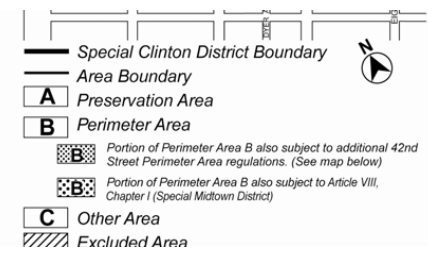
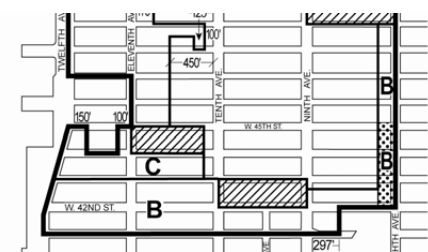
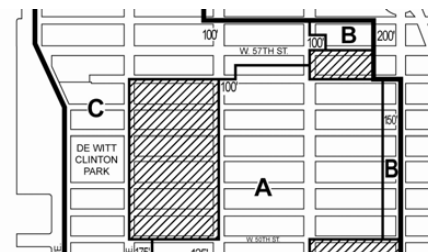
by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the volume governed by such transit easement or other agreement for such temporary uses shall be removed by the owner of the zoning lot prior to the time at which public use of the volume area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the zoning lot in order to vacate the tenants of such temporary uses.

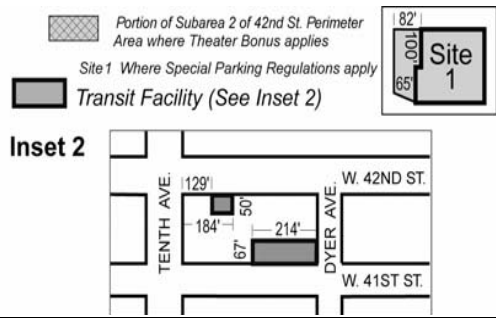
The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related uses consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on DATE OF ENACTMENT, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

Where a transit easement volume is required on a zoning lot in Subarea 2, such easement volume may be temporarily used by the owner of the zoning lot for any permitted uses until such time as required by the Transit Authority or by its designee for subway purposes. Any such floor spaces occupied by such transit easement volume shall not count as floor area. Improvements or construction of

a temporary nature within the easement volume for such temporary uses shall be removed by the owner of the zoning lot prior to the time at which public use of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the zoning lot to vacate the tenants of such temporary uses.

**Appendix A
Special Clinton District Map**





Article IX - Special Purpose Districts

Chapter 8
Special West Chelsea District

98-23
Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the level of the #High Line bed#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area ratio# of a #zoning lot# pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

98-33
Transfer of Development Rights from the High Line Transfer Corridor

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Sections 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and 98-63 (Recording of the High Line Access Easement Volume).

98-60
SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS

98-65
Transit Facilities

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway related #use# on a #zoning lot# that includes the volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of this Chapter.

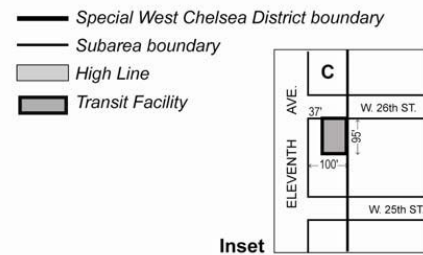
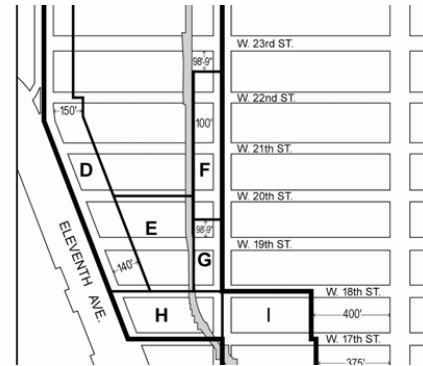
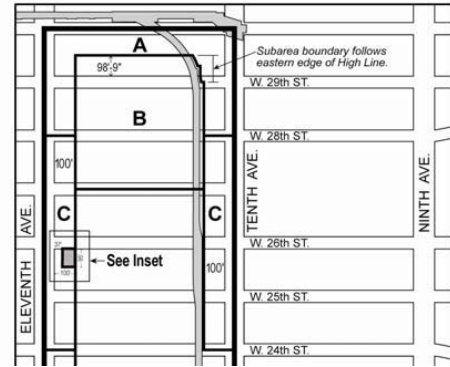
98-70
Supplemental Regulations

(a) In the #Special West Chelsea District#, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.

(b) In the #Special West Chelsea District#, the provisions of Section 93-91 (Demolition) shall apply.

For the purposes of this Section, the following definitions in Section 93-90 shall be modified:

Appendix A
Special West Chelsea District and Subareas



Article XII - Special Purpose Districts

Chapter 1

Special Garment Center District

121-50
Supplemental Regulations in Preservation Area P-2

In Preservation Area P-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (Demolition), inclusive, shall apply.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 235

Report of the Committee on Land Use in favor of approving Application no. 20115154 HKM (N 110035 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.431, LP-2329) by the Landmarks Preservation Commission of the Look Building, located at 488 Madison Avenue (Block 1287, Lot 14) as a historic landmark, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4378), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5 20115154 HKM (N 110035 HKM)

Designation by the Landmarks Preservation Commission (List No. 431/LP-2376), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Look Building, located at 488 Madison Avenue (Block 1287, Lot 14), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

The Committee recommends that the Council approve the attached resolution and thereby affirm the Designation.

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

Res. No. 515

Resolution affirming the designation by the Landmarks Preservation Commission of the Look Building, located at 488 Madison Avenue (Block 1287, Lot 14), Borough of Manhattan, Designation List No. 431, LP-2376 (L.U. No. 235; 20115154 HKM; N 110035 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on August 5, 2010 a copy of its designation dated July 27, 2010 (the "Designation"), of the Look Building located at 488 Madison Avenue, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 1287, Lot 14, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on October 4, 2010 its report on the Designation dated September 29, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on October 25, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 236

Report of the Committee on Land Use in favor of approving Application no. 20115155 HKM (N 110036 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.431, LP-2329) by the Landmarks Preservation Commission of the Middleton S. and Emilie Neilson Burrill House, located at 36 East 38th Street (Block 867, Lot 45) as a historic landmark, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4378), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 6 20115155 HKM (N 110036 HKM)

Designation by the Landmarks Preservation Commission (List No. 431/LP-2326), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Middleton S. and Emilie Neilson Burrill House, located at 36 East 38th Street (Block 867, Lot 45), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

The Committee recommends that the Council approve the attached resolution and thereby affirm the Designation.

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

Res. No. 516

Resolution affirming the designation by the Landmarks Preservation Commission of the Middleton S. and Emilie Neilson Burrill House, located at 36 East 38th Street (Block 867, Lot 45), Borough of Manhattan, Designation List No. 431, LP-2326 (L.U. No. 236; 20115155 HKM; N 110036 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on August 5, 2010 a copy of its designation dated July 27, 2010 (the "Designation"), of the Middleton S. and Emilie Neilson Burrill House, located at 36 East 38th Street, Community District 6, Borough of Manhattan, as a landmark and Tax Map Block 867, Lot 45, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on October 4, 2010 its report on the Designation dated September 29, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on October 25, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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. 237

Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20095547 TCM, pursuant to §20-225 of the Administrative Code of the City of New York, concerning the petition of Andikiana Corp. d/b/a Silver Spurs Eatery to construct, maintain and use an enclosed sidewalk café located at 490-494 LaGuardia Place, Borough of Manhattan, Council District no. 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 §20-225(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4378), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20095547 TCM

Application pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of Andikiana Corp., d/b/a Silver Spurs Eatery, for revocable consent to construct, maintain and use an enclosed sidewalk café at 490-494 LaGuardia Place.

By submission dated October 21, 2010 and submitted to the City Council on October 25, 2010 the Applicant withdrew the Petition.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal of the application by the applicant.

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

Res. No. 517

Resolution approving a motion the file pursuant to withdrawal of the petition for a revocable consent for an enclosed sidewalk café located at 490-494 LaGuardia Place, Borough of Manhattan (20095547 TCM; L.U. No. 237).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 4, 2010 its approval dated October 1, 2010 of the petition of Andikiana Corp., d/b/a Silver Spurs Eatery, for a revocable consent to construct, maintain and use an enclosed sidewalk café located at 490-494 LaGuardia Place, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-225 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, by submission dated October 21, 2010, and submitted to the City Council on October 25, 2010 the Applicant withdrew the petition.

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 239

Report of the Committee on Land Use in favor of approving Application no. 20115268 HAX a request for approval of a voluntary dissolution, a termination of a prior tax exemption and a new tax exemption for property located on Block 2866/Lots 45, 80 and 86, Borough of the Bronx Council District no. 16. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 13, 2010 (Minutes, page 4379), respectfully

REPORTS:

SUBJECT

BRONX CB - 5

20115268 HAX

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for approval of a tax exemption, termination of the prior exemption and consent to the voluntary dissolution of a redevelopment company for property located at Block 2866/Lots 45, 80 and 86, Council District 16, Borough of the Bronx.

INTENT

To facilitate the rehabilitation of the property.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the tax exemption, the termination of the prior exemption, the voluntary dissolution of the current owner and the conveyance to the new owner.

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

Res. No. 518

Resolution approving a tax exemption, the termination of the prior exemption, a voluntary dissolution, and a conveyance for a Project located at Block 2866, Lots 45, 80 and 86, the Bronx, pursuant to the Private Housing Finance Law (L.U. No. 239; 20115268 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 7, 2010 its request dated September 27, 2010 that the Council take the following actions regarding the following (the "Project") located at Block 2866, Lots 45, 80 and 86, Community District 5, Borough of the Bronx (the "Disposition Area"):

1. Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law;
2. Approve, pursuant to Section 125 of the PHFL, the termination of the prior Exemption of the Exemption Area granted by the Board of Estimate on June 11, 1981 (Cal. No. 65) ("Old Exemption"), which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 25, 2010;

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

RESOLVED:

The Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (1) "Current Owner" shall mean Morris Heights Mews Associates, L.P.
- (2) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the New Owner enter into the Regulatory Agreement.
- (3) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York,

identified as Block 2866, Lots 45, 80 and 86 on the Tax Map of the City of New York.

- (4) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) 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.
- (5) "HDFC" shall mean Morris Heights Housing Development Fund Company, Inc.
- (6) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (7) "HDC" shall mean the New York City Housing Development Corporation.
- (8) "J-51 Program" shall mean the program of exemption from and abatement of real property taxation authorized pursuant to Real Property Tax Law § 489 and Administrative Code § 11-243.
- (9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (10) "New Owner" shall mean, collectively, the HDFC and the Partnership.
- (11) "Partnership" shall mean Morris Heights Partners, L.P.
- (12) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on June 11, 1981 (Cal. No. 65).
- (13) "PHFL" shall mean the Private Housing Finance Law.
- (14) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the New Owner providing that, for the term of thirty-five years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (15) "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.
- (16) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of the Shelter Rent.

b. All of the value of the property, including both the land and the 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.

c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the New Owner shall make annual real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.

d. Notwithstanding any provision hereof to the contrary:

- (1) The New Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the

requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the 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.

(2) 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.

(3) 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.

e. 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. Notwithstanding the foregoing, the Exemption Area may receive any exemption from and/or abatement of real property taxation pursuant to the J-51 Program provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Shelter Rent Tax for such twelve month period pursuant to the New Exemption.

2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, October 26, 2010.

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

Reports of the Committee on Rules, Privileges & Elections

Report for M-220

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Michael Goldblum as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on September 29, 2010 (Minutes, page 3931), respectfully

REPORTS:

Topic I: New York City Landmark Preservation Commission – (Candidates for appointment upon advice and consent review by the Council)

- Michael Goldblum [M-220]
- Roberta Washington [M-279]

Pursuant to *New York City Charter* (“*Charter*”) § 3020, the New York City Landmarks Preservation Commission (“LPC”), which consists of 11 members, is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts. Also, LPC regulates alterations to designated buildings. The *Charter* requires that LPC’s membership include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. Prior to appointing an architect, historian, city planner or landscape architect, the Mayor may consult with the Fine Arts Federation of New York or any other similar organization. By statute, LPC’s membership must have at least one resident from each of the five boroughs.

The Mayor appoints members of LPC for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The Mayor designates one of the members to serve as Chair of LPC, and another to serve as Vice Chair. Both of these appointees serve until a successor is designated. Members other than the Chair serve without compensation, but are reimbursed for expenses necessarily incurred in the performance of their duties. The Chair’s salary is currently \$192,198. The LPC appoints a full-time executive director. The LPC may employ technical experts and such other employees as may be required to perform its duties.

As enumerated in the *Charter*, LPC is required to provide opportunities for comment in advance of any hearing on a proposed designation of a landmark, landmark site, interior landmark, scenic landmark, or historic district.¹ Notices of proposed designation must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President in whose borough the property or district is located.

Within ten days of making a designation, LPC is required to file a copy of the designation with CPC and the City Council. Within 60 days after the filing, CPC must hold a hearing and submit a report to the City Council with its recommendations. The City Council may modify or disapprove by majority vote any designation of LPC within 120 days after having received such designation, provided that either CPC has submitted the required report on the designation or at least sixty days has elapsed since the original filing of the designation. A City Council vote shall be filed with the Mayor who has five days to disapprove. If the Mayor disapproves, the Council may override within ten days by a two-thirds vote.

In addition to the designation of landmarks, LPC may at any time make recommendations to CPC regarding amendments to *Zoning Resolution* provisions applicable to improvements in historic districts. [*Administrative Code* § 25-303(i).] Moreover, LPC is responsible for determining whether a proposed alteration or demolition affecting a landmark is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, LPC may deny the applicant’s request. [*Administrative Code* § 25-307.]

A five-member Hardship Appeals Panel, independent of LPC, reviews appeals from determinations of LPC denying applications for *Certificates of Appropriateness* on the grounds of hardship. The Panel’s review is applicable only to tax exempt properties.

Topic II: New York City Taxi and Limousine Commission – (Candidate for appointment upon advice and consent review by the Council)

- Mark Gjonaj [M-280]

The New York City Taxi and Limousine Commission (“TLC”) was created pursuant to Local Law 12 of 1971. Section 2300 of Chapter 65 of the *New York City Charter* (“*Charter*”) states that there shall be a TLC, the purposes of which shall be, *inter alia*, the “continuance, further development and improvement of taxi and limousine service in the City. It shall be the further purpose of the [TLC], consonant with the promotion and protection of the public comfort and convenience, to adopt and establish an overall public transportation policy governing taxi, coach, limousine and wheelchair accessible van services as it relates to the overall public transportation network of the City.” The TLC is also responsible for establishing certain rates, standards and criteria for the licensing of vehicles, drivers and chauffeurs, owners and operators engaged in such services, and for providing “authorization” to persons to operate commuter van services within the City. [*Rules of the City of New York*, Title 35, § 9-02.]

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the New York City Council. Five of said members, one resident from each of the five boroughs of the City, are recommended for appointment by a majority vote of the Council Members of the respective borough. TLC members are appointed for terms of seven years, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur

at the expiration of a term, shall be filled for the unexpired term. The Mayor may remove any such member for cause, upon stated charges.

The Mayor designates one member of the TLC to act as the Chairperson and Chief Executive Officer. The Chairperson shall have charge of the organization of his/her office and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and, as such, receive compensation as set by the Mayor. The Chair currently receives \$192, 198.00 annually. Other members of the TLC are not entitled to compensation.

Pursuant to the *Charter*, all proceedings of the TLC and all documents and records in its possession shall be public records and the TLC shall make an annual report to the City Council on or before the second Monday of January in each year.

If appointed, Mr. Goldblum, a Bronx resident, will replace Stephen Byrnes and be eligible to complete the remainder of a three-year term that expires on June 28, 2011. Copies of Mr. Goldblum's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

If re-appointed, Ms. Washington, a Manhattan resident, will be eligible to complete the remainder of a three-year term that expires on June 28, 2012. Copies of Ms. Washington's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

If appointed, Mr. Gjonaj, a Bronx resident, will fill a vacancy and be eligible to complete the remainder of a seven-year term that expires on January 31, 2015. Copies of Mr. Gjonaj's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

¹ Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointment of the nominees.

(For nominees Roberta Washington and Mark Gjonaj, please see the respective Reports of the Committee on Rules, Privileges and Elections for M-279 and M-280 printed in these Minutes; for M-220 nominee Michael Goldblum, please see immediately below:)

The Committee on Rules, Privileges and Elections which was referred to on September 29, 2010 respectfully reports:

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Michael Goldblum as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three-year term expiring on June 28, 2011.

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

Res. No. 519

Resolution approving the appointment by the Mayor of Michael Goldblum as a member of The New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Michael Goldblum as a member of the New York City Landmarks Preservation Commission for the remainder of a three-year term expiring on June 28, 2011.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, October 27, 2010.

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-279

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Mayor of Roberta Washington as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on October 13, 2010 (Minutes, page 4144), respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-220 printed in these Minutes)

The Committee on Rules, Privileges and Elections which was referred to on October 13, 2010 respectfully reports:

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Roberta Washington as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three-year term expiring on June 28, 2012.

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

Res. No. 520

Resolution approving the re-appointment by the Mayor of Roberta Washington as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Roberta Washington as a member of the New York City Landmarks Preservation Commission for the remainder of a three-year term expiring on June 28, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, October 27, 2010.

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-280

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Mark Gjonaj as a member of the New York City Taxi and Limousine Commission.

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on October 13, 2010 (Minutes, page 4145), respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-220 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Mark Gjonaj as a member of the New York City Taxi and Limousine Commission to serve for the remainder of a seven-year term expiring on January 31, 2015.

The matter was referred to the Committee on October 13, 2010

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

Res. No. 521

Resolution approving the appointment by the Mayor of Mark Gjonaj as a member of the New York City Taxi and Limousine Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 2301 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Mark Gjonaj as a member of the New York City Taxi and Limousine Commission for the remainder of a seven-year term expiring on January 31, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, October 27, 2010.

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 L.U. No. 177 & Res. No. 522

Report of the Committee on Land Use in favor of approving and adopting, Uniform Land Use Review Procedure application no. C 100345 ZMK as modified pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section 22c, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3806) and originally reported to the Council on October 13, 2010 (Minutes, page 4204), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100345 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. 22c.

INTENT

To recognize the existing mix of uses in the area and to facilitate the development of approximately 68 units of affordable housing and 48 accessory parking spaces for neighborhood community facilities.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 7, 2010

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 Members Comrie and Weprin offered the following resolution:

Res. No. 522

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100345 ZMK, a Zoning Map amendment (L.U. No. 177).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (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 of the Zoning Map to map low-density, mid-density and contextual zoning districts on all or portions of seven blocks generally bounded by; 36th Street, Old New Utrecht Road, 14th Avenue, 40th Street, and 12th Avenue, in the Borough Park section of Brooklyn's Community District 12. The proposed action would recognize the existing mix of uses in the area surrounding the Culver El site in Borough Park and facilitate the development of approximately 68 units of affordable housing and approximately 48 accessory parking spaces for neighborhood community facilities on two parcels of city-owned land (Block 5295, Lot 4, and Block 5300, Lot9) located on the south side of 37th Street between 12th Avenue and 14th Avenue, in Brooklyn's Community District 12 (ULURP No. C 100345 ZMK) (the "Application");

WHEREAS, the Application is related to Applications Numbers N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK-C 100361 ZSK (L.U. Nos. 180-193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations to avoid the potential for hazardous materials, air quality and noise impacts (E-252), (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100345 ZMK, incorporated by reference herein, the Council approves the Decision with the following modifications:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22c:

Matter in [brackets] is to be deleted;

Matter in **bold underlined** is to be added.

1. changing from an M1-2 District to an R5 District property bounded by 36th Street, a line 100 feet northwesterly of 13th Avenue, 37th Street, and 12th Avenue;

2. changing from an M1-2 District to a [C4-2A] **C8-2** District property bounded by 36th Street, Old New Utrecht Road, 37th Street, and 13th Avenue;
3. changing from an M1-2 District to an M1-2/R6A District property bounded by:
 - a. 36th Street, 13th Avenue, 37th Street and a line 100 feet northwesterly of 13th Avenue; and
 - b. 38th Street, a line 80 feet southeasterly of 13th Avenue, a line midway between 39th Street and 40th Street, 13th Avenue, 39th Street, and a line 100 feet northwesterly of 13th Avenue;
4. changing from an M1-2 District to an M1-2/R6B District property bounded by:
 - a. 38th Street, a line 100 feet northwesterly of 13th Avenue, 39th Street, and 12th Avenue; and
 - b. 38th Street, [14th Avenue] **a line 100 feet northwesterly of 14th Avenue**, a line midway between 38th Street and 39th Street, and a line 80 feet southeasterly of 13th Avenue;
5. changing from an M2-1 District to an M1-2/R6A District property bounded by 37th Street, Old New Utrecht Road, a line 50 feet southwesterly of 37th Street, a line 80 feet southeasterly of 13th Avenue, 38th Street, a line 100 feet northwesterly of 13th Avenue, a line 50 feet southwesterly of 37th Street, and 12th Avenue;
6. changing from an M2-1 District to an M1-2/R6B District property bounded by:
 - a. a line 50 feet southwesterly of 37th Street, a line 100 feet northwesterly of 13th Avenue, 38th Street, and 12th Avenue; and
 - b. a line 50 feet southwesterly of 37th Street, [Old New Utrecht Road] **a line 165 feet northwesterly of 14th Avenue** [14th Avenue], 38th Street, and a line 80 feet southeasterly of 13th Avenue;
7. **changing from an M2-1 District to an M1-2 District property bounded by a line 50 feet southwesterly of 37th Street, Old New Utrecht Road, 38th Street, and a line 165 feet northwesterly of 14th Avenue;**
- [7]8. establishing within a proposed R5 District a C2-3 District bounded by 36th Street, a line 150 feet southeasterly of 12th Avenue, a line 80 feet southwesterly of 36th Street, and 13th Avenue; and
- [8]9. establishing a Special Mixed Use District (MX-12) bounded by 37th Street, a line 100 feet northwesterly of 13th Avenue, 36th Street, 13th Avenue, 37th Street, Old New Utrecht Road, **a line 165 feet northwesterly of 14th Avenue** [14th Avenue], **38th Street, a line 100 feet northwesterly of 14th Avenue**, a line midway between 38th Street and 39th Street, a line 80 feet southeasterly of 13th Avenue, a line midway between 39th Street and 40th Street, 13th Avenue, 39th Street, and 12th Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2010, and subject to the conditions of CEQR Declaration E-252, Community District 12, 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. 178 & Res. No. 523

Report of the Committee on Land Use in favor of approving Zoning resolution amendment application no. N 100346 ZRK, pursuant to Sections 197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, relating to Section 123-90.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3806) and originally reported to the Council on October 13, 2010 (Minutes, page 4205), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

N 100346 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, concerning Article XII, Chapter 3 (Special Mixed Use Districts), relating to the establishment of a new Special Mixed Use District.

INTENT

To create a new Special Mixed Use District.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 523

Resolution approving the decision of the City Planning Commission on Application No. N 100346 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Chapter 3 (Special Mixed Use Districts), relating to the establishment of a new Special Mixed Use District in Brooklyn's Community District 12, Borough of Brooklyn (L.U. No. 178).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (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 to establish a Special Mixed Use District (MX- 12) within a portion of the proposed Culver El Rezoning area, generally bounded by; 36th Street, Old New Utrecht Road, 14th Avenue, 40th Street, and 12th Avenue, within Brooklyn's Community District 12 (Application No. N 100346 ZRK), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 1 2th Avenue on the west; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK – C 100361 ZSK (L.U. Nos. 180 – 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations to avoid the potential for hazardous materials, air quality and noise impacts (E-252), (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100346 ZRK, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in **strikeout** is to be deleted;

Matter with # # is defined in Section 12-10 (DEFINITIONS);

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

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# - 12

Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

* * *

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. 179 & Res. No. 524

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100347 HAK, an Urban Development Action Area Designation and Project, located at 1284 and 1300 37th Street, and the disposition of such property, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3806) and originally reported to the Council on October 13, 2010 (Minutes, page 4206), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100347 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 1284 37th Street (Block 5295, Lot 4), and 1300 37th Street (Block 5300, Lot 9), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

INTENT

To facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

The Committee recommends that the Council approve the attached resolution and thereby make the findings required by Article 16 and approve the decision of the City Planning Commission.

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

Res. No. 524

Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100347 HAK, approving the designation of property located at 1284 37th Street (Block 5295, Lot 4), and 1300 37th Street (Block 5300, Lot 9), 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. 179; C 100347 HAK).

By Council Members Comrie and Weprin .

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (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 1284 37th Street (Block 5295, Lot 4), and 1300 37th Street (Block 5300, Lot 9), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the development of seventeen 4-story buildings, with a total of approximately 68 units of affordable housing (the "Disposition"), Community District 12, Borough of Brooklyn (ULURP No. C 100347 HAK) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100348 ZSK- C 100361 ZSK (L.U. Nos. 180-193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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, on September 7, 2010, by letter dated August 16, 2010, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on September 21, 2010;

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 and the Negative Declaration, issued on May 10, 2010, which included (E) designations to avoid the potential for hazardous materials, air quality and noise impacts (E-252), (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

Pursuant to Section 197-d, and on the basis of the Decision and Application and the environmental determination and considerations described in the report, C 100347 HAK, and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

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

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

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

The Council approves the exemption of the portion of the project within the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption 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 Exemption Area to the Sponsor, 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 Exemption 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.

The Council approves the disposition of such property to a developer selected by the 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. 180 & Res. No. 525

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100348 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3807) and originally reported to the Council on October 13, 2010 (Minutes, page 4208), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100348 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing approximately eight units of affordable housing, and with three accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District.

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 525

Resolution approving the decision of the City Planning Commission on ULURP No. C 100348 ZSK (L.U. No. 180), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New

York to allow the development of two 4-story apartment buildings containing approximately eight units of affordable housing, and with three accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing approximately eight units of affordable housing, and with three accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District (ULURP No. C 100348 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100349 ZSK – C 100361 ZSK (L.U. Nos. 181 – 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100348 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 181 & Res. No. 526

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100349 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3807) and originally reported to the Council on October 13, 2010 (Minutes, page 4209), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100349 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an off-site accessory parking lot with twenty-five parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District.

INTENT

To facilitate the development of an off-site accessory parking lot.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 526

Resolution approving the decision of the City Planning Commission on ULURP No. C 100349 ZSK (L.U. No. 181), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an off-site accessory community facility parking lot with twenty-five parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an off-site accessory community facility parking lot with twenty-five parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District (ULURP No. C 100349 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on

the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK and 100350 ZSK - C 100361 ZSK (L.U. Nos. 180 and 182 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100349 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 182 & Res. No. 527

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100350 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3808) and originally reported to the Council on October 13, 2010 (Minutes, page 4210), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100350 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lots 112 & 113), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 527

Resolution approving the decision of the City Planning Commission on ULURP No. C 100350 ZSK (L.U. No. 182), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing eight units of affordable housing with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing eight units of affordable housing and with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District (ULURP No. C 100350 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK, 100349 ZSK, 100351 ZSK – C 100361 ZSK (L.U. Nos. 180, 181, 183- 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New

York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100350 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 183 & Res. No. 528

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100351 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3808) and originally reported to the Council on October 13, 2010 (Minutes, page 4212), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12 **C 100351**
ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5300, p/o Lot 9 (Tentative Lot 111), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 528

Resolution approving the decision of the City Planning Commission on ULURP No. C 100351 ZSK (L.U. No. 183), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a 4-story apartment building containing four units of affordable housing and with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a 4-story apartment building containing four units of affordable housing and with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District (ULURP No. C 100351 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK, 100349 ZSK, 100350 ZSK, 100352 ZSK – C 100361 ZSK (L.U. Nos. 180, 181, 182, 184 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100351 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 184 & Res. No. 529

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100352 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3808) and originally reported to the Council on October 13, 2010 (Minutes, page 4213), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12 **C 100352**
ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5300, p/o Lot 9 (Tentative Lot 110), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 529

Resolution approving the decision of the City Planning Commission on ULURP No. C 100352 ZSK (L.U. No. 184), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a 4-story apartment building containing four units of affordable housing and with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a 4-story apartment building containing four units of affordable housing and with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District (ULURP No. C 100352 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK, 100349 ZSK, 100350 ZSK, 100351 ZSK, C 100353 ZSK – C 100361 ZSK (L.U. Nos. 180, 181, 182, 183, 185 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100352 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 185 & Res. No. 530

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100353 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution, to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3809) and originally reported to the Council on October 13, 2010 (Minutes, page 4215), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100353 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lots 9 & 109), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 530

Resolution approving the decision of the City Planning Commission on ULURP No. C 100353 ZSK (L.U. No. 185), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing eight units of affordable housing and with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development,

pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing eight units of affordable housing and with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5300, p/o Lot 9, in a M1-2/R6A District (ULURP No. C 100353 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100352 ZSK, C 100354 ZSK - C 100361 ZSK (L.U. Nos. 180 - 184, and 186 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100353 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 186 & Res. No. 531

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100354 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 the Zoning Resolution, to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3809) and originally reported to the Council on October 13, 2010 (Minutes, page 4216), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12****C 100354 ZSK**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 112 & 113), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 531

Resolution approving the decision of the City Planning Commission on ULURP No. C 100354 ZSK (L.U. No. 186), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing eight units of affordable housing and with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two 4-story apartment buildings containing eight units of affordable housing and with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100354 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C

100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100353 ZSK, C 100355 ZSK - C 100361 ZSK (L.U. Nos. 180 - 185, and 187 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100354 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 187 & Res. No. 532

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100355 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution, to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3810) and originally reported to the Council on October 13, 2010 (Minutes, page 4218), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12****C 100355 ZSK**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit

pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 111), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 532

Resolution approving the decision of the City Planning Commission on ULURP No. C 100355 ZSK (L.U. No. 187), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a 4-story apartment building containing four units of affordable housing and with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a 4-story apartment building containing four units of affordable housing and with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100355 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100354 ZSK and 100356 ZSK - C 100361 ZSK (L.U. Nos. 180 - 186 and 188 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100355 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 188 & Res. No. 533

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100356 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3810) and originally reported to the Council on October 13, 2010 (Minutes, page 4219), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100356 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of an off-site accessory parking lot, on property located on Block 5295, p/o Lot 4 (Tentative Lot 110), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of an off-site accessory parking lot.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION**DATE:** October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 533

Resolution approving the decision of the City Planning Commission on ULURP No. C 100356 ZSK (L.U. No. 188), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an accessory community facility parking lot with eight spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an accessory community facility parking lot with eight spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100356 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100355 ZSK and 100357 ZSK - C 100361 ZSK (L.U. Nos. 180 - 187 and 189 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100356 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 189 & Res. No. 534

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100357 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3810) and originally reported to the Council on October 13, 2010 (Minutes, page 4221), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 12****C 100357 ZSK**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of an off-site accessory parking lot, on property located on Block 5295, p/o Lot 4 (Tentative Lot 109), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of an off-site accessory parking lot.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 534

Resolution approving the decision of the City Planning Commission on ULURP No. C 100357 ZSK (L.U. No. 189), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an accessory community facility parking lot with fifteen spaces, within or over a railroad or transit right-of-way or

yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of an accessory community facility parking lot with fifteen spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100357 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100356 ZSK and 100358 ZSK - C 100361 ZSK (L.U. Nos. 180 - 188 and 190 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100357 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 190 & Res. No. 535

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100358 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3811) and originally reported to the Council on October 13, 2010 (Minutes, page 4222), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100358 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 107 & 108), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 535

Resolution approving the decision of the City Planning Commission on ULURP No. C 100358 ZSK (L.U. No. 190), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two four-story residential buildings containing eight affordable housing units, with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two four-story residential buildings containing eight affordable housing units, with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100358 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-

2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100357 ZSK, C 100359 ZSK - C 100361 ZSK (L.U. Nos. 180 - 189, and 191 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100358 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 191 & Res. No. 536

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100359 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3811) and originally reported to the Council on October 13, 2010 (Minutes, page 4224), respectfully

REPORTS:

SUBJECT

**BROOKLYN CB - 12
ZSK**

C 100359

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 106), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 536

Resolution approving the decision of the City Planning Commission on ULURP No. C 100359 ZSK (L.U. No. 191), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a four-story residential building containing four affordable housing units, with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a four-story residential building containing four affordable housing units, with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100359 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100358 ZSK and C 100360 ZSK - C 100361 ZSK (L.U. Nos. 180 - 190 and 192 - 193), applications submitted by

the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100359 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 192 & Res. No. 537

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100360 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3812) and originally reported to the Council on October 13, 2010 (Minutes, page 4225), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100360 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 105), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of a 4-story residential building.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 537

Resolution approving the decision of the City Planning Commission on ULURP No. C 100360 ZSK (L.U. No. 192), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a four-story residential building containing four affordable housing units, with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of a four-story residential building containing four affordable housing units, with two accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100360 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - 100359 ZSK and C 100361 ZSK (L.U. Nos. 180 - 191 and 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100360 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 193 & Res. No. 538

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100361 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-681 of the Zoning Resolution to facilitate the development of affordable housing, Borough of Brooklyn, Council District no. 39.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3812) and originally reported to the Council on October 13, 2010 (Minutes, page 4227), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 12

C 100361 ZSK

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 4 & 104), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

INTENT

To facilitate the development of two 4-story residential buildings.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 5, 2010

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 Comrie and Weprin offered the following resolution:

Res. No. 538

Resolution approving the decision of the City Planning Commission on ULURP No. C 100361 ZSK (L.U. No. 193), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two four-story residential buildings containing eight affordable housing units, with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow the development of two four-story residential buildings containing eight affordable housing units, with four accessory residential parking spaces, within or over a railroad or transit right-of-way or yard, on property located at Block 5295, p/o Lot 4, in a M1-2/R6A District (ULURP No. C 100361 ZSK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west; N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot 9) as an Urban Development Action Area Project, and for the disposition of such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - C 100360 ZSK (L.U. Nos. 180 - 192), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

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 100361 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 230 & Res. No. 539

Report of the Committee on Land Use in favor of approving Application no. C 100409 ZMQ 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. 10c, 10d, 11b, 15a, Borough of Queens, Community District 7, 8 and 11.

The Committee on Land Use to which the annexed Land Use resolution was referred on August 25, 2010 (Minutes, page 3812) and originally reported to the Council on October 13, 2010 (Minutes, page 4376), respectfully

REPORTS:

SUBJECT

QUEENS CB's - 7, 8 and 11

C 100409 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. 10c, 10d, 11b, 15a.

INTENT

A partial rezoning of the Auburndale, Oakland Gardens and Hollis Hills neighborhoods of Queens.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 25, 2010

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 Members Comrie and Weprin offered the following resolution:

Res. No. 539

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100409 ZMQ, a Zoning Map amendment (L.U. No. 230).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 4, 2010 its decision dated September 29, 2010 (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 of the Zoning Map to rezone all or portions of 418 blocks in the northeast Queens neighborhoods of Auburndale, Oakland Gardens and Hollis Hills in Community Districts 7, 8, and 11. The proposed rezoning from R1-2, R2, R3-1, R3-2, R4, R4-1, and R5 districts to R1-2A, R2A, R3X, R3-1, R4, R4-1, R4B, and R5D districts is intended to protect neighborhood character from out-of-scale development, more closely reflect established one- and two-family development patterns, provide a limited density increase on primary corridors, including Springfield and Bell Boulevards, and update commercial overlays to prevent commercial intrusion onto residential blocks (ULURP No. C 100409 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 October 25, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 24, 2010, which included (E) designations to avoid the potential for hazardous material impacts and air quality impacts (E-253), (CEQR No. 10DCP037Q);

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, and based on the environmental determination and consideration described in this report, C 100409 ZMQ, incorporated by reference herein, the Council approves the Decision with the following modifications:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 10c, 10d, 11b, 15a:

Matter ~~strikeout~~ is old, to be deleted by City Council;

Matter underline is new, to be added by City Council.

1. eliminating from within an existing R3-2 District a C1 -2 District bounded by:
 - a. a line 150 feet northerly of 46th Avenue, Utopia Parkway, 46th Avenue, 189th Street, a line 150 feet southerly of Hollis Court, Utopia Parkway, Ashby Avenue, and Auburndale Lane;
 - b. a line 150 feet northwesterly of Horace Harding Expressway, 198th Street, 58th Avenue, a line 100 feet northeasterly of 1 98th Street, a line 100 feet northwesterly of Horace Harding Expressway, 198th Street, Horace Harding Expressway, and 197th Street;
 - c. a line 220 feet northwesterly of Union Turnpike, a line 150 feet northeasterly of Springfield Boulevard, a line 150 feet northerly of Union Turnpike, a line 150 feet westerly of 226th Street, a line 100 feet northerly of Union Turnpike, and a line 125 feet northeasterly of Springfield Boulevard; and
 - d. a line 100 feet southerly of Union Turnpike, Springfield Boulevard, a line 150 feet southerly of Union Turnpike, and 222nd Street;
2. eliminating from within an existing R3-2 District a C2-2 District bounded by a line 150 feet northwesterly of the Horace Harding Expressway, 183rd Street, Booth Memorial Avenue, a line 100 feet southwesterly of 185th Street, Horace Harding Expressway, and 182nd Street;
3. changing from an R1-2 District to an R1-2A District property bounded by the southeasterly service road of Horace Harding Expressway, a line midway between 215th Street and Bell Boulevard, a line 175 feet southeasterly of Horace Harding Expressway, Bell Boulevard, 67th Avenue, and 210th Street;
4. changing from an R2 District to an R2A District property bounded by:
 - a. Station Road, 168th Street, Station Road, Auburndale Lane, a line 100 feet northeasterly of Northern Boulevard, a line midway between 169th Street and 170th Street, Northern Boulevard, 167th Street, a line 100 feet northeasterly of Northern Boulevard, and 165th Street;
 - b. a line 100 feet southwesterly of Northern Boulevard, 168th Street, 43rd Avenue, 170th Street, a line 100 feet southerly of Northern Boulevard, 171st Street, a line 100 feet southerly of Northern Boulevard, a line midway between Utopia Parkway and 172nd Street, a line perpendicular to the easterly street line of 172nd Street distant 120 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 172nd Street and the southerly street line of 45th Avenue, 172nd Street, a line 150 feet northerly of 46th Avenue, Auburndale Lane, 46th Avenue, a line 100 feet westerly of 166th Street, 45th Avenue, and 166th Street,

- c. Laburnum Avenue, 156th Street, a line 100 feet northerly of Oak Avenue, 164th Street, Meadow Road, Auburndale Lane, Bagley Avenue, Utopia Parkway, 48th Avenue, Hollis Court Boulevard, 50th Avenue, Underhill Avenue, 188th Street, Peck Avenue, 192nd Street, the northwesterly service road of Horace Harding Expressway, 185th Street, 56th Avenue, a line midway between 185th Street and 186th Street, 50th Avenue, Utopia Parkway, 56th Avenue, a line midway between 175th Place and 175th Street, Booth Memorial Avenue, Fresh Meadow Lane, a northerly boundary of Kissena Park, a northeasterly boundary of Kissena Park and its northwesterly prolongation, Underhill Avenue and its northeasterly centerline prolongation, 164th Street, Oak Avenue, Rose Avenue, Parsons Boulevard, Quince Avenue, Bowne Street, a line midway between Quince Avenue and Rose Avenue, Robinson Street, a line 95 feet northwesterly of Oak Avenue, Burling Street, Negundo Avenue, and Parsons Boulevard;
 - d. 46th Avenue, 195th Street, a line 100 feet southerly of 45th Avenue, 196th Street, 45th Road, a line 100 feet easterly of 196th Place, 46th Avenue, a line midway between 196th Place and 197th Street, 47th Avenue, 194th Street, a line 100 feet northwesterly of 47th Avenue, and a line midway between 193rd Street and 194th Street;
 - e. Weeks Lane, 201st Street, a line 250 feet northwesterly of 48th Avenue, 202nd Street, a line 150 feet northwesterly of 48th Avenue, a line midway between 202nd Street and 203rd Street, a line 100 feet northwesterly of 50th Avenue, a line midway between 203rd Street and the Clearview Expressway, 53rd Avenue, the Clearview Expressway, a line 100 feet northwesterly of Horace Harding Expressway and its northeasterly prolongation, 201st Street, a line 150 feet northerly of Horace Harding Expressway, Francis Lewis Boulevard, 53rd Avenue, 201st Street, a line 140 feet northwesterly of 53rd Avenue, a line midway between 201st Street and 202nd Street, a line 100 feet southeasterly of 50th Avenue, 201st Street, 50th Avenue, and Francis Lewis Boulevard; and
 - f. 76th Avenue, Cloverdale Boulevard, the northwesterly street line of former Motor Parkway, Springfield Boulevard, a line 220 feet northwesterly of Union Turnpike, a line 100 feet southwesterly of Springfield Boulevard, Union Turnpike, 222nd Street, a line 150 feet southeasterly of Union Turnpike, Springfield Boulevard, a northwesterly service road of Grand Central Parkway, 86th Avenue, Bell Boulevard, 86th Road and its westerly centerline prolongation, the southwesterly street line of 212th Street, Hollis Hills Terrace and its southeasterly centerline prolongation, the southeasterly street line of former Motor Parkway, Oceania Street, the centerline of former Motor Parkway, a line 200 feet northeasterly of Bell Boulevard, 77th Avenue, 217th Street, a line 120 feet northwesterly of 77th Avenue, and Springfield Boulevard;
5. changing from an R3-2 District to an R2A District property bounded by:
- a. the easterly centerline prolongation of Bagley Avenue, 188th Street, 47th Avenue, a line 100 feet southwesterly of 188th Street, 48th Avenue, and Utopia Parkway;
 - b. a line 230 feet southeasterly of 47th Avenue, a line midway between 190th Street and 189th Street, 48th Avenue, and a line midway between 189th Street and 188th Street;
 - c. a line 205 feet southeasterly of 56th Avenue, 185th Street, Booth Memorial Avenue, and a line midway between 185th Street and 184th Street;
 - d. a line 100 feet northerly of 47th Avenue, 194th Street, 47th Avenue, and a line midway between 193rd Street and 194th Street,
 - e. a line 100 feet southeasterly of 47th Avenue, 192nd Street, 47th Avenue, Hollis Court Boulevard, a line perpendicular to the northeasterly street line of Hollis Court Boulevard distant 270 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Hollis Court Boulevard and the southwesterly street line of 194th Street, a line 100 feet northeasterly of Hollis Court Boulevard, a line midway between 193rd Street and 194th Street, a line 100 feet southerly of 47th Avenue, 195th Street, 48th Avenue, a line

- midway between 196th Place and 196th Street, a line 180 feet northwesterly of 48th Avenue, a line midway between 195th Street and 196th Street, 47th Avenue, 197th Street, a line 340 feet northwesterly of 48th Avenue, a line midway between 197th Street and 196th Place, 48th Avenue, 196th Place, a line midway between 48th Avenue and 49th Avenue, Weeks Lane, 49th Avenue, a line 100 feet easterly of Weeks Lane, 48th Avenue, Weeks Lane, Francis Lewis Boulevard, 50th Avenue, a line midway between 199th Street and Francis Lewis Boulevard, 53rd Avenue, Francis Lewis Boulevard, a line 100 feet southeasterly of 58th Avenue, Hollis Court Boulevard, 58th Avenue, a line 100 feet northeasterly of 198th Street, a line 100 feet northwesterly of Horace Harding Boulevard and its southwesterly prolongation, 197th Street, the northwesterly service road of Horace Harding Expressway, 1 92nd Street, Peck Avenue, 188th Street, Underhill Avenue, 50th Avenue, Hollis Court Boulevard, 48th Avenue, and 190th Street, and excluding the area bounded by Weeks Lane, a line perpendicular to the northwesterly street line of 53rd Avenue distant 140 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of 53rd Avenue and the northeasterly street line of Hollis Court Boulevard, 53rd Avenue, Hollis Court Boulevard, a line 350 feet northwesterly of 56th Avenue, a line 100 feet southwesterly of Hollis Court Boulevard, a line 220 feet northwesterly of 56th Avenue, 196th Street, a line 100 feet northwesterly of 56th Avenue, 194th Street, 56th Avenue, a line midway between 194th Street and 193rd Street, a line 100 feet southeasterly of 53rd Avenue, 196th Street, and Hollis Court Boulevard;
 - f. the northeasterly prolongation of a line 100 feet northwesterly of Horace Harding Expressway, a northwesterly service road of Horace Harding Expressway, and 203rd Street; and
 - g. a line 100 feet southeasterly of Union Turnpike, Springfield Boulevard, a line 150 feet southeasterly of Union Turnpike, and 222nd Street;
6. changing from an R4-1 District to an R2A District property bounded by a line 130 feet northerly of 45th Avenue, 166th Street, 45th Avenue, and a line midway between 165th Street and 166th Street;
7. changing from an R2 District to an R3-1 District property bounded by:
- a. a line 150 feet northwesterly of 48th Avenue, 203rd Street, 48th Avenue, a line 100 feet northwesterly of 50th Avenue, and a line midway between 202nd Street and 203rd Street; and
 - b. 50th Avenue, 201st Street, a line 100 feet southeasterly of 50th Avenue, a line midway between 201st Street and 202nd Street, a line 140 feet northwesterly of 53rd Avenue, 201st Street, 53rd Avenue, and Francis Lewis Boulevard;
8. changing from an R3-2 District to an R3-1 District property bounded by:
- a. Holly Avenue, Parsons Boulevard, Laburnum Avenue, and Burling Street;
 - b. 50th Avenue, a line midway between 185th Street and 186th Street, 56th Avenue, 185th Street, a line 205 feet southeasterly of 56th Avenue, a line midway between 184th Street and 185th Street, a line 295 feet northwesterly of 58th Avenue, a line 100 feet southwesterly of 184th Street, 56th Avenue, and Utopia Parkway;
 - c. Booth Memorial Avenue, 185th Street, the northwesterly service road of Horace Harding Expressway, and Utopia Parkway;
 - d. 50th Avenue, Francis Lewis Boulevard, 53rd Avenue, a line midway between 199th Street and Francis Lewis Boulevard;
 - e. Rocky Hill Road, 48th Avenue, a line midway between 207th Street and 208th Street, 53rd Avenue, 207th Street, 56th Avenue, 208th Street, 58th Avenue, a line midway between 207th Street and 208th Street, the northwesterly service road of Horace Harding Expressway, a line midway between 206th Street and 207th Street, 56th Avenue, the Clearview Expressway, 53rd Avenue, a line midway between 203rd Street and Clearview Expressway, 48th Avenue, 203rd Street, a line 150 feet northwesterly of 48th Avenue, 202nd Street, a line 250 feet northwesterly of 48th Avenue, and 201st Street; and

- f. 67th Avenue, Bell Boulevard, 69th Avenue, and 210th Street;
9. changing from an R2 District to an R3X District property bounded by:
- a. a line midway between 172nd Street and Utopia Parkway, a line 150 feet northerly of 48th Avenue, 172nd Street, and a line perpendicular to the to the easterly street line of 172nd Street distant 120 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 172nd Street and the southerly street line of 45th Avenue; and
- b. 45th Avenue, Francis Lewis Boulevard, 47th Avenue, a line midway between 196th Place and 197th Street, 46th Avenue, a line 100 feet easterly of 196th Place, 45th Road, 196th Street, a line 100 feet northerly of 45th Avenue, and 196th Street;
10. changing from an R3-1 District to an R3X District property bounded by Horace Harding Expressway, a service exit of Horace Harding Expressway, 233rd Street, Lee Goldman Lane, 67th Avenue, and a line 100 feet southwestly of Cloverdale Boulevard;
11. changing from an R3 -2 District to an R3X District property bounded by:
- a. Station Road, 190th Street, 42nd Avenue, 194th Street, a line 100 feet southerly of
Station Road, 196th Street, 42nd Avenue, Francis Lewis Boulevard, a line 140 feet southerly of 42nd Road, 196th Street, a line 100 feet southerly of 42nd Avenue, 194th Street, a line 100 feet northerly of Northern Boulevard, 192nd Street, a line 270 feet southerly of 42nd Avenue, 191st Street, a line 100 feet northerly of Northern Boulevard, and a line 80 feet easterly of 172nd Avenue;
- b. a line 100 feet southerly of 46th Avenue, a line 100 feet southerly of Hollis Court Boulevard, a line midway between 188th Street and 189th Street, a line 565 feet northwesterly of 47th Avenue, 189th Street, a line 440 feet northwesterly of 47th Avenue, a line midway between 189th Street and 190th Street, a line 340 feet northwesterly of 47th Avenue, 190th Street, a line 100 feet southwesterly of Hollis Court Boulevard, a line 100 feet southwesterly of 192nd Street, 47th Avenue, 188th Street, Bagley Avenue and its easterly centerline prolongation, and Auburndale Lane;
- c. a line 100 feet southerly of Northern Boulevard, a line midway between 193rd Street and 194th Street, a line 100 feet northerly of 45th Avenue, 195th Street, a line 280 feet northerly of 45th Avenue, 196th Street, a line 100 feet northwesterly of 44th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, 44th Avenue, Francis Lewis Boulevard, 45th Avenue, 195th Street, 46th Avenue, a line midway between 194th Street and 195th Street, a line 370 feet northerly of 46th Avenue, a line midway between 192nd Street and 193rd Street, Hollis Court Boulevard, a line 220 feet westerly of 192nd Street, a line midway between 46th Avenue and 46th Road, a line 100 feet westerly of 192nd Street, a line midway between 45th Drive and 46th Avenue, a line 100 feet easterly of 189th Street, 46th Avenue, Utopia Parkway, a line perpendicular to the westerly street line of Utopia Parkway distant 360 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Utopia Parkway and the southerly street line of 45th Avenue, and a line midway between 172nd Street and Utopia Parkway;
- d. 57th Avenue, East Hampton Boulevard, West Alley Place, a service exit of Horace Harding Expressway, Horace Harding Expressway, 229th Street and its southerly centerline prolongation, 57th Road, and the westerly boundary line of a park and its northerly and southerly prolongation; and
- e. 69th Avenue, 230th Street, 73rd Avenue, and a line midway between 223rd Street and 222nd Street; and
12. changing from an R5 District to an R3X District property bounded by:
- a. a line 100 feet southerly of Station Road, a line midway between 190th Street and 191st Street, a line 215 feet northerly of 42nd Avenue, 191st Street, 42nd Avenue, and 190th Street; and
- b. a line 240 feet northerly of 42nd Avenue, 194th Street, 42nd Avenue, and 193rd Street;
13. changing from an R5 District to an R4 District property bounded by Station Road, 194th Street, a line 240 feet northerly of 42nd Avenue, 193rd Street, 42nd Avenue, 191st Street, a line 215 feet northerly of 42nd Avenue, a line midway between 191st Street and 190th Street, a line 100 feet southerly of Station Road, and 190th Street;
14. changing from an R1-2 District to an R4-1 District property bounded by the southeasterly service road of Horace Harding Expressway, Bell Boulevard, a line 175 feet southeasterly of Horace Harding Expressway, and a line midway between Bell Boulevard and 215th Street;
15. changing from an R3-2 District to an R4-1 District property bounded by:
- a. a line midway between 45th Drive and 46th Avenue, a line 100 feet westerly of 192nd Street, a line midway between 46th Avenue and 46th Road, a line 220 feet westerly of 192nd Street, Hollis Court Boulevard, 190th Street, a line 340 feet northwesterly of 47th Avenue, a line midway between 189th Street and 190th Street, a line 440 feet northwesterly of 47th Avenue, 189th Street, 46th Avenue, and a line 100 feet easterly of 189th Street,
- b. 64th Avenue, 219th Street, 67th Avenue, and Bell Boulevard; and
- c. 57th Road, 229th Street, a southeasterly service exit of Horace Harding Expressway, and a line 100 feet southwestly of 229th Street;
16. changing from an R4 District to an R4-1 District property bounded by:
- a. 56th Avenue, 226th Street, a line 470 feet northwesterly of 57th Road, Cloverdale Boulevard, 57th Avenue, the westerly boundary line of a park and its northerly and southerly prolongations, 57th Road, a line 100 feet southwesterly of 229th Street, a southeasterly service exit of Horace Harding Expressway, Horace Harding Expressway, Springfield Boulevard, 58th Avenue, and 223rd Street; and
- b. the southeasterly service road of Horace Harding Boulevard, a line midway between Bell Boulevard and 217th Street, a line 100 feet northwesterly of 64th Avenue, 218th Street, 64th Avenue, and Bell Boulevard;
17. changing from an R3-2 District to an R4B District property bounded by:
- a. Station Road, a line 80 feet easterly of 172nd Street, a line 100 feet northerly of Northern Boulevard, Auburndale Lane, 42nd Avenue, and 172nd Street; and
- b. Station Road, 195th Street, a line 100 feet southerly of Station Road, and 194th Street;
18. changing from an R5 District to an R4B District property bounded by the southerly railroad right-of-way of the Long Island Rail Road (Northside Division), Francis Lewis Boulevard, Station Road, the northerly prolongation of the westerly street line of 193rd Street;
19. changing from an R4 District to an R5 District property bounded by 73rd Avenue, 217th Street, 77th Avenue, Bell Boulevard, the centerline of former Motor Parkway and its northeasterly prolongation, and 210th Street;
- ~~19~~20. changing from an R3-2 District to an R5D District property bounded by a line 220 feet northwesterly of Union Turnpike, a line 125 feet northeasterly of Springfield Boulevard, a line 100 feet northwesterly of Union Turnpike, a line 150 feet southwesterly of 226th Street, Union Turnpike, a northwesterly service road of Grand Central Parkway, Springfield Boulevard, a line 100 feet southeasterly of Union Turnpike,

222nd Street, Union Turnpike, and a line 100 feet southwesterly of Springfield Boulevard;

- 210. establishing within a proposed R3-1 District a C1-2 District bounded by a line 150 feet northwesterly of the Long Island Expressway, 183rd Street, Booth Memorial Avenue, a line 100 feet southwesterly of 185th Street, a northwesterly service road of Long Island Expressway, and 182nd Street; and
- 224. establishing within an existing R3-2 District a C1-3 District bounded by a line 150 feet northerly of 46th Avenue, Utopia Parkway, 46th Avenue, a line 70 feet westerly of 189th Street, Hollis Court Boulevard, a line midway between 189th Street and Utopia Parkway, a line 100 southerly of Hollis Court Boulevard, a line 100 feet southerly of 46th Avenue, Auburndale Lane, 46th Avenue, and Auburndale Lane;

as shown on a diagram (for illustrative purposes only) dated May 24, 2010, and modified by the City Planning Commission on September 29, 2010 and subject to the conditions of CEQR Declaration E-253, Community Districts 7, 8 and 11, Borough of Queens.

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:

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of November 17, 2010).

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 220 & Res 519 -- Michael Goldblum - As a member of the New York City Landmarks Preservation Commission
- (2) M 279 & Res 520 -- Roberta Washington - As a member of the New York City Landmarks Preservation Commission
- (3) M 280 & Res 521 -- Mark Gjonaj - As a member of the New York City Taxi and Limousine Commission
- (4) Int 373-A -- Requiring the mayor's office of operations to report certain hate crime statistics on the city's website.
- (5) Int 393 -- Requiring the mayor's office of operations to report certain domestic violence statistics on the city's website.
- (6) L.U. 177 & Res 522 -- ULURP, app. C 100345 ZMK zoning map Section 22c, Borough of Brooklyn, Council District no. 39.
- (7) L.U. 178 & Res 523 -- App. N 100346 ZRK, respecting changes in the text of the Zoning Resolution, relating to Section 123-90.
- (8) L.U. 179 & Res 524 -- ULURP, app. C 100347 HAK, UDAADP, 1284 and 1300 37th Street, Brooklyn, Council District no. 39.
- (9) L.U. 180 & Res 525 -- ULURP, app. C 100348 ZSK, development of affordable housing,

- (10) L.U. 181 & Res 526 -- Borough of Brooklyn, Council District no. 39. ULURP, app. C 100349 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (11) L.U. 182 & Res 527 -- ULURP, app. C 100350 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (12) L.U. 183 & Res 528 -- ULURP, app. C 100351 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (13) L.U. 184 & Res 529 -- ULURP, app. C 100352 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (14) L.U. 185 & Res 530 -- ULURP, app. C 100353 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (15) L.U. 186 & Res 531 -- ULURP, app. C 100354 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (16) L.U. 187 & Res 532 -- ULURP, app. C 100355 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (17) L.U. 188 & Res 533 -- ULURP, app. C 100356 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (18) L.U. 189 & Res 534 -- ULURP, app. C 100357 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (19) L.U. 190 & Res 535 -- ULURP, app. C 100358 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (20) L.U. 191 & Res 536 -- ULURP, app. C 100359 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (21) L.U. 192 & Res 537 -- ULURP, app. C 100360 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (22) L.U. 193 & Res 538 -- ULURP, app. C 100361 ZSK, development of affordable housing, Borough of Brooklyn, Council District no. 39.
- (23) L.U. 217 & Res 508 -- App. 20115198 HAX, UDAAP, 190 Brown Place, Council District no. 8, Borough of the Bronx.
- (24) L.U. 225 & Res 509 -- App. 20105650 TCM, 7th unenclosed sidewalk café, 130 Seventh Avenue South, Manhattan, Council District no. 3.
- (25) L.U. 229 & Res 510 -- App. 20115126 TCM, unenclosed sidewalk café 34 Union Square East, Borough of Manhattan, Council District no. 2.
- (26) L.U. 230 & Res 539 -- App. C 100409 ZMQ Zoning Map, Section Nos. 10c, 10d, 11b, 15a, Borough of Queens, Community District 7, 8 and 11.
- (27) L.U. 231 & Res 511 -- App. N 100419 ZRM Inclusionary Housing Program to the proposed C6-2A district, Borough of Manhattan, Community District 3.
- (28) L.U. 232 & Res 512 -- App. C 100420 ZMM C6-1 District to a C6-2A District, Borough of Manhattan, Community District 3.
- (29) L.U. 233 & Res 513 -- App. C 100437 ZMM C6-1 District to a C1-6A District, Borough of Manhattan, Community District 2.
- (30) L.U. 234 & Res 514 -- App. N 100424 ZRM Special Districts, Borough of Manhattan, Community District 4.

- (31) L.U. 235 & Res 515 -- App. 20115154 HKM (N 110035 HKM), 488 Madison Avenue (Block 1287, Lot 14) as a historic landmark, Council District no. 3.
- (32) L.U. 236 & Res 516 -- App. 20115155 HKM (N 110036 HKM), Middleton S. and Emilie Neilson Burrill House, 36 East 38th Street as a historic landmark, Council District no. 3.
- (33) L.U. 237 & Res 517 -- App. 20095547 TCM, enclosed sidewalk café located at 490-494 LaGuardia Place, Manhattan, Council District no. 1 (Coupled to be Filed pursuant to a Letter of Withdrawal).
- (34) L.U. 239 & Res 518 -- App. 20115268 HAX new tax exemption for property, Block 2866/Lots 45, 80 and 86, Bronx Council District no. 16.
- (35) Resolution approving various persons Commissioners of Deeds.

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

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

(Present but Not Voting – Vallone, Jr.)

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

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 373-A and 393.

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. 477

Report of the Committee on General Welfare in favor of approving a Resolution calling upon the New York State Legislature to override Governor Paterson's veto of A. 2565 and its companion bill, S. 2664, legislation that would amend the Social Services Law to provide that persons living with clinical/symptomatic HIV/AIDS, who are receiving shelter assistance or an emergency shelter allowance, shall not be required to pay more than 30 percent of their household's monthly income towards shelter costs, including rent and utilities.

The Committee on General Welfare, to which the annexed resolution was referred on October 13, 2010 (Minutes, page 4355), respectfully

REPORTS:

On October 27, 2010, at 10:00 a.m., the General Welfare Committee, chaired by Council Member Annabel Palma, held a vote on Resolution No. 477, which supports the override of Governor Paterson's veto of A. 2565 and its companion bill, S. 2664, legislation that would amend the Social Services Law to provide that persons living with clinical/symptomatic HIV/AIDS, who are receiving

shelter assistance or an emergency shelter allowance, shall not be required to pay more than 30 percent of their household's monthly income towards shelter costs, including rent and utilities.

BACKGROUND

New York City remains the epicenter of the HIV/AIDS crisis in the United States. According to the New York City Department of Health and Mental Hygiene (DOHMH), HIV is the third leading cause of death for New York City residents aged 35 to 54, and the City's AIDS case rate is almost three times the national average.¹ More than 107,000 New Yorkers are living with HIV/AIDS.²

The high number of affected people means that there will be continued demand for social services provided by the HIV/AIDS Services Administration (HASA), a division of the Human Resources Administration (HRA). As required under Section 21-128 of the New York City Administrative Code, HASA provides social services to individuals living with AIDS or symptomatic HIV-related illness. Specifically, HASA clients undergo a specialized intake process and needs assessment, and apply for public assistance and related benefits (e.g. home care services, food stamps, or Medicaid) through HASA rather than an HRA Job or Food Stamps Center.³ HASA also provides intensive case management with caseloads limited to a maximum of thirty-four cases per caseworker for individuals and a maximum of twenty-five cases for families.⁴

A critical component of HASA is housing and rental assistance. HASA places clients in need of emergency housing in transitional congregate or commercial single room occupancy (SRO) units and assists clients in finding non-emergency housing. HASA caseworkers and housing specialists also help clients locate permanent housing, whether in congregate supportive housing or in scatter site apartments located around the City. All housing for HASA clients must be medically appropriate. Qualified clients may also receive assistance paying first month's rent, security deposit, broker's fees, and moving expenses. HASA must process these requests within a specific amount of time.⁵ In addition, HASA clients are eligible for enhanced rental assistance.

HASA RENTAL ASSISTANCE PROGRAMS

HASA's rental assistance program has different levels of funding depending on the needs of the client.⁶ Standard rental assistance, or the basic public assistance standard of need, is a maximum of \$215 per month for shelter for single individuals.⁷ All New York State public assistance recipients who are HIV symptomatic or have AIDS are entitled to an enhanced shelter allowance, which provides up to \$480 per month for the first HASA-eligible person in the household, and up to \$330 per month for each additional member of the household.⁸ All HASA clients are automatically eligible for enhanced rental assistance. HASA clients may also receive assistance above the statewide levels, also known as "above enhanced rental assistance."⁹ While HASA uses federal Housing and Urban Development (HUD) Section 8 guidelines from 2002 to determine the level of support for HASA clients, the program exercises flexibility in determining rental assistance for clients depending on their needs and often approves rental amounts higher than the standard amounts.¹⁰

Individuals who receive standard and enhanced rental assistance primarily live with family and make some financial contribution towards the rent or live in apartments that have very low rents. Essentially, people in public or subsidized housing are paying the standard or enhanced amounts. Individuals in the above-enhanced rental assistance program usually live in apartments that are more expensive and therefore require more financial assistance. Because there are not many apartments available within the "enhanced" regulatory amounts (\$480 for one person, \$810 for two people) for one or two member households, many clients receive the above-enhanced shelter allowance. These clients receive \$940 at the beginning of the lease through the program, but as the rent goes up over time, HRA may increase the amount of assistance.¹¹

If the HASA client receives benefits from outside of the HASA system, such as federal disability payments Supplemental Security Income (SSI), Social Security Disability (SSD), or assistance from the Veterans Administration (VA), the amount the individual is required to contribute to rent will vary. In other words, while HASA clients with income are eligible for enhanced rental assistance, for many there is no cap on their rent contribution. Under New York State Office of Temporary and Disability Assistance (OTDA) budget rules, clients who have other income (federal disability benefits or earned income) may only keep \$344 of their income per month. Of this amount, \$193 is budgeted to pay for basic nutrition and transportation and \$151 is basic cash assistance.¹² This standard cash assistance grant translates into clients living on an average of \$11.61 per day throughout the year. The remainder of the income clients receive from other sources must be paid by the tenant directly to the landlord to cover their portion of the rent. As described by an editorial in the *New York Daily News*, some HASA clients have to "pay 56% or 59% of their income to landlords, and some pay 70% of income - a burden that leads to thousands of rent arrears and evictions each year."¹³

One HASA client, James Lister, receives SSD and in an article in the *Gay City News*, described the limitations that the current OTDA budget places on his ability to purchase basic essentials.¹⁴ As Mr. Lister describes, "An extravagance I 'saved up' for used to be something like a vacation; now it's things like dish sponges, light bulbs, deodorant, pens, house-cleaning supplies, underwear, socks, winter shoes, or the ultimate luxury of a cup of coffee with a friend."¹⁵ Mr. Lister also talks about how he fears losing the apartment he has lived in for almost 30 years and how, about four years ago, he began to wear clothes of his deceased friends to offset his financial costs.¹⁶

Other rental assistance programs in New York State provide for a cap to limit a tenant's shelter costs. For example, clients who have Section 8 vouchers or who live in public housing are only required to pay 30 percent of their income toward rent. In addition, DOHMH recently modified its rental assistance program, the Housing Opportunities for Persons with Aids (HOPWA) program. Prior to the modification, HOPWA did not have rental contribution limits built into its program, but in March 2008 DOHMH issued new guidelines to providers of supportive housing and rental assistance programs administered through DOHMH stating that "resident rent payments may not exceed an amount higher than the applicable rent. . ." and "[e]ach person receiving rental assistance or residing in a HOPWA-funded supportive housing unit must pay as rent an amount which is the higher of: a) 30% of the family's monthly adjusted income; b) 10% of the family's monthly gross income; or c) [d]esignated welfare payments for housing costs issued by a public agency."¹⁷

EFFECTS OF STABLE HOUSING FOR PERSONS LIVING WITH HIV/AIDS

A growing body of research suggests that persons who are stably housed are less likely to use drugs and engage in high-risk sexual activities, and are more likely to adhere to and receive proper medical care. In addition, some studies posit that housing is a cost-effective health care intervention.

One 2007 study was based on data provided by over 5,800 interviews conducted from 1994 to 2004 with 1,660 'persons living with HIV' ("PLWH") in New York City (commonly known as the "CHAIN study").¹⁸ Participants were questioned about their current living situation, history of housing instability, need for assistance with housing issues, what services they have received, and medical care.¹⁹ The CHAIN study identified several "key findings," including that the need for housing assistance among PLWH did not diminish over time, that housing instability is associated with delayed entry into medical care, not receiving good clinical care, dropping out of care, and inconsistent use of antiretroviral medications, and that housing status variables are the strongest predictors of receiving good medical care (as opposed to supportive services such as case management or mental health and drug treatment).²⁰ According to the researchers, the study's overall findings "provide strong evidence that housing needs are a significant barrier to consistent, appropriate HIV medical care, and that receipt of housing assistance has a direct impact on improved medical care outcomes for persons living with HIV/AIDS."²¹ Researchers further concluded that "[h]ousing should be understood as a 'core' service needed to achieve outcomes that affect the HIV-related clinical status of persons living with HIV/AIDS" and that "[i]mproving access to housing will improve access to and effectiveness of HIV medical care and treatment."²²

Data from two large-scale intervention studies, the Chicago Housing for Health Partnership (CHHP) and the HUD/CDC Housing and Health (H & H) study, also suggest that housing is a cost-effective health care intervention. Findings from these studies were presented at the North American Housing and HIV/AIDS Research Summit IV (the "2009 Summit"), which took place in June of 2009 in Washington D.C.²³ According to the National AIDS Housing Coalition, these two studies are the first "designed specifically to examine the significance of housing as an independent determinant of health" and "[t]hey provide strong new evidence for housing as an effective and cost-saving health care intervention for homeless and unstably housed persons with HIV."²⁴

CHHP provides supportive housing and case management services to homeless people with HIV in Chicago. In a recently conducted randomized controlled trial of CHHP participants, researchers concluded that "a housing and case management program for chronically ill homeless adults reduced hospitalizations and emergency department visits."²⁵ More specifically, the researchers' most conservative analyses of the data suggested a 29 percent reduction in hospital days and a 24 percent reduction in emergency room visits.²⁶ The study asserted that for every 100 homeless adults offered an intervention that included case management and housing, "the expected benefits over the next year would be 49 fewer hospitalizations, 270 fewer hospital days, and 116 fewer emergency department visits."²⁷ While the study did not examine the costs of the types of services provided and did not distinguish between the effects of intervention through case management versus housing, it did find that interventions with both components "greatly reduced emergency department and hospital use among homeless adults with chronic medical illnesses."²⁸

Another article explains the findings of a sub-study, randomized trials that were conducted to assess the impact that CHHP had on health outcomes for patients who had HIV.²⁹ Researchers found that providing housing and intensive case management to homeless hospitalized HIV-positive individuals "can increase the proportion surviving with intact immunity and decrease overall viral loads."³⁰ According to the researchers, the study helps to confirm the theory that the "Housing First" strategy, which means that "homeless individuals are best stabilized through housing regardless of the personal challenges they may experience," can improve the health of HIV-infected homeless people.³¹

The H & H study is a randomized trial conducted by the federal Centers for Disease Control (CDC) and the HUD Housing Opportunities for People with AIDS (HOPWA) program. It was conducted among 630 HIV positive participants in Baltimore, Chicago, and Los Angeles from 2006 to 2008 and examined the impact that HOPWA housing vouchers had on the physical and mental health, as well as the HIV risk behaviors of homeless and unstably housed persons living with HIV/AIDS.³² The study concluded that only 15 percent of those in the group that received housing intervention remained unstably housed after 18 months, compared to 44 percent of the comparison group. Additionally, the study showed that "as housing status improved for the group as a whole over the 18-month study period, so

did health outcomes."³³ The study found a 34 percent reduction in emergency room visits, a 56 percent reduction in the number of hospitalizations, and "[s]ignificantly improved mental health status."³⁴ Researchers followed up with study participants, and found that those who experienced homelessness were more likely to use an emergency room, more likely to have a detectable viral load at the follow-up point, had higher levels of perceived stress, and were more likely to report having had unprotected sex with a partner of unknown status.³⁵ The H & H study also conducted a cost-utility analysis, to compare the cost of providing housing intervention compared to the savings associated with the prevention of HIV infection and the reduction in avoidable health services. Researchers found that the "cost per quality adjusted life year" (QALY) of housing as health care to be \$16,000 per QALY, which was below other interventions such as renal dialysis (\$50,000 per QALY) and screening mammography (\$30,000 per QALY).³⁶

These studies lend strong support to the argument that current policy requiring HASA clients to pay more than 30 percent of their income in rent leads to unnecessary and avoidable costs. Clients struggling to pay rent may require costly assistance from the City in the form of payment for rental arrears to avoid eviction. In addition, clients who are evicted and become homeless may likely end up in emergency SRO housing. In fact, according to HRA data, in recent years there has been an upward trend in homelessness among low-income persons living with HIV/AIDS -- 953 people lived in commercial SRO hotels in June 2010, compared to 813 in August of 2007.³⁷

STATE LEGISLATION (S. 2664/A. 2565)

At the state level, two bills were passed in order to address the above-described burden that HASA clients face. S. 2664 and A. 2565 would cap the rent and utility contributions of individuals with clinical/symptomatic HIV/AIDS who are receiving shelter assistance or an emergency shelter allowance at 30 percent of their household's monthly income.

This legislation would make the HASA rental assistance program for specific individuals similar to Section 8 income contribution requirements, where clients would pay only 30 percent of their income towards the rent with the difference offset by HASA. As of June 2010 (the latest HRA data available), HASA provides standard rental assistance in 3,326 cases (10.5 percent of the entire caseload), enhanced rental assistance in 2,079 cases (6.6 percent of the caseload), and above enhanced rental assistance in 20,114 cases (63.6 percent of the caseload).³⁸ In addition, 13,790 HASA clients are receiving benefits from the Social Security Administration and the Veterans Administration and there are about 981 HASA clients with an earned income.³⁹ According to one analysis, approximately 10,800 people are currently required to contribute over 30 percent of their income to rent.⁴⁰ According to HASA, over 12,000 clients -- those who are required to make rental contributions over 30 percent of their income -- would be affected by the passage of this legislation.⁴¹

In successfully lobbying Governor Paterson to veto these bills, the Bloomberg administration and the opponents of the legislation argue that, if the legislation were to be enacted, it would cost approximately \$35 million.⁴² Currently, the rental assistance program is funded as a 50-50 split between the State and the City. If that stayed the same, it would cost the city about \$15 million to cap rents at 30 percent for those who would qualify. Due to the current fiscal crisis it is uncertain whether this program will continue to be funded in the same manner as it previously has been and potentially, more of a burden could be placed on the local districts.

Despite the City and State's focus on potential associated costs, researchers contend that there are significant potential savings in the legislation. Some argue that funding the rent cap would create savings by reducing the costs associated with HASA's frequent obligation to pay rent arrears to stop evictions and to fund emergency housing stays.⁴³ Some argue that when HASA clients with disability income pay 56 percent to 70 percent of their income towards rent, a high rate of evictions occur and evicted clients often end up in expensive SROs.⁴⁴ One researcher calculated that SROs cost at least \$55 per day (for an average stay of 159 days), compared to what would be an average cost to government (with the 30 percent rent cap) of only \$24 per day for rental assistance.⁴⁵ The same researcher contends that if just 10 percent of the over 10,000 HASA clients who are evicted each year end up in SROs, it would cost the City \$21 million to provide emergency housing, whereas the total cost of the higher ongoing rent with the 30 percent rent cap would be just \$9 million annually.⁴⁶ According to this analysis, the rent cap could help reduce the costs the City pays to place people in emergency housing services provided through SROs. In justifying their opposition to the legislation, Governor Paterson and Mayor Bloomberg looked solely at the direct costs without accounting for the savings that would come from HASA clients who, with the support provided in the legislation, would be more likely to stay out of homeless shelters, emergency rooms, and housing courts.

RESOLUTION NO. 477

Resolution No. 477 calls on the New York State Legislature to override Governor Paterson's veto of A. 2565 and S. 2664. This legislation would provide crucial financial relief to HASA clients who are severely burdened by the current high rent share requirement in New York City. It would provide greater stability and certainty to the lives of HASA clients and would be a significant step toward improving the health and well being of a vulnerable and often neglected population. The governor's veto denied a vulnerable population help it desperately needs. The City Council therefore calls upon the State Legislature to override the governor's veto. On October 26, 2010, the General Welfare Committee held a hearing on

Resolution No. 477, and on October 27, 2010, the committee voted on the resolution.

¹ NYC Dep't of Health & Mental Hygiene, HIV/AIDS Information, available at <http://www.nyc.gov/html/doh/html/ah/ah.shtml>, accessed on October 20, 2010.

² NYC Dep't of Health and Mental Hygiene, HIV Epidemiology & Field Services Semiannual Report, covering January 1, 2009-June 30, 2009, April 2010, Vol. 5, No. 1, p. 1.

³ N.Y.C. Admin. Code §§ 21-126; 21-127; 21-128.

⁴ *Id.* § 21-127.

⁵ *Hernandez v. Hammons*, 239 A.D.2d 192 (N.Y. App. Div. 1997).

⁶ See, e.g., NYC Human Resources Administration, HASA Facts (June 2010), p. 2 (showing the numbers of clients who receive "standard rental assistance," "enhanced rental assistance," and "above enhanced rental assistance").

⁷ 18 N.Y.C.R.R. § 352.3(a)(1); South Brooklyn Legal Services HIV Project, *HIV Legal Advocacy Manual: A Manual for Advocate Working With HIV-infected persons in New York City*, Ninth Edition 2006, Public Assistance Section p. 9.

⁸ 18 N.Y.C.R.R. § 352.3 (k)(1)-(2); South Brooklyn Legal Services HIV Project, *HIV Legal Advocacy Manual*, *supra* note 10, p. 8.

⁹ South Brooklyn Legal Services HIV Project, *HIV Legal Advocacy Manual*, *supra* note 10, p. 9; NYC Human Resources Administration, HASA Facts (June 2010), p. 2.

¹⁰ South Brooklyn Legal Services HIV Project, *HIV Legal Advocacy Manual*, note 2, p. 9.

¹¹ *Id.*

¹² Office of Temporary and Disability Assistance, *Change to the AIDS/HIV-related Illness Emergency Shelter Allowance*, 09-ADM-03, February 4, 2009.

¹³ Errol Louis, *Albany, Give Them Shelter: HIV-infected New Yorkers pay too much for rent*, *New York Daily News*, 31 May 2009, 29.

¹⁴ James W. Lister, *Why Tom Duane's AIDS rent cap matters to me*, *Gay City News*, August 20-September 2, 2009 Volume 8, Issue 17, p. 10.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ NYC Dep't of Health and Mental Hygiene, Supportive Housing and Rental Assistance Guidelines, Housing Opportunities for Persons with AIDS (HOPWA) Program, March 2008, p. 1.

¹⁸ Angela A. Aidala, Gunjeong Lee, Anne Siegler, Columbia University Mailman School of Public Health, NYC CHAIN Report 2006-5, *Housing Need, Housing Assistance, and Connection to HIV Medical Care*, February 15, 2007.

¹⁹ *Id.* at 4-5.

²⁰ *Id.* at 2-3.

²¹ *Id.* at 3.

²² *Id.* at 18.

²³ See *Mobilizing Knowledge: Housing is HIV Prevention and Care*, Key findings presented at the North American Housing and HIV/AIDS Research Summit IV (on file with the Committee on General Welfare).

²⁴ The National AIDS Housing Coalition, *Examining the Evidence: The Impact of Housing on HIV Prevention and Care*, Policy Paper from the Third Housing and HIV/AIDS Research Summit (2008), p. 1.

²⁵ Laura S. Sadowski, Romina A. Kee, Tyler J. VanderWeele, et al., *Effect of a Housing and Case Management Program on Emergency Department Visits and Hospitalizations Among Chronically Ill Homeless Adults: A Randomized Trial*, *Journal of the American Medical Association*, Vol. 301, No. 17, at 1776 (May 6, 2009).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 1777.

²⁹ David R. Buchanan, MD, Romina Kee, MD, MPH, Laura S. Sadowski, MD, MPH, & Diana Garcia, MPH, *The Health Impact of Supportive Housing for HIV-Positive Homeless Patients: A Randomized Controlled Trial*, *American Journal of Public Health*, June 2009, Vol 99, No. 6 (published ahead of print on April 16, 2009, as 10.2105/AJPH.2008.137810).

³⁰ *Id.* at 5.

³¹ *Id.*

³² *Mobilizing Knowledge*, *supra* note 28, at 1.

³³ *Id.* at 2.

³⁴ *Id.* at 2.

³⁵ *Id.* at 2.

³⁶ *Id.* at 1 (citing David Holtgrave, Johns Hopkins Bloomberg School of Public Health, "Recent findings from the Housing and Health Study cost analyses").

³⁷ HRA HASA Facts (August 2007), p. 2; HRA HASA Facts (June 2010), p. 2.

³⁸ NYC Human Resources Administration, HASA Facts (June 2010), p. 2.

³⁹ *Id.*

⁴⁰ Ginny Shubert, Shubert Botein Policy Associates, & NYCAHN, *Affordable Housing for Low-Income People Living with HIV/AIDS Would Mean Cost Savings for New York* (on file with the Committee on General Welfare).

⁴¹ See HRA Estimated Annual Cost Analysis (on file with the Committee on General Welfare).

⁴² Diane Cardwell, "More Rent Relief for AIDS Patients Is Vetoed," *The New York Times*, September 19, 2010

⁴³ A person with AIDS or symptomatic HIV should receive emergency moving benefits (and broker's fees and security voucher) within 30 days of completed request. If there is an "immediate need," such as lack of shelter, pending eviction, or other threats to the person's health or safety, HRA must make an eligibility decision within 48 hours and issue the benefits by the next working day. *Hernandez v. Hammons*, *supra* note 8.

⁴⁴ Errol Louis, *Albany, Give Them Shelter: HIV-infected New Yorkers pay too much for rent*, *New York Daily News*, 31 May 2009. The United States Department of Housing and Urban Development defines a 50% rent share as a severe burden. An Assessment of the Housing Needs of Persons with HIV/AIDS, New York City, Eligible Metropolitan Statistical Area Final Report, November 2004, Section II. C. p. 8.

⁴⁵ Ginny Shubert, Shubert Botein Policy Associates, "Cost of Doing Nothing" Analysis, August 4, 2009.

⁴⁶ *Id.*

ANNABEL PALMA, Chairperson; GALE A. BREWER, HELEN D. FOSTER, MARIA DEL CARMEN ARROYO, YDANIS RODRIGUEZ, STEPHEN T. LEVIN, JAMES G. VAN BRAMER, .Committee on General Welfare, October 27, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 477** to be adopted.

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

Adopted by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Int. No. 382

By Council Members Brewer, Chin, Dickens, Fidler, Foster, Gentile, James, Lander, Palma, Vann, Williams, Rodriguez, Rose and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to healthcare expenses for certain 9/11 workers.

Be it enacted by the Council as follows:

Section 1. Section 12-127 of the administrative code of the city of New York is amended to read as follows:

§12-127 City employees injured in course of duty. a. (1) Any member of the uniformed forces of the fire or police departments or any person employed in the department of sanitation in the sanitation service classification of the classified civil service who shall be injured while actually employed in the discharge of police orders of his or her superior officers in the police station, fire house or sanitation section station, as the case may be, or as the result of illness traceable directly to the performance of police, fire or sanitation duty, as the case may be, or any employee of the department of parks, general services, ports and terminals or environmental protection or a person employed by the police commissioner as a school crossing guard who shall be injured while actually employed in the discharge of duty, shall be received by any hospital for care and treatment when such facts are certified to by the head of the department. Unless otherwise provided in this section, such members shall be received by any hospital at the usual ward patient rates. The bill for such care and treatment at such rates, when certified by the superintendent or other person in charge of such hospital and approved by the head of the department concerned, shall be paid by the city.

(2) *Notwithstanding any provision of law to the contrary, this subdivision shall also apply to any such member, person or employee who has met the criteria of section 13-168(b)(5)(a)(1) of this code, section 13-252.1(1)(a) of this code or section 13-353.1(1)(a) of this code, and has been made ill as a result of an illness and/or disease enumerated in section 13-168(b)(5)(a)(3) of this code, section 13-252.1(1)(c) of this code, or section 13-353.1(1)(c) of this code. Such illnesses and disease shall be presumed to be directly traceable to the performance of duty.*

b. (1) Any member of the uniformed forces of the fire or police department or any person employed in the department of sanitation in the sanitation service classification of the classified civil service or a person employed by the police commissioner as a school crossing guard who, while in the actual performance of duty, and by reason of the performance of such duty and without fault or misconduct on his or her part, shall receive injuries, *or sustain an illness traceable directly to the performance of duty*, to an extent which may endanger his or her life, shall be received by any hospital for care and treatment, and shall be afforded such medical or surgical care and hospitalization as may be ordered by the chief medical officer of the respective departments in conformity with the provisions of this section. Such medical officer shall forthwith notify the comptroller of the care and hospitalization so ordered. The rate charged for such care and hospitalization for such member or such person shall not exceed the rate charged any person in receipt of an income equal to the salary of such member or of such person for the same accommodations. The comptroller and the heads of the departments affected shall make necessary rules and regulations to carry out the provisions of this section. Upon certification by the chief medical officer of the department concerned, the bill for such care and hospitalization, when certified by the superintendent or other person in charge of the hospital and approved by the head of the department concerned, shall be paid by the city.

(2) *Notwithstanding any provision of law to the contrary, this subdivision shall also apply to any such member, person or employee who has met the criteria of section 13-168(b)(5)(a)(1) of this code, section 13-252.1(1)(a) of this code or section 13-353.1(1)(a) of this code, and has been made ill as a result of an illness and/or disease enumerated in section 13-168(b)(5)(a)(3) of this code, section 13-252.1(1)(c) of this code, or section 13-353.1(1)(c) of this code. Such illnesses and disease shall be presumed to be directly traceable to the performance of duty.*

c. (1) Each agency shall keep a record of any workers' compensation claim

filed by an employee, the subject of which concerns an injury sustained in the course of duty while such employee was employed at such agency. Such record shall include, but not be limited to, the following data:

- (i) the name of the agency where such employee worked;
- (ii) such employee's title;
- (iii) the date such employee or the city filed such claim with the appropriate office of the state of New York, if any;
- (iv) the date the city began to make payment for such claim, or the date such claim was established by the appropriate state office and the date the city began to make payment for such claim pursuant to such establishment, if any;
- (v) the date such injury occurred;
- (vi) the location at which such injury occurred;
- (vii) the nature of such injury, including, but not limited to, the circumstances of such injury, the type or diagnosis of such injury and a description of how such injury occurred;
- (viii) the length of time such employee is unable to work due to such injury, if any; and
- (ix) a list of any expenses paid as a result of such claim, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties.

(2) Each agency shall transmit records gathered pursuant to paragraph (1) of subdivision c of this section, as soon as practicable, to the mayor of the city of New York.

(3) The mayor of the city of New York shall ensure that an annual report is prepared utilizing the records received from each city agency pursuant to paragraph (2) of subdivision c of this section. Such report shall be transmitted to the mayor, the comptroller, the public advocate and the speaker of the council of the city of New York by the first day of May, covering the previous calendar year. Such report shall include, but not be limited to:

- (i) an analysis, with respect to each agency included in the report, of expenses paid as a result of workers' compensation claims, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties paid by an agency;
- (ii) a list of the occurrence of specific claims for each agency and for the city as a whole;
- (iii) a list of the specific sites where injuries occurred for each agency and for the city as a whole;
- (iv) year-to-year comparisons of information compiled pursuant to this paragraph.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such city employee.

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

Referred to the Committee on Civil Service and Labor.

Res. No. 502

Resolution calling upon the New York State Legislature to enact A. 9899/S. 6890, an act to amend the general business law, in relation to vacancies and illegal use and occupancy relating to cooperative or condominium conversion plans.

By Council Members Brewer, Cabrera, James, Lappin, Palma and Rodriguez.

Whereas, Some landlords have been converting permanent residential apartments, before or during the process of a planned cooperative or condominium conversion, to illegal hotel use, exacerbating the severe shortage of affordable rental housing in the City of New York; and

Whereas, This practice is putting pressure on an already tight rental market; and

Whereas, The loss of those affordable units to illegal hotel use often results in the displacement of low and middle-income New Yorkers, severely disrupting the life of the communities where those units are located; 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, Illegal hotel use may also jeopardize the health, safety and quiet enjoyment of the homes of regular tenants; 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 loss 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 reside and in many cases remain lifelong residents of the City; and

Whereas, The City must ensure that the affordable housing stock is not further depleted by the illegal use of apartments as hotels, either before or during the approval process of a conversion to a cooperative or condominium; and

Whereas, The enactment of A. 9899/S.6890 would help the New York State Attorney General and potentially the City begin effective enforcement against any illegal hotel use in buildings awaiting approval of a conversion to a cooperative or condominium and help end the illegal conversion of affordable rental housing to hotel use; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A. 9899/S. 6890, an act to the general business law, in relation to vacancies and illegal use and occupancy relating to cooperative or condominium conversion plans.

Referred to the Committee on Housing and Buildings.

Int. No. 383

By Council Members Dilan, Cabrera, Comrie, Dickens, Foster, Rose and Halloran.

A Local Law to amend the administrative code of the city of New York in relation to the duties of assessors in assessing real property.

Be it enacted by the Council as follows:

Section 1. Section 11-207 of the administrative code of the city of New York is amended to read as follows:

§11-207 Duties of assessors in assessing property. a. In performing their assessment duties, the assessors shall personally examine each parcel of taxable real estate [during at least every third assessment cycle] *every year*, and shall personally examine each parcel of real estate that is not taxable during at least every fifth assessment cycle, as measured from the last preceding assessment cycle during which such parcel was personally examined. Notwithstanding anything in the preceding sentence to the contrary, the assessors shall revalue, reassess or update the assessment of each parcel of taxable or nontaxable real estate during each assessment cycle, irrespective of whether such parcel was personally examined during each assessment cycle.

b. The [persons] *assessors* having [charge of the borough assessment offices] *been assigned valuation and/or exemption responsibilities* shall furnish to the commissioner of finance, under oath, a detailed statement of all taxable real estate in the city. Such statement shall contain the street, the section [or ward], *volume*, the block and lot and map or identification numbers of such real estate [embraced within such district] *assigned to the assessor*; the sum for which, in their judgment, each separately assessed parcel of real estate would sell under ordinary circumstances if it were wholly unimproved and, separately stated, the sum for which the same parcel would sell under ordinary circumstances with the improvements, if any, thereon, such sums to be determined with regard to the limitations contained in the state real property tax law, *and the exemptions that affect the taxable value of each parcel*. [Such] *The assessors shall include in such statement [shall include] such other information as the commissioner of finance may, from time to time, require.*

c. *Only certified assessors may furnish under oath any statements to the commissioner of finance.*

§2. This local law shall take effect immediately and shall apply to assessment rolls prepared on the basis of a taxable status date occurring on or after January 1, 2011.

Referred to the Committee on Finance.

Int. No. 384

By Council Members Dilan, Cabrera, Comrie, Fidler and Nelson.

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

Be it enacted by the Council as follows:

Section 1. Item 12 of section 28-401.19 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

12. [Conviction] *Indictment for or conviction* of a criminal offense where the underlying act arises out of the individual's *regulated activities or* professional dealings with the city or any other governmental entity,

§2. Section 28-401.19.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-401.19.1 Notice and hearing. The commissioner shall not revoke or

suspend a license or certificate of competence for any cause or impose any other sanction on a licensee unless and until the holder has been given at least five calendar days prior written notice and an opportunity to be heard. However, when the public safety may be imminently jeopardized the commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any license [for a period not exceeding five working days] *without such prior notice and opportunity to be heard except that after such suspension, upon request of the license holder, a hearing shall be provided on the charges within twenty calendar days after the receipt of such request by the department or with respect to a suspension based on a criminal indictment, the earlier of twenty calendar days after the department's receipt of a request for such hearing from the licensee or five working days following the department's receipt of notice from the licensee of the termination of the criminal proceeding in the licensee's favor. In such case where public safety would not be jeopardized, the administrative law judge assigned to hear the matter may lift the suspension pending the determination of the disciplinary charges.*

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 385

By Council Members Dilan, Cabrera, Chin, Comrie, Dickens, Fidler, Williams and Halloran.

A Local Law to amend the New York city building code, in relation to the protection of adjoining property during foundation, excavation and earthwork operations and the repeal of section 3309.2 of such code.

Be it enacted by the Council as follows:

Section 1. Section BC 3309.2 of the New York city building code, as added by local law number 33 for the year 2007, is REPEALED and a new section BC 3309.2 is added to read as follows:

3309.2. License to enter adjoining property. Licenses to enter adjoining property for inspection and for provision of protective measures shall be granted in accordance with the provisions of Sections 3309.2.1 through 3309.2.7.

3309.2.1 Definitions. For the purposes of this section, the terms below shall have the following meanings:

ADJOINING OWNER. The owner of the adjoining property.

ADJOINING PROPERTY. A property adjacent to the property where foundation, excavation or earthwork will occur.

AFFECTED STRUCTURE. Any structure on an adjoining property that is within the zone of influence, as such term is established in rules of the department.

PROTECTIVE MEASURES. All work necessary to protect the affected structure as may be required by this code, including but not limited to underpinning, bracing, supporting, installing footings, sheeting, sheet piling, or otherwise protecting.

3309.2.2 Inspection, assessment and protection of adjoining property. The commissioner shall neither approve nor accept construction documents pursuant to Section 28-104 of the New York City Administrative Code for work including foundations, excavations or earthwork where the adjoining property contains an affected structure, unless the person undertaking the work including foundations, excavations or earthwork also includes a statement that such person has:

1. caused all affected structures to be inspected to ascertain their structural condition;
2. assessed and determined the necessary protective measures, and detailed such protective measures in the construction documents; and
3. where necessary to inspect affected structures or provide such protective measures, obtained a license from the adjoining owner to enter the adjoining property for such purpose.

3309.2.3 License to enter adjoining property for inspection. Where adjoining property contains an affected structure, the adjoining owner shall grant upon reasonable conditions a license to the person causing the foundation, excavation or earthwork operations to enter the adjoining property and to inspect the affected structure to ascertain its structural condition.

3309.2.3.1 Procedure. Unless alternative procedures are agreed to between the person causing the foundation, excavation or earthwork and the adjoining owner resulting in a license, the procedure for granting the license to enter to inspect shall be as follows:

1. Provision of engineer's report and notification. The person causing the foundation, excavation or earthwork shall provide to the adjoining owner and to the department an engineer's report documenting that the proposed work results in the classification of a structure on the adjoining property as an affected structure and a description of the inspections to be performed. The engineer's report shall be provided along with a notification of the adjoining owner's obligations under Section 3309.2.3 and right to object in accordance with Item 2 below.

2. Adjoining owner's opportunity to object to classification as affected structure. If the adjoining owner objects to the classification of a structure as an

affected structure, or to the description of the inspections to be performed, the adjoining owner shall deliver the objections to the department and the person causing the foundation, excavation or earthwork within 15 days of the adjoining owner's receipt of the notification from the person causing the foundation, excavation or earthwork. Such objection must state specific reasons why, in relation to the proposed construction, the structures for which entry to inspect is sought do not meet the definition of affected structure, and, where applicable, the basis of the objection to the proposed inspections and/or work. Failure to deliver notification of objection to the department and the person causing the foundation, excavation or earthwork within the 15 days shall be deemed agreement with the determination of the person causing the foundation, excavation or earthwork that there is an affected structure on the adjoining property and with the description of the person causing the foundation, excavation or earthwork of the inspections to be performed.

3. Commissioner's determination and order. Upon receipt of objections, the commissioner shall issue a determination and order as to whether the adjoining property contains affected structures and whether a license to enter to inspect must be afforded in accordance with Section 3309.2.3. The commissioner may also specify reasonable terms and conditions for the inspections if the parties fail to agree on the terms and such order shall be deemed the granting of a license to enter to inspect such affected structure.

4. Refusal to grant license. Where an adjoining owner is determined to be an affected owner and refuses to grant the license mandated by Section 3309.2.3, the person causing the foundation, excavation or earthwork retains the right to pursue a special proceeding pursuant to Section 881 of the Real Property Actions and Proceedings Law to compel the adjoining owner to grant such a license and other rights and remedies available under state law.

3309.2.4 License to enter adjoining property for underpinning, supporting or protecting. Where necessary to enter the adjoining property to provide protective measures, the adjoining owner shall grant a license to the person causing the foundation, excavation or earthwork to enter the adjoining property and affected structure for such purpose.

3309.2.4.1 Procedure. Unless alternative procedures are agreed to between the person causing the foundation, excavation or earthwork and the adjoining owner resulting in a license, the procedure for granting the license to enter to provide protective measures shall be as follows:

1. Provision of proposed construction documents and notification. The person causing the foundation, excavation or earthwork shall provide to the adjoining owner and to the department the signed and sealed construction documents proposed to be submitted to the department detailing the protective measures to be provided, together with the provision of the notification of the adjoining owner's obligations under Section 3309.2.4 and rights to object in accordance with Item 2 below. The protective measures shall, to the maximum extent practicable, minimize adverse impact on the adjoining owner's structures and property.

2. Adjoining owner's opportunity to object. If the adjoining owner objects to any portion of the proposed construction documents received from the person causing the foundation, excavation or earthwork, the adjoining owner shall deliver such objections to the department and the person causing the foundation, excavation or earthwork within 30 days of the adjoining owner's receipt of the notification of the proposed work. Such objection must state specific alternative protective measures and/or comments. The department may, when requested by the adjoining owner within the 30 days, extend the adjoining owner's time to submit such alternative protective measures as necessary to afford a reasonable opportunity to develop alternative protective measures. Failure to deliver notification of objections to the department and the person causing the foundation, excavation or earthwork, or to make a request for an extension of time, within the 30 days shall be deemed agreement with the protective measures proposed by the person causing the foundation, excavation or earthwork and shall be deemed the grant of a license to install such protective measures.

3. Commissioner's determination and order. Upon the receipt of objections, the commissioner shall issue a determination and order as to whether and to what extent the provision of protective measures required by this code reasonably necessitates the entry by the person causing the foundation, excavation or earthwork onto the adjoining property and/or affected structure and therefore whether a license to enter to provide protective measures must be granted in accordance with Section 3309.2.4. The commissioner's determination and order shall specify the protective measures necessary to minimize, to the maximum extent practicable, the adverse impact on the adjoining owner's structures and property.

4. Appeal of Commissioner's determination to OATH. Where the person causing the foundation, excavation or earthwork or the adjoining owner disputes the determination of the commissioner and the commissioner determines that a factual dispute is presented, the department shall refer the matter for a hearing at the Office of Administrative Trials and Hearings and employ experts at the expense of the person causing the foundation, excavation or earthwork so as to produce a recommendation to the commissioner of buildings.

5. Refusal to grant license. Where the adjoining owner refuses to grant the license mandated by Section 3309.2.4, the person causing the foundation, excavation or earthwork retains the right to pursue a special proceeding pursuant to Section 881 of the Real Property Actions and Proceedings Law to compel the adjoining owner to grant such a license and other rights and remedies available under state law.

3309.2.5 Tenants. The responsibility of affording any license to enter adjoining property shall rest upon the owner of the adjoining property involved; and in case any tenant of such owner fails or refuses to permit the owner to afford such license, such failure or refusal shall be a cause for the owner to dispossess such tenant

through appropriate legal proceedings for recovering possession of real property.

3309.2.6 Costs and attorneys' fees. In any action or special proceeding to enforce the rights granted or obligations imposed in Section 3309.2 to inspect, assess or protect adjacent property, the prevailing party shall be entitled to costs, including the expenses of experts employed as provided in Section 3309.2.4.1.4, and reasonable attorneys' fees from the person causing the foundation, excavation or earthwork or the adjoining property owner who did not prevail.

§2. Section BC 3309.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3309.4 Excavation or filling operations affecting adjoining property. Regardless of the excavation or fill depth, the person who causes an excavation or fill to be made shall, at all times and at his or her own expense, preserve and protect from damage any adjoining structures [, provided such person is afforded a license in accordance with the requirements of Section 3309.2 to enter and inspect the adjoining buildings and property, and to perform such work thereon as may be necessary for such purpose. If the person who causes the excavation or fill is not afforded a license, such duty to preserve and protect the adjacent property shall devolve to the owner of such adjoining property, who shall be afforded a similar license with respect to the property where the excavation is to be made].

No excavation work to a depth of 5 to 10 feet (1524 mm to 3048 mm) within 10 feet (3048 mm) of an adjacent building, or an excavation over 10 feet (3048 mm) anywhere on the site shall commence until the person causing an excavation to be made has documented the existing conditions of all adjacent buildings in a pre-construction survey.

3309.4.1 Additional safeguards during excavation. The following additional requirements shall apply during excavation:

1. The person causing the excavation shall support the vertical *and lateral load* of the adjoining structure by proper foundations, underpinning, or other equivalent means where the level of the foundations of the adjoining structure is at or above the level of the bottom of the new excavation.

§3. Section BC 3309.5 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3309.5 Underpinning. Whenever underpinning is required to preserve and protect an adjacent property from construction or excavation work, the person who causes the construction or excavation work shall, at his or her own expense, underpin the adjacent building [provided such person is afforded a license in accordance with the requirements of Section 3309.2 to enter and inspect the adjoining buildings and property, and to perform such work thereon as may be necessary for such purpose. If the person who causes the construction or excavation is not afforded a license, such duty to preserve and protect the adjacent property shall devolve to the owner of the adjoining property, who shall be afforded a similar license with respect to the property where the excavation is to be made].

§4. This local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 503

Resolution urging the United States Congress to pass and the President to sign the Services, Education, and Rehabilitation for Veterans Act, also known as the SERV Act, which would provide grants to establish veterans treatment courts.

By Council Members Eugene, Cabrera, Chin, Comrie, Dromm, Ferreras, Fidler, Gentile, James, Lander, Palma, Sanders, Williams, Rodriguez, Rose, Nelson and Halloran.

Whereas, The United States Department of Veterans Affairs (VA) reports that thousands of recently returned veterans from the Iraq and Afghanistan wars suffer from Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI) and other service-related mental and physical illnesses; and

Whereas, Research conducted by the Drug Policy Alliance, a national organization that promotes drug rehabilitation policies, shows that soldiers with such underlying medical conditions oftentimes self-medicate by abusing drugs and alcohol as an alternative to seeking professional help; and

Whereas, Consequently, the Drug Policy Alliance also reports that research has shown that the single greatest contributing factor to the potential incarceration of veterans is substance abuse; and

Whereas, The Bureau of Justice statistics within the U.S. Department of Justice has determined that in 2008, there were 229,000 veterans in local jails and state and federal prisons, with 400,000 on probation and 75,000 on parole; and

Whereas, The VA reports that as of 2009, 70% of veterans serving time in prison had committed non-violent crimes; and

Whereas, The New York Times reports that, in an effort to address the specific underlying mental health issues such as PTSD that many veterans face, courts across the United States have begun to focus on alternatives to incarceration for veterans who are charged with non-violent drug offenses and in some cases, service-related crimes; and

Whereas, It has been reported that the country's first Veterans Treatment Court (VTC) began in Buffalo, New York in January 2008 in response to a pattern of non-violent, mostly drug-related crimes committed by veterans; and

Whereas, The Buffalo VTC uses the model of a "drug court" rather than a criminal court, and focuses on treatment instead of jail time; and

Whereas, For those veterans who developed drug or alcohol dependency and were charged with low-level crimes, Buffalo's VTC offers not only the possibility of an expunged record upon completion of the program, but also the opportunity to receive professional mental health treatment to deal with the root cause of their criminal actions; and

Whereas, The Buffalo VTC exclaims the success of the program and reports that not one of the twenty-two veterans who have graduated from the program has committed a new crime; and

Whereas, VA Secretary Eric K. Shinseki visited the Buffalo VTC and offered his support for the model, stating that he would like to find ways to further support alternative treatment methods for veterans in his role as Secretary of the VA; and

Whereas, According to the National Association of Drug Court Professionals, there are currently twenty-one VTCs in the US designed specifically to deal with misdemeanors, drug possession, and certain felonies committed by veterans due to substance abuse resulting from military trauma; and

Whereas, U.S. Senators John Kerry and Lisa Murkowski introduced the Services, Education, and Rehabilitation for Veterans (SERV) Act in July 2008 based on the model of the Buffalo VTC; and

Whereas, The SERV Act would allocate \$25 million annually towards the establishment of VTCs across the country from fiscal years 2010-2015; and

Whereas, Under the SERV Act, only veterans who are non-violent offenders that served on active duty status and were not dishonorably discharged would qualify; and

Whereas, Senator Kerry has stated that the SERV Act would help address the "serious issues of drug and alcohol addiction in an appropriate forum that recognizes that some veterans fall victim to substance abuse as a way to handle post-traumatic stress;" now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to pass and the President to sign the Services, Education, and Rehabilitation for Veterans Act, also known as the SERV Act, which would provide grants to establish veterans treatment courts.

Referred to the Committee on Veterans.

Res. No. 504

Resolution in support of pending legislation, A.10813, in the New York State Assembly, which would amend the general business law and the penal law by giving courts the option of donating counterfeit products once they are no longer used as evidence.

By Council Members Fidler, Garodnick, Brewer, Cabrera, Comrie, Dickens, Dromm, Gentile, James, Lander, Palma, Vann, Williams, Rodriguez, Rose and Halloran.

Whereas, Every year, the New York City Police Department (NYPD) as well as other New York State law enforcement agencies investigate cases involving individuals and manufacturers who illegally sell counterfeit goods including usable clothing, which violate existing trademark laws; and

Whereas, To address this issue, the NYPD's Trademark Infringement Unit (TIU) is devoted to investigating trademark cases and works diligently to identify and recover counterfeit goods; and

Whereas, Pursuant to New York State Penal Law which states that "upon conviction of the defendant, the articles in respect whereof the defendant stands convicted shall be destroyed; destruction shall not include auction, sale or distribution of the items in their original form," on two recent occasions, the NYPD destroyed counterfeit clothing once it was no longer considered evidence in court; and

Whereas, Destroying clothes and other goods is unacceptable when there are many indigent individuals who could benefit from these goods; and

Whereas, In order to ensure that counterfeit products are put to good use, Assemblyman Alan Maisel introduced legislation, A.10813, which would amend the general business law and the penal law in relation to the disposition of counterfeit products; and

Whereas, If enacted, this bill would amend the general business law section pertaining to remedies by adding the option of allowing courts the ability to donate counterfeit products used as evidence; and

Whereas, In the event that a court decided to donate counterfeit goods, the bill would create an opt-out system for the lawful mark owners, meaning that the lawful mark owners would agree to the court's actions unless they objected in writing within 30 days; and

Whereas, The bill would also limit recipients of donated counterfeit goods to

not-for-profit organizations with a history of providing goods and services to indigent individuals that petition the court for, and receive, approval; and

Whereas, The bill would explicitly prohibit the not-for-profit organizations and any individuals who receive goods from such non-profits from selling the donated goods they receive; and

Whereas, There is a provision in the bill that states that counterfeit audiovisual works or electronic equipment products shall not be donated and must be destroyed; and

Whereas, In addition to amending the general business law, the bill would also seek to amend the penal law to allow courts the option described above upon the request of any law enforcement agency once a defendant is convicted; and

Whereas, The New York State Assembly must pass this bill and the New York State Senate should introduce and pass a similar bill in order to ensure that the disposition of counterfeit products occurs in a manner that benefits the people of the State of New York; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation, A.10813, in the New York State Assembly, which would amend the general business law and the penal law by giving courts the option of donating counterfeit products once they are no longer used as evidence.

Referred to the Committee on Public Safety.

Res. No. 505

Resolution calling on the New York State Legislature to pass and the Governor to sign A.11134/S.7807, which would amend the public health law, in relation to providing quality out-patient care for patients of academic medical centers regardless of source of payment or insurance type.

By Council Members Foster, James, Mark-Viverito, Palma, Sanders, Vann, Williams, Rodriguez, Koslowitz and Rose.

Whereas, In 2003, the United States Department of Health and Human Services' (HHS) Agency for Healthcare Research and Quality, released the first-ever national comprehensive effort to measure differences in access and the use of health care services by various populations; and

Whereas, This report contained many findings, including the fact that health care inequality does exist, that disparities have a major impact on individuals and society, and highlighted that differential access may lead to many of the disparities in the quality of care, and that opportunities to provide preventive care are frequently missed, while patient improvement is possible; and

Whereas, Tommy Thompson, the then-Secretary of HHS, indicated that, "[c]ommunities of color suffer disproportionately from diabetes, heart disease, HIV/AIDS, cancer, stroke and infant mortality. Eliminating these and other health disparities is a priority of HHS;" and

Whereas, Health care disparities and treatment inequality continue to exist and are being examined by all levels of government; and

Whereas, The New York City Department of Health and Mental Hygiene issued *Take Care New York 2012: A Policy for a Healthier New York City*, which highlights the need to reduce disparities and make all neighborhoods healthier; and

Whereas, Despite this overarching commitment to eliminating health care disparities among New Yorkers, advocates, including Bronx Health REACH and New York Lawyers for the Public Interest, allege that many private teaching hospitals in New York City operate a two-tiered system of outpatient specialty care depending on patients' insurance type; and

Whereas, This two-tiered system involves those patients that have private insurance receiving treatment in the hospitals' faculty practices, while patients with Medicaid or without insurance receive care in the hospital-based specialty clinics; and

Whereas, These private teaching hospitals allow valuable and finite resources to be allocated unequally between the two systems of care, with faculty practices receiving highly trained physicians and sufficient administrative support from the hospital, while patients at specialty clinics are more likely to be treated by residents who receive less training and are unable to provide sufficient continuity of care; and

Whereas, This burden falls disproportionately on communities of color, as they are more likely to be on public insurance or uninsured; and

Whereas, Due to this divide, two separate and unequal systems of health care exist and this directly contributes to disparities in health outcomes; and

Whereas, Many advocates assert that because academic medical centers benefit from robust public funding, these facilities should be compelled to provide equal treatment, notwithstanding a patient's insurance status; and

Whereas, A.11134/S.7807 would amend the public health law in relation to prohibiting patient steering based on source of payment; and

Whereas, Additionally, the bill requires that patients be made aware of hospital financial assistance policies through various means and would require that this information be posted on the hospital's website and also included on the hospital's patient referral line; and

Whereas, The legislation further requires New York City general hospitals to negotiate with Medicaid managed care plans in their social service districts to ensure

that all medical service providers employed by the general hospitals are credentialed by the available plans; and

Whereas, The overall purpose of this legislation is to bring private teaching hospitals in line with the with the integrated care already offered by the public health care system by requiring private hospitals to provide care in the same manner, using the same staff and technologies, to all persons regardless of insurance status; 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.11134/S.7807, which would amend the public health law, in relation to providing quality out-patient care for patients of academic medical centers regardless of source of payment or insurance type.

Referred to the Committee on Health.

Int. No. 386

By Council Members Gentile, James and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to the smoking of non-tobacco products.

Be it enacted by the Council as follows:

Section 1. Subdivision y of section 17-502 of the administrative code of the city of New York, as added by local law 2 for the year 1988, is amended to read as follows:

y. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, *water pipe* or any *similar* form of lighted object or device [which contains tobacco].

§2. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions oo, pp, qq, rr, ss and tt to read as follows:

oo. "Label" means a display of written, printed, or graphic matter upon the immediate container of any tobacco product or non-tobacco product designed for consumption through the inhalation of smoke.

pp. "Labeling" means all labels and other written, printed, or graphic matter upon any tobacco product or non-tobacco product designed for consumption through the inhalation of smoke or any of its packaging, or accompanying such tobacco product or non-tobacco product designed for consumption through the inhalation of smoke.

qq. "Manufacturer" means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product or non-tobacco product designed for consumption through the inhalation of smoke; or imports a finished tobacco product or non-tobacco product designed for consumption through the inhalation of smoke for sale or distribution into the United States.

rr. "Non-tobacco product designed for consumption through the inhalation of smoke" means any substance designed for consumption through the inhalation of smoke which does not contain tobacco, including, but not limited to, herbal cigarettes as defined in section 17-713(f) and herbal shisha.

ss. "Non-tobacco bar" or "Non-tobacco smoking establishment" means a bar or business establishment that, in the calendar year ending December 31, 2011, generated ten percent or more of its total annual gross income from the on-site sale of non-tobacco products designed for consumption through the inhalation of smoke and is registered with the department in accordance with the rules of such agency. Such registration shall remain in effect for one year and shall be renewable only if: (i) in the preceding calendar year, the previously registered business establishment or bar generated ten percent or more of its total annual gross income from the on-site sale of non-tobacco products designed for consumption through the inhalation of smoke; and (ii) the business establishment or bar has not expanded its size or changed its location from its size or location as of December 31, 2011.

tt. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a product is offered for sale, sold, or otherwise distributed to consumers.

§3. Paragraph 20 of subdivision a of section 17-503 of the administrative code of the city of New York, as amended by local law 47 for the year 2002, is amended to read as follows:

20. Bars; provided however, that (a) the smoking of tobacco shall be permitted in: (a) tobacco bars; (b) and owner operated bars; and

(b) the smoking of non-tobacco products designed for consumption through the inhalation of smoke shall be permitted in non-tobacco bars and non-tobacco smoking establishments.

§4. Subdivision f of section 17-507 of the administrative code of the city of New York is relettered subdivision g and a new subdivision f is added to read as follows:

f. Every owner, operator, manager or other person in control of a non-tobacco bar or non-tobacco smoking establishment shall maintain on site the original labels, labeling and packaging provided by the manufacturer for all non-tobacco product designed for consumption through the inhalation of smoke that are sold or offered for sale by the non-tobacco bar or non-tobacco smoking

establishment separately from its original packaging. The original labels, labeling and packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package.

§5. This local law shall take effect one hundred eighty days after its enactment into law.

Referred to the Committee on Health.

Int. No. 387

By Council Members Gentile, Palma, Rose, Vacca, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relating to establishing a real property tax exemption for Cold War veterans.

Be it enacted by the Council as follows:

Section 1. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.75 to read as follows:

§11-245.75 Exemption for Cold war veterans. (a) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and was discharged or released therefrom under honorable conditions.

(2) "Armed forces" means the United States army, navy, marine corps, air force, and coast guard.

(3) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

(4) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

(5) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(6) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

(7) "Latest class ratio" means the latest final class ratio established by the state board pursuant to title one of article twelve of the real property tax law for use in a special assessing unit as defined in section eighteen hundred one of the real property tax law.

(b) Amount of Exemption; Limitations. (1) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed thirty-nine thousand dollars or the product of thirty-nine thousand dollars multiplied by the latest class ratio, whichever is less.

(2) In addition to the exemption provided by paragraph one of this subdivision, where the Cold War veteran received a compensation rating from the United States department of veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed one hundred thirty thousand dollars, or the product of one hundred thirty thousand dollars multiplied by the latest class ratio, whichever is less.

(3) If a Cold War veteran receives the exemption under section 11-245.45 or 11-245.5 of this code, the Cold War veteran shall not be eligible to receive the exemption under this section.

(4) The exemption from taxation provided by this subdivision shall be applicable to the city of New York ad valorem taxes, but shall not be applicable to taxes levied for school purposes.

(5) The exemption provided by this section shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this paragraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law that added this section, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after such effective date. Where a qualified owner does not

own qualifying residential real property on the effective date of the local law that added this section, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the Cold War veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to paragraph one of subdivision (b) of this section for the unexpired portion of the ten year exemption period.

(c) Application. Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. Such form shall be furnished by the department of finance and shall be filed at the department of finance on or before the fifteenth day of March. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the taxable status date if the percentage of disability which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

(d) Real property held in trust. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.

(e) Cooperative corporations. (1) For the purposes of this section, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(2) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the department of finance against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(3) Notwithstanding paragraph 2 of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance

Int. No. 388

By Council Members Halloran, Comrie and Williams.

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

Be it enacted by the Council as follows:

Section 1. Section 28-105.12 of the administrative code of the city of New York is amended by adding a new subdivision 28-105.12.9 to read as follows:

§28-105.12.9 **Compliance bond.** Any person who submits an application for a new building or alteration permit shall, at such person's expense, procure and maintain for the duration of the construction project and for a period of one year from the date of final inspection of such work, a compliance bond for the full value of the proposed project, to provide for any work that must comply with the zoning Resolution and applicable codes. Proof of such compliance bond shall be submitted to the department when applying for a new building or alteration permit.

§2. This local law shall take effect one hundred eighty days after its enactment, except that the department of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 389

By Council Members James, Brewer, Cabrera, Dromm, Ferreras, Fidler, Foster, Gentile, Koslowitz, Mark-Viverito, Nelson, Palma, Van Bramer, Vann, Williams, Rose, Gonzalez and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department to notify 311 and place information on its website regarding the location of motor vehicles towed due to a temporary parking restriction change.

Be it enacted by the Council as follows:

Section 1. Section 19-175.1 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 make available on a website and by calling 311, information regarding the location of motor vehicles towed due to a temporary parking restriction change. Such website shall be searchable by license plate number.

§2. Subdivision b of section 19-175.2 of the administrative code of the city of New York is amended to read as follows:

b. Before the department makes temporary parking restriction change to conduct road repairs, it shall post notice of the effective date of such restrictions as soon as practicable. Such notice shall state that no notice of violations shall be issued for violations of such temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle. *The notice shall also state that the motor vehicle owner may contact 311 or visit the department's website for information about the location of such motor vehicle.*

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

Referred to the Committee on Transportation.

Res. No. 506

Resolution calling upon Animal Care and Control of New York City to establish a citywide Trap, Neuter, and Return program for feral animals.

By Council Members James, Dromm, Mark-Viverito, Palma, Williams, Rodriguez and Rose.

Whereas, According to the Humane Society of the United States, the nation's largest animal protection agency, between six and eight million dogs and cats enter shelters each year in the United States; and

Whereas, Of the dogs and cats that enter shelters, approximately half are euthanized and the other half are adopted; and

Whereas, In New York City from 2000 to 2007, animal adoptions rose by more than 66% and the euthanasia rate fell by more than 54%; and

Whereas, While these figures are encouraging, more than 15,000 animals were euthanized by New York City shelters in 2007; and

Whereas, Another major animal issue, especially in urban cities, is the problem posed by feral animals, which are animals that are in a wild or untamed state; and

Whereas, According to the Humane Society of the United States, it is estimated that there are between 10 and 70 million feral cats in the country; and

Whereas, Several factors that contribute to the high number of feral cats in the United States include abandonment, accidental loss and failure to sterilize pet cats; and

Whereas, The plight of feral cats was raised by recent news reports of feral cats in John F. Kennedy Airport; and

Whereas, The Port Authority of New York and New Jersey, the entity that has jurisdiction over John F. Kennedy Airport, began rounding up herds of feral cats without a clear plan as to the fate of the cats, citing safety concerns for airplanes, passengers and other general equipment; and

Whereas, Animal rights activists were troubled that the Port Authority was taking action against these animals, which have been on the airport land for many years and were frequently cared for by sympathetic Port Authority and airport employees; and

Whereas, A possible solution to the feral cat problem would be to institute a Trap, Neuter, and Return (TNR) program, which balances the needs of society and the animals by providing a more acceptable alternative to extermination; and

Whereas, The goal of the TNR program is to return the feral cat to their colony, after trapping and neutering or spaying the animal, which will directly result in controlling the population of the animal colony; and

Whereas, New York City's Mayor's Alliance for New York City's Animals currently administers a Feral Cat Initiative, which is a joint program of the Alliance and Neighborhood Cats, a non-profit organization committed to solving New York City's feral cat overpopulation crisis through the humane, non-lethal method of TNR; and

Whereas, The Feral Cat Initiative provides TNR Caretaker Training Workshops

in all five boroughs, hands-on assistance at TNR projects, free equipment loans, public advice by phone and e-mail, feline education events, and distribution of information through printed materials, newsletters and their website; and

Whereas, The Feral Cat Initiative asserts that through the TNR process, the Initiative saves both feline lives and money normally spent on the costly euthanasia process; and

Whereas, The benefits to TNR programs include the humane treatment of animals, a decrease in the number of animals to be euthanized, improvement in the health of the animals, control of the animal population, the reduction or even elimination of new litters, and an immediate stabilization of the size of an animal colony; and

Whereas, Animal Care and Control (AC&C) of New York City is a not-for-profit organization responsible for New York City's municipal shelter system, rescuing, caring for, and finding homes for homeless and abandoned animals in New York City; and

Whereas, By administering a TNR program, AC&C could save financial resources and improve the quality of life of both people and feral cats in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Animal Care and Control of New York City to establish a citywide Trap, Neuter, and Return program for feral animals.

Referred to the Committee on Health.

Res. No. 507

Resolution calling upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants.

By Council Members Koppell, Dromm, Fidler, Lander, Palma, Sanders, Vann, Williams, Rodriguez and Nelson.

Whereas, New York City continually confronts the problems of air pollution, compromised water quality, and the "urban heat island effect", which is the difference in temperature between a city and the surrounding countryside and is caused by the expanse of dark surfaces, which absorb solar radiation instead of reflecting it away, causing the temperature of the surfaces and the air around them to rise, as well as transferring collected heat inside of buildings; and

Whereas, The "urban heat island effect" is increased when cities have less foliage to shade buildings, intercept solar radiation, and cool the air; and

Whereas, In New York City, specifically, the urban heat island effect is estimated to be 3.6°F to 5.4°F warmer than its surrounding suburbs in the summer; and

Whereas, Combined sewer overflows (CSOs) regularly occur during periods of rainfall or snowmelt in New York City, resulting in the annual emission of billions of gallons of untreated sewage and stormwater directly into our waterways; and

Whereas, Stormwater, itself, may also contain a number of harmful pollutants, including heavy metals, grease and oil, toxins, bacteria and sediments; and

Whereas, The United States Environmental Protection Agency has designated the New York Metropolitan Area as a "nonattainment area " for PM2.5 and ozone, meaning that our area does not meet the National Ambient Air Quality Standards set for those pollutants pursuant to the Clean Air Act; and

Whereas, Air quality is a vital concern, particularly since one in eight New Yorkers has been diagnosed with asthma at some point during their lives; and

Whereas, A green roof is a roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane, which also protects the integrity of the underlying roof; and

Whereas, A green roof is also a roof that includes, among other things, a vegetation layer of drought-resistant, hardy plant species; and

Whereas, Green roofs provide a number of environmental and public health benefits, including reduction of the urban heat island effect, stormwater retention, improved air quality, energy conservation, and habitat, in addition to economic, recreational and aesthetic advantages; and

Whereas, The urban heat island effect, water pollution resulting from stormwater runoff, and air quality problems should be addressed in a practical and environmentally acceptable manner; and

Whereas, In April 2007, New York City released its long-term sustainability plan, PlaNYC, which promotes the use of Best Management Practices (BMPs) to control and capture stormwater using distributed and natural infrastructure solutions; and

Whereas, Source control stormwater management is a critical component of the City's strategy to reduce CSOs; and

Whereas, As little as 1/10 of an inch of rain can overwhelm the capacity of sewer infrastructure and result in 2 billion gallons of raw sewage annually entering

the City's rivers, creeks, canals and other bodies of water; and

Whereas, The use of BMPs such as green roofs to divert storm water from the combined sewer system can prove to be an innovative and cost effective approach to improve and protect water quality; and

Whereas, Despite the numerous environmental, recreational and aesthetic benefits associated with the installation of green roofs, residential homeowners and developers are often reluctant to install green roofs because the cost can be twice as expensive compared to the installation of a conventional roof; and

Whereas, In August 2007, the Council of the City of New York passed Resolution 1004, which called upon the New York State Legislature to amend the New York State Real Property Tax Law, with respect to properties in the City of New York, to establish a declining property tax exemption on properties constructed or reconstructed where such construction or reconstruction includes the installation of a green roof; and

Whereas, In August 2008, New York State Governor David Paterson signed into law Chapter 461 of the Laws of 2008, which provides a one-year tax abatement to encourage construction and maintenance of green roofs in New York City; and

Whereas, Specifically, the State law provides for a one-time tax abatement for the construction of a "green roof" on a class one, two or four building in the City of New York equal to \$4.50 per square foot up to \$100,000 for green roof installations that cover at least 50% of the eligible rooftop; and

Whereas, The Green Roof Tax Abatement, which is applied through the New York City Department of Finance and administered by the New York City Department of Buildings, is a pilot program that would sunset March 15, 2013; and

Whereas, According to the Memorandum in Support of the State legislation enacting the Green Roof Tax Abatement, the results of this pilot program will be reassessed prior to the sunset date of March 15, 2013, to determine whether it should be extended, modified or broadened to include other stormwater management technologies; and

Whereas, The current abatement defines a green roof as "an addition to a roof of an eligible building that covers at least fifty percent of such building's eligible rooftop space and includes (a) a weatherproof and waterproof roofing membrane layer that complies with local construction and fire codes, (b) a root barrier layer, (c) an insulation layer that complies with the Energy Conservation Construction Code of New York state and local construction and fire codes, (d) a drainage layer that complies with local construction and fire codes and is designed so the drains can be inspected and cleaned, (e) a growth medium, including natural or simulated soil, with a depth of at least two inches, (f) if the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium, such as a non-woven fabric, pad or foam mat, unless the green roof is certified not to need regular irrigation to maintain live plants, and (g) a vegetation layer, at least eighty percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species"; and

Whereas, The current Green Roof Tax Abatement does not allow for vegetable growing, as it does not allow contain language classifying a green roof as one that is covered by live food producing plants; and

Whereas, In addition to stormwater management and air pollution control, green roofs can provide new opportunities for urban agriculture; and

Whereas, There are many benefits to growing and distributing food locally including support of the local economy; increased access to food; fresher produce; decreased travel time to market and related environmental costs; and control of soil, fertilizer and pesticides; and

Whereas, Amending section 499-aaa of the Real Property Tax Law to allow the Green Roof Tax Abatement to be extended to live food producing plants would allow for more green roof owners to take advantage of this Green Roof Tax Abatement as well provide owners with fresher locally grown produce; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Int. No. 390

By Council Members Lappin, Brewer, Cabrera, Chin, Dromm, James, Koslowitz, Palma, Williams, Nelson and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to conducting audits of asbestos and lead inspections.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision e of section 24-146.1 of the administrative code of the city of New York is amended by adding a new

subparagraph e to read as follows:

e. The commissioner shall audit for accuracy no less than forty percent of the asbestos inspection reports received by or filed with the department.

§2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-197 to read as follows:

§17-197 Audit of final lead inspection reports. The commissioner shall audit for accuracy no less than forty percent of the final lead inspection reports received by or filed with the department pursuant to an order to abate issued by the commissioner pursuant to New York city health code §173.13.

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

Referred to the Committee on Environmental Protection.

Int. No. 391

By Council Members Lappin, Brewer, Chin, Dromm, James, Koslowitz, Palma, Williams, Nelson and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to notifications of suspended or revoked asbestos certifications.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 24-146.1 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) Upon the suspension or revocation of a certification issued pursuant to this section, the commissioner shall notify the New York state department of labor, the New York city department of health and mental hygiene and shall notify such other governmental agencies as the commissioner determines are appropriate of such suspension or revocation and the circumstances thereof.

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

Referred to the Committee on Environmental Protection.

Int. No. 392

By Council Members Mark-Viverito, Chin, Dromm, Ferreras, James, Koslowitz, Lander, Palma, Van Bramer, Williams, Rodriguez and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to clarifying the rights of pet owners in multiple dwellings.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 27-2009.1 of the administrative code of the city of New York is amended to read as follows:

b. Where a tenant in a multiple dwelling openly and notoriously for a period of three months or more following taking possession of a unit, harbors or has harbored a household pet or pets, the harboring of which is not prohibited by the multiple dwelling law, the housing maintenance or the health codes of the city of New York or any other applicable law, and the owner or his or her agent has knowledge of this fact, and such owner fails within this three month period to commence a summary proceeding or action enforce a lease provision prohibiting the keeping of such household pets, such lease provision shall be deemed waived for the duration of the tenant's occupancy in such multiple dwelling for each species of household pet or pets that is harbored or was harbored in such multiple dwelling. This subdivision shall be applicable to any tenant in a multiple dwelling who currently is harboring or has harbored a household pet or pets at any time since July nineteenth, nineteen ninety-five during their occupancy in the multiple dwelling in which they currently reside.

§2. Section 27-2009.1 of the administrative code of the city of New York is amended by relettering subdivisions c, d and e as subdivisions f, g and h, respectively, and by adding new subdivisions c, d and e to read as follows:

c. A household pet or pets that is harbored or was harbored by a tenant in a multiple dwelling pursuant to the provisions of subdivision b of this section may be replaced by another pet or pets. However, at no time shall the total number of household pets in that multiple dwelling exceed the total number of pets that were harbored at the same time by such tenant in that multiple dwelling at any time since July nineteenth, nineteen ninety-five.

d. At the option of the owner, the species of a household pet that is harbored or was harbored in a multiple dwelling may be changed with the written permission of the owner.

e. No language contained in the provisions of this section shall be construed to limit the rights provided herein under subdivisions b and c of this

section to a tenant in a multiple dwelling.

§3. This local law shall take effect immediately and shall apply to existing and future leases and renewals and shall also apply to existing lawful occupancies.

Referred to the Committee on Housing and Buildings.

Int. No. 393

By Council Members Mark-Viverito, Jackson, Barron, Chin, Comrie, Fidler, Garodnick, Greenfield, Lander, Lappin, Palma, Sanders, Vann, Williams, Dickens, Foster, James and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report certain domestic violence statistics on the city's website.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-112 to read as follows:

§3-112. *On-line reporting of domestic violence statistics. The mayor's office of operations shall include the following police department statistics among the data presented on the My Neighborhood Statistics pages of the city's website or on any successor pages of such website that are substantially similar in form or function:*

- (a) the number of domestic violence radio runs;
- (b) the number of murders related to domestic violence;
- (c) the number of rapes related to domestic violence; and
- (d) the number of felonious assaults related to domestic violence.

Such statistics shall be provided in a manner consistent with other police department data available on the pages of such website.

§2. This local law shall take effect 60 days after its enactment into law.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Int. No. 394

By Council Members Palma, Cabrera, Chin, Fidler, James, Lander, Mark-Viverito, Williams, Rodriguez and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the possession of firearms, rifles and shotguns while intoxicated and other abuse of firearm licenses and rifle and shotgun permits.

Be it enacted by the Council as follows:

Section 1. Title 10 of the administrative code of the city of New York is amended by adding new sections 10-313 and 10-314 to read as follows:

§ 10-313. *Prohibition of the possession of firearms, rifles and shotguns while intoxicated.*

a. *A person shall not possess a firearm, rifle or shotgun outside of his or her home while:*

- (i) *such person is in an intoxicated condition; or*
- (ii) *such person has .08 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's breath, blood, urine or saliva, made pursuant to section eleven hundred ninety-four of the vehicle and traffic law, section 10-314 of this article or other applicable law; or*
- (iii) *such person's ability to safely possess such firearm, rifle or shotgun is impaired by consumption of alcohol; or*
- (iv) *such person's ability to safely possess such firearm, rifle or shotgun is impaired by use of any drug; or*
- (v) *such person's ability to safely possess such firearm, rifle or shotgun is impaired by the combined influence of drugs or of alcohol and any drug or drugs.*

b. *Any person who shall violate paragraph (i), (ii), (iv), or (v) of subdivision a of this section shall be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars, or imprisonment not exceeding one year, or by both such fine and imprisonment. Any person who shall violate paragraph (iii) of subdivision a of this section shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars, or imprisonment not exceeding three months, or by both such fine and imprisonment. Violation of subdivision a of this section shall also be grounds for the revocation of a license or permit to deal in firearms, deal in rifles*

and shotguns, possess firearms, or possess a rifle or shotgun in accordance with applicable law.

c. (i) *Possession of a valid permit or license for a firearm, rifle or shotgun as provided under sections 10-131 and 10-303 of this title or any other applicable law shall not preclude a conviction for the offense defined in subdivision a of this section.*

(ii) *Subdivision a of this section shall not apply to police officers as defined in section 1.20 of the criminal procedure law, provided that such police officer's consumption of alcohol was necessitated by his or her official duty.*

d. *Definitions. For purposes of this section and section 10-314 of this chapter, in addition to the definitions provided in section 10-301 of this chapter:*

(i) *The terms "firearm," "rifle," and "shotgun" shall be deemed to include assault weapons;*

(ii) *The term "police officer" shall mean a sworn officer of the police department of the city of New York; and*

(iii) *The term "drug" shall mean and include any controlled substance listed in section thirty-three hundred six of the public health law.*

e. *A person may be convicted of a violation of paragraph (i), (ii) or (iii) of subdivision a of this section, notwithstanding that the charge laid before the court alleged a violation of paragraph (i) or (ii) of such subdivision, and regardless of whether or not such conviction is based on a plea of guilty.*

§10-314. *Testing of persons who carry firearms, rifles or shotguns while appearing to be legally intoxicated; presumptions.*

a. *In the event that any person possesses a firearm, rifle or shotgun other than in the person's home, while it reasonably appears that such person is in an intoxicated condition or that such person's ability to safely possess such firearm, rifle or shotgun is impaired by consumption of alcohol, or by the combined influence of alcohol and any drug or drugs, and such person refuses to submit to a breath test to be administered by a police officer, then such refusal shall be grounds for suspension or revocation of a permit or license to deal in firearms, deal in rifles and shotguns, possess firearms, or possess a rifle or shotgun in accordance with applicable law unless such person demonstrates to such police officer that his or her conviction for the offense described in subdivision a of section 10-313 of this chapter would be precluded by paragraph (ii) of subdivision c of such section.*

b. *Presumptions.*

(i) *Evidence that there was .05 of one per centum or less by weight of alcohol in such person's blood shall create rebuttable presumptions that the ability of such person to safely possess a firearm, rifle or shotgun was not impaired by the consumption of alcohol, and that such person was not in an intoxicated condition;*

(ii) *Evidence that there was more than .05 of one per centum but less than .07 of one per centum by weight of alcohol in such person's blood shall create a rebuttable presumption that such person was not in an intoxicated condition, but such evidence shall not create any presumption regarding whether the ability of such person to safely possess a firearm, rifle or shotgun was impaired by the consumption of alcohol; and*

(iii) *Evidence that there was .07 of one per centum or more but less than .08 of one per centum by weight of alcohol in such person's blood shall create a rebuttable presumption that such person was not in an intoxicated condition, but shall create a rebuttable presumption that the ability of such person to safely possess a firearm, rifle or shotgun was impaired by the consumption of alcohol.*

§2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that any actions, including but not limited to the promulgation of rules and regulations, necessary to implement the provisions of this act on its effective date are authorized and directed to be made and completed on or before such date.

Referred to the Committee on Public Safety.

Int. No. 395

By Council Member Palma, The Public Advocate (Mr. de Blasio) and Council Members Brewer, Chin, Dromm, Ferreras, Fidler, Foster, James, Koslowitz, Lander, Mark-Viverito, Sanders, Van Bramer, Williams, Rodriguez, Rose and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services and the Human Resources Administration to track and report to the Council certain data regarding rental assistance programs for the homeless.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. In 2004, the Department of Homeless Services ("DHS") implemented the Housing Stability Plus ("HSP") rental subsidy program, which was intended to help homeless people move out of shelter and into permanent housing. In 2007, DHS discontinued HSP and began the Advantage New York ("Advantage") rental assistance programs, which included the Work Advantage, Children's Advantage, and Fixed Income Advantage programs. The Work Advantage program replaced HSP and aimed to assist shelter residents in securing permanent housing and achieving self-sufficiency by rewarding

work, while Children's Advantage was specifically targeted toward families in shelter with child welfare cases and Fixed Income Advantage helped shelter residents on a fixed income who were unable to work. As of August 1, 2010, DHS will no longer offer the Children's and Fixed Income Advantage programs, and instead there will be only one Advantage NY program. In addition, participants in the new Advantage NY program will be subject to more stringent work and income contribution requirements than under the previous version of the program.

DHS and the Human Resources Administration ("HRA"), which assists DHS with administering the Advantage program, maintain that the Advantage program was successful in keeping people permanently housed and out of the shelter system because to date few Advantage participants returned to shelter. Moreover, according to both agencies, data collected from those who participated in one year of the Advantage program suggests that new participants will be able to meet the heightened work and income contribution requirements. The Council finds, however, that additional data is necessary to truly evaluate whether the new Advantage NY program will be successful in reducing homelessness, and to inform whether additional changes to rental assistance programs in the future are well-advised.

§2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings pursuant to federal, state and local laws and such rules and regulations as may be promulgated pursuant thereto:

1. "Advantage apartment" shall mean an apartment that is certified as an Advantage apartment by DHS and is at least partially funded by rental payments provided by DHS to landlords on behalf of tenants who are enrolled in any of the Advantage programs.

2. "Advantage NY program" shall mean the rental assistance program for eligible homeless individuals and families in shelter that became effective on August 1, 2010.

3. "Advantage program" shall mean the Advantage NY program, the Children's Advantage program, the Fixed Income Advantage program, the Work Advantage program, and any other rental subsidy program that DHS and/or HRA designates as an Advantage program now or in the future.

4. "Children's Advantage" shall mean the rental assistance program for eligible homeless families in shelter who have open cases with the Administration for Children's Services ("ACS") that was in effect until August 1, 2010.

5. "Federal Eviction Prevention Supplement (FEPS)" shall mean the housing subsidy that is provided to eligible homeless families who are facing eviction for non-payment of rent.

6. "Fixed Income Advantage" shall mean the rental assistance program for eligible homeless families and individuals in shelter who are receiving a fixed income benefit or who cannot work that was in effect until August 1, 2010.

7. "Fixed income benefit" shall include social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs.

8. "Household" shall mean a single individual or family, including couples without dependent children who, or which, are eligible to receive transitional housing or services from the department of homeless services or the human resources administration pursuant to federal, state and local laws and such rules and regulations as may be promulgated pursuant thereto.

9. "Housing Stability Plus" shall mean the five-year rental assistance program for eligible homeless families and individuals in shelter that began in 2004 and was replaced by the Work Advantage program in 2007.

10. "Section 8" shall mean a housing assistance payment that is made pursuant to section eight of the United States housing act of nineteen-hundred thirty-seven, as it may be amended from time to time.

11. "Work Advantage" shall mean the rental assistance program for eligible homeless families and individuals who work full or part-time that was in effect until August 1, 2010.

b. *Quarterly Reports Regarding Rental Assistance Programs.* Beginning no later than January 1, 2011 and no later than the last day of the month following each calendar quarter thereafter, the commissioner, in consultation with the commissioner of the human resources administration/department of social services, shall submit to the speaker of the city council, and shall make available to the public free of charge on the internet, a report in writing that includes, at a minimum, the following information, disaggregated by families, families with children, adult families, and single adults:

1. *Housing Stability Plus.* The following information regarding the HSP program shall be included in the quarterly report:

(a) the number of households that were previously enrolled in the program, including the number that (i) no longer receive the subsidy, (ii) no longer receive the subsidy and completed at least five years of the program, (iii) are still residing in the housing unit into which they were placed upon the start of their enrollment in the program, (iv) have applied for shelter, (v) have returned to shelter after having been enrolled for any length of time, (vi) have returned to shelter after having been enrolled in the program for at least five years;

(b) the number of households that are currently enrolled in the program, including (i) the number that receive public assistance, (ii) the number that have employment income, as well as their average and median incomes and average and median number of hours worked per week, (iii) their average and median monthly

rent, (iv) the average and median monthly rent subsidy provided by the program, (v) the number still residing in the housing unit into which they were placed upon the start of their enrollment in the program, (vi) the number that have a head of household receiving a federal disability benefit, as well as their average and median household income, (vii) the number who are needed at home to care for another household member receiving a federal disability benefit, as well as their average and median household income;

2. *Federal Eviction Prevention Supplement.* The following information regarding the FEPS program shall be included in the quarterly report:

(a) the number of households that were previously enrolled in the program, including the number that (i) no longer receive the subsidy, (ii) no longer receive the subsidy and completed at least five years of the program, (iii) are still residing in the housing unit in which they were living upon the start of their enrollment in the program, (iv) have applied for shelter, (v) have returned to shelter after having been enrolled for any length of time, (vi) have returned to shelter after having been enrolled in the program for at least five years;

(b) the number of households that are currently enrolled in the program, including (i) the number that receive public assistance, (ii) the number that have employment income, as well as their average and median incomes and average and median number of hours worked per week, (iii) their average and median monthly rent, (iv) the average and median monthly subsidy provided by the program, (v) the number still residing in the housing unit in which they were living upon the start of their enrollment in the program, (vi) the number that have a head of household receiving a federal disability benefit, as well as their average and median household income, (vii) the number who are needed at home to care for another household member receiving a federal disability benefit, as well as their average and median household income;

3. *Advantage.* The following information regarding the Advantage program shall be included in the quarterly report, disaggregated by Advantage NY program, Work Advantage program, Children's Advantage program, and Fixed Income Advantage program:

(a) the number of households that applied for shelter after participating in the Advantage program, including those that were subsequently found ineligible for shelter;

(b) the number of households that returned to the shelter system after participating in the Advantage program, broken down by the length of time the household participated in the program as follows: less than one year; one year; between one and two years; two years;

(c) for households that returned to the shelter system after participating in the Advantage program, the length of time between the end of the Advantage program and the household's return to shelter, broken down as follows: less than one year; one to two years; more than two years;

(d) the number of households that returned to the shelter system after participating in the Advantage program that received rental assistance in addition to

Advantage, broken down by the type of rental assistance, including: FEPS; Section 8 voucher; and any other rental assistance provided by HRA;

(e) for households that returned to shelter after participating in the Advantage program, the length of time they resided in their Advantage apartment, broken down as follows: less than one year, one to two years, more than two years;

(f) the average and median wages earned by households that returned to shelter after participating in the Advantage program during the time they were not participating in the Advantage program;

(g) the average and median number of hours worked by households that returned to shelter after participating in the Advantage program during the time they were not participating in the Advantage program;

(h) the number of households newly enrolled each quarter into each Advantage program;

(i) the number of households currently enrolled in each Advantage program;

(j) the number of households previously enrolled in the Advantage program that no longer receive the subsidy;

(k) the number of households that no longer receive the Advantage subsidy and completed at least two years of the Advantage program;

(l) the number of households that transitioned to Section 8 from the Advantage program;

(m) the number of households that transitioned to the Advantage program from the HSP program;

(n) the number of households enrolled in the Advantage program that are also receiving public assistance;

(o) the number of households enrolled in the Advantage program that have employment income;

(p) the average and median income of households enrolled in the Advantage program that have employment income;

(q) the average and median number of hours worked per week of households enrolled in the Advantage program that have employment income;

(r) the number of households enrolled in the Advantage program that have a head of household receiving a federal disability benefit;

(s) the number of households enrolled in the Advantage program that have an adult residing in the household who is needed at home to care for another household member receiving a federal disability benefit;

(t) the average and median monthly rent of households enrolled in the Advantage program;

(u) the average and median monthly rent subsidy provided by DHS or HRA to households enrolled in the Advantage program;

(v) the number of households enrolled in the Advantage program that are still residing in the housing unit into which they were placed upon the start of their enrollment in the Advantage program;

(w) for households that previously participated in the Advantage program but are no longer enrolled, the number still residing in the housing unit into which they were placed upon the start of their enrollment in the Advantage program;

(x) the number of households that participated in the Advantage program for one year and sought renewal for an additional year of the subsidy; and

(y) the number of households that participated in the Advantage program for one year and sought renewal for an additional year of the subsidy and were not approved for an additional year of the subsidy.

c. **Long Term Outcomes of Advantage NY Participants.** The commissioner, in consultation with the commissioner of the human resources administration/department of social services, shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine the following information regarding former Advantage NY program households that have not been enrolled in the program for at least one year: (a) the average and median monthly wages of the household; (b) the average and median monthly employment hours of the household; (c) the number of households that are still residing in the housing unit they resided in upon the termination of their enrollment in the Advantage NY program; (d) the number of households that are receiving cash assistance; (e) the number of households that are receiving FEPS; (f) the number of households that have a Section 8 voucher; and (g) the number of households that receive any other type of rental assistance from HRA.

§3. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 396

By Council Members Rose, Chin, Dromm, Foster, James, Palma, Van Bramer, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the powers and duties of the commission on human rights.

Be it enacted by the Council as follows:

Section 1. Subdivision 10 of section 8-105 of the administrative code of the city of New York, as amended by local law 39 of 1991, is amended to read as follows:

(10) To submit an annual report to the mayor and the council which shall be published in the City Record. Such annual report shall include information regarding inquiries received by the commission from the public, complaints filed with the commission, the Resolution of complaints filed with the commission, and education and outreach efforts made by the commission. The information regarding inquiries received by the commission from the public, shall include, but not be limited to, the total number of inquiries, the subject matter of inquiries based on the type of unlawful discriminatory practice at issue and the protected class of person, and the status of all inquiries made to the commission in relation to unlawful discriminatory practices, even if such inquiries did not result in pre-complaint intervention or the filing of a complaint. The information regarding complaints filed with the commission shall include, but not be limited to, the total number of complaints filed, the subject matter of complaints based on the category of unlawful discriminatory practice as set forth in sections 8-107 and 8-107.1(2) of this chapter, action taken by the commission on such complaints, the length of time taken to process complaints, and the number of complaints that resulted in the collection of fines and/or cash settlements. The information regarding the resolution of complaints filed shall include, but not be limited to, whether the complaint was resolved by mediation and conciliation, as set forth in section 8-115 of this chapter and whether there was a determination of probable cause, as set forth in section 8-116 of this chapter. The information regarding the commission's education and outreach efforts as required by sections 8-105(1) and 8-105(2) of this chapter, shall include, but not be limited to, the types of outreach initiated, the number of people with whom the commission made contact as a result of outreach, and the languages in which such outreach is conducted.

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

Referred to the Committee on Civil Rights.

Int. No. 397

By Council Members Vallone Jr., Cabrera, Fidler and James.

A Local Law to amend the administrative code of the city of New York, in relation to the possession of firearms, rifles and shotguns while intoxicated and other abuse of firearm licenses and rifle and shotgun permits.

Be it enacted by the Council as follows:

Section 1. Title 10 of the administrative code of the city of New York is amended by adding new sections 10-313 and 10-314 to read as follows:

§ 10-313. Prohibition of the possession of firearms, rifles and shotguns while intoxicated.

a. A person shall not possess a firearm, rifle or shotgun outside of his or her home while:

(i) such person is in an intoxicated condition; or

(ii) such person has .08 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's breath, blood, urine or saliva, made pursuant to section eleven hundred ninety-four of the vehicle and traffic law, section 10-314 of this article or other applicable law; or

(iii) such person's ability to safely possess such firearm, rifle or shotgun is impaired by consumption of alcohol; or

(iv) such person's ability to safely possess such firearm, rifle or shotgun is impaired by use of any drug; or

(v) such person's ability to safely possess such firearm, rifle or shotgun is impaired by the combined influence of drugs or of alcohol and any drug or drugs.

b. Any person who shall violate paragraph (i), (ii), (iv), or (v) of subdivision a of this section shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars, or imprisonment not exceeding one year, or by both such fine and imprisonment. Any person who shall violate paragraph (iii) of subdivision a of this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars, or imprisonment not exceeding three months, or by both such fine and imprisonment. Violation of subdivision a of this section shall also be grounds for the revocation of a license or permit to deal in firearms, deal in rifles and shotguns, possess firearms, or possess a rifle or shotgun in accordance with applicable law.

c. (i) Possession of a valid permit or license for a firearm, rifle or shotgun as provided under sections 10-131 and 10-303 of this title or any other applicable law shall not preclude a conviction for the offense defined in subdivision a of this section.

(ii) Subdivision a of this section shall not apply in the circumstances described in paragraphs one, two, and eleven of subdivision a of section 265.20 of the penal law.

d. **Definitions.** For purposes of this section and section 10-314 of this chapter, in addition to the definitions provided in section 10-301 of this chapter:

(i) The terms "firearm," "rifle," and "shotgun" shall be deemed to include assault weapons;

(ii) The term "police officer" shall mean a sworn officer of the police department of the city of New York; and

(iii) The term "drug" shall mean and include any controlled substance listed in section thirty-three hundred six of the public health law.

e. A person may be convicted of a violation of paragraph (i), (ii) or (iii) of subdivision a of this section, notwithstanding that the charge laid before the court alleged a violation of paragraph (i) or (ii) of such subdivision, and regardless of whether or not such conviction is based on a plea of guilty.

§10-314. Testing of persons who carry firearms, rifles or shotguns while appearing to be legally intoxicated; presumptions.

a. In the event that any person possesses a firearm, rifle or shotgun other than in the person's home, while it reasonably appears that such person is in an intoxicated condition or that such person's ability to safely possess such firearm, rifle or shotgun is impaired by consumption of alcohol, or by the combined influence of alcohol and any drug or drugs, and such person refuses to submit to a breath test to be administered by a police officer, then such refusal shall be grounds for suspension or revocation, for a recommended period of a maximum of six months, of a permit or license to deal in firearms, deal in rifles and shotguns, possess firearms, or possess a rifle or shotgun in accordance with applicable law.

b. **Presumptions.**

(i) Evidence that there was .05 of one per centum or less by weight of alcohol in such person's blood shall create rebuttable presumptions that the ability of such person to safely possess a firearm, rifle or shotgun was not impaired by the consumption of alcohol, and that such person was not in an intoxicated condition;

(ii) Evidence that there was more than .05 of one per centum but less than .07 of one per centum by weight of alcohol in such person's blood shall create a rebuttable presumption that such person was not in an intoxicated condition, but such evidence shall not create any presumption regarding whether the ability of such person to safely possess a firearm, rifle or shotgun was impaired by the consumption of alcohol; and

(iii) Evidence that there was .07 of one per centum or more but less than .08 of one per centum by weight of alcohol in such person's blood shall create a rebuttable presumption that such person was not in an intoxicated condition, but shall create a rebuttable presumption that the ability of such person to safely possess a firearm, rifle or shotgun was impaired by the consumption of alcohol.

§2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that any actions, including but not limited to the

promulgation of rules and regulations, necessary to implement the provisions of this act on its effective date are authorized and directed to be made and completed on or before such date.

Referred to the Committee on Public Safety.

Int. No. 398

By Council Members Vann, Comrie, Fidler, James, Palma, Sanders, Williams, Van Bramer, Rodriguez, Levin and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to increasing biodiversity in sidewalk plantings.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that the planting strips on our City's sidewalks consist almost entirely of turf-grass, which has important negative consequences for the City. Turf-grass requires constant watering, which taxes the City's reservoirs. Turf-grass also typically requires costly maintenance, such as mowing, and fertilizers and herbicides, which contribute to dangerous chemical buildup in the City's ground water and, eventually, the City's surrounding waterways. The Environmental Protection Agency's voluntary WaterSense program proposes a forty percent limitation of turf grass in the landscapable area in order to advance efficient water use and protecting the United States' finite water supply.

Utilizing native plant species would reduce the water and chemical needs of these areas. Once established, native plants do not need pesticides, fertilizers, or watering according to the Environmental Protection Agency, in part because native plants species have adapted to regional climate conditions. Because native plant species require less water than turf-grass, they are more aesthetically-pleasing during the increasingly common periods of extreme temperature; they are also more likely to survive these periods. Moreover, during heavy rainfall, native plants can absorb stormwater better than turf-grass, which has a shallow root-system and easily floods. Therefore, native sidewalk plantings will better aid the City's stormwater management capabilities.

In sum, increasing the biodiversity of sidewalk plantings will result in the decrease demand for reservoir water, reduce maintenance costs, reduce chemicals in our waterways, and increase the stormwater absorption capabilities of sidewalks. The Council, therefore, finds that it is in the best interests of the City to increase the biodiversity of our sidewalks.

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a section 18-141 to read as follows:

§ 18-141. *Biodiversity in sidewalk plantings.* a. *Turf grass, defined as hybridized non-native grasses that, when regularly mowed, form a dense growth of leaf blades and roots, shall not be permitted on sidewalk planting strips. The department shall promulgate rules to determine the time period over which those sidewalk planting strips currently using turf-grass must switch to native species.*

b. *The selection of plants intended to increase biodiversity shall be guided by the New York city department of parks and recreation greenbelt native plant center wetlands species lists and such other sources as the department deems appropriate.*

§ 3. This local law shall take effect ninety days after its enactment, except that the commissioner of parks and recreation shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 399

By Council Members Vann, Comrie, Fidler, James, Palma, Sanders, Williams, Van Bramer, Rodriguez, Levin and Nelson.

A Local Law to amend the administrative code of the city of New York in order to increase biodiversity in public landscapes.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that public landscaping in New York City has traditionally involved non-native plants and vast monocultures of turf-grass, both of which have various negative consequences for the City. Non-native species often out-compete native plant species leaving native species and the animals that depend on them vulnerable to depletion or even extinction. Many non-native species are prolific seed producers, the natural spread of which leads these plants to colonize areas other than those intended. Maintaining monocultures of turf-grass requires the application of fertilizers and herbicides, contributing to chemical buildup in ground water as well as the waterways

surrounding New York City. Moreover, non-native species often require regular watering, which taxes the City's reservoirs.

Invasive and non-native species have caused billions of dollars in damage and untold environmental degradation to agriculture, wetlands, water bodies, livestock and native animals nationwide. The United States spends \$37 billion annually addressing invasive plant species. Ecologists estimate that invasive species overtake 3 million acres per year at an additional cost of \$123 billion annually. For instance, zebra mussels cost an estimated \$500 million annually to combat in hydroelectric facilities where they clog water intake pipes. The Asian long-horned beetle required the destruction of 2,000 trees in Brooklyn, costing the federal, state and city governments \$5 million as of 1999. According to the U.S. Department of Agriculture, the value of the nation's urban canopy potentially affected by the beetle is \$669 billion.

In contrast, native species of plants are already adapted to the local climate and eco-system: each is part of the naturally occurring system that has evolved to support a balance of species that have adapted to the moisture and climate conditions of the region. Species native to the New York City area typically require less water than imported plants. They are also more likely to survive drought conditions and environmental pathogens. When plantings are diverse there is less need for pesticides and fertilizers. Native plants are hardy because they have adapted to the local conditions. Once established, native plants do not need pesticides, fertilizers, or watering according to the Environmental Protection Agency. Not only is this good for the environment, it saves time and money, thus helping to keep our water, air, and soil free of unnecessary chemicals. Native plants provide habitats for local birds, insects and other animals that are indigenous to our region and have evolved in tandem with the native plants. This encourages a harmonious balance among plants, animals, and the resources they require to flourish.

The Council further finds it will be financially advantageous for the City to encourage biologically-diverse plantings in public areas because it will result in decreased demand for reservoir water and reduce costs of maintenance, due to decreased expenses associated with suppressing the spread of invasive plant species. The Council, therefore, finds that it is in the best interests of the City, its water bodies, fisheries, wetlands, forests, and parklands to limit the use of non-native species and require greater biodiversity in our public spaces.

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-141 to read as follows:

§ 18-141. *Biodiversity.* a. *The department shall work to improve biodiversity and environmental quality through sustainable landscape practices. On all properties owned or managed by the department, wherever the department is planting or replanting non-tree vegetation, turf-grass and invasive plant species shall not be permitted and vegetation shall consist of native meadow plantings, low herbaceous grasses or native ground covers. Exceptions may be made on a case-by-case basis when non-native plants are determined to be unlikely to cause environmental or economic harm or harm to human health.*

b. *In plantings designated as part of the department's "green-streets" program or plantings in medians and on sites less than one-half acre in size, a minimum of fifty percent of all plant material shall be drought and salt tolerant native species.*

c. *Of all trees proposed to be planted on sidewalks, a minimum of seventy-five percent of the plantings shall be drought and salt tolerant and a minimum of thirty percent of the plantings shall be native species.*

d. *On department-owned or managed property that is between one-half acre and five acres in size, a minimum of sixty percent of all plant material shall be drought and salt tolerant native species.*

e. *On department-owned property that is larger than five acres, a minimum of seventy-five percent of all plant material shall be native species and drought and salt tolerant.*

f. *The provisions of this section shall not apply to historic parks that have significant stands or allees of viable, non-invasive, non-native trees.*

g. *Existing trees shall not be removed to bring a project into compliance with the provisions of this section.*

h. *No plant species shall be planted on city-owned property if it is classified as an invasive species by any federal, new york state or city agency. Existing plantings shall be removed, and replaced, as determined by the department.*

i. *The department may prohibit the use of non-native plant species should information establish that said species presents a threat to new york city public landscapes.*

j. *The department shall identify and adopt best practices regarding assessments of invasive planting species and serve as a clearing house of information regarding invasive, non-native species. All information shall be made available to the public on the city's website.*

§ 3. This local law shall take effect ninety days after its enactment, except that the commissioner of parks and recreation shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Environmental Protection.

L.U. No. 240

By Council Member Comrie:

Application no. 20105575 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Happy Walking Boys Corp. d.b.a Chow Bar to establish, maintain and operate an unenclosed sidewalk café located at 184 West 10th Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 241

By Council Member Comrie:

Application no. 20105693 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Maracas Greenwich Ave Partners LLC d.b.a Maracas Mexican Grill to establish, maintain and operate an unenclosed sidewalk café located at 33 Greenwich Ave, Borough of Manhattan, Council District no. 3.

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

L.U. No. 242

By Council Member Comrie:

Application no. 20115152 HKR (N 110045 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.432, LP-2383) by the Landmarks Preservation Commission of the Christ Church Complex, located at 72-76 Franklin Avenue and 96 Franklin Avenue (Block 66, Lots 158 and 178) as a historic landmark, Council District no.49.

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

L.U. No. 243

By Council Member Comrie:

Application no. 20115153 HKR (N 110046 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.432, LP-2369) by the Landmarks Preservation Commission of the Headquarters Troop, 51st Cavalry Brigade Armory, located at 321 Manor Road (Block 332, Lot 4) as a historic landmark, Council District no. 49.

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

L.U. No. 244

By Council Member Comrie:

Application no. 20105436 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ave B Buon Gusto Corp. d.b.a Café Buon Gusto to establish, maintain and operate an unenclosed sidewalk café located at 76 Avenue B, Borough of Manhattan, Council District no. 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(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. 245

By Council Member Comrie:

Application no. 20105756 PXX (N110074 PXX), Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 470 Vanderbilt Avenue (Block 2009, Lot 1) (Human Resources Administration), Community District 2, Borough of Brooklyn, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

L.U. No. 246

By Council Member Comrie:

Application no. 20115138 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of JDP Restaurant LLC. d.b.a Pig & Whistle to establish, maintain and operate an unenclosed sidewalk café located at 202 West 36th Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 247

By Council Member Comrie:

Application no. 20115272 HAQ, an Urban Development Action Area Project located at 164-14 104th Road, Council District no. 27, Borough of Queens. 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:

Thursday, October 28, 2010

★ Addition

Committee on **COMMUNITY DEVELOPMENT****10:00 A.M.**
Oversight - New York City Poverty 2010: A Look at the Impact of the recession on communities, people and the Administration's Poverty Reduction Plan
Hearing Room – 250 Broadway, 16th Floor..... Albert Vann, Chairperson

Committee on **CIVIL RIGHTS** jointly with the
Committee on **JUVENILE JUSTICE**.....**10:00 A.M.**
Oversight - Addressing the Racial Disparity in the Juvenile Justice System
Committee Room – 250 Broadway, 16th Floor
..... Deborah Rose, Chairperson
.....Sara M. Gonzalez, Chairperson

★ Deferred

~~Committee on **AGING****10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 14th Floor Jessica Lappin, Chairperson~~

Committee on **WATERFRONTS**..... **1:00 P.M.**

Proposed Res 414-A - By Council Members Lander, Nelson, Baron, Brewer, Fidler, Gentile, Gonzalez, James, Levin, Palma, Sanders Jr., Williams, Cabrera, Reyna, Koppell, Chin, Lappin, Mendez, Crowley, Dromm and Mark-Viverito - Resolution calling upon the United States Congress to pass H.R. 5967 which updates the Federal Motor Carrier statute in the Federal Aviation Administration Authorization Act of 1994 to empower America's ports to implement and enforce innovative environmental solutions for truck pollution and upon the Port Authority of New York and New Jersey to adopt a comprehensive program modeled after the Los Angeles Clean Truck Program to ensure that the Ports of New York and New Jersey are able to reach the highest standards of efficiency, sustainability and safety. Committee Room – 250 Broadway, 16th FloorMichael Nelson, Chairperson

Committee on WOMEN'S ISSUES 1:00 P.M. Oversight - Street Harassment of Women and Girls in New York City Committee Room – 250 Broadway, 14th FloorJulissa Ferreras, Chairperson

★ Addition Committee on IMMIGRATION 1:00 P.M. Oversight - Preventing National Origin Discrimination in the Workplace Hearing Room – 250 Broadway, 16th Floor..... Daniel Dromm, Chairperson

Friday, October 29, 2010

★ Note Topic and Location Change Committee on YOUTH SERVICES jointly with the Committee on EDUCATION and Committee on PUBLIC HOUSING10:00 A.M. ★ Oversight - The impact of the Department of Education's and New York City Housing Authority's fee policies on the ability to provide services for youth Oversight - An examination of DYCD's Data Collection Systems Committee Room – 250 Broadway, 16th Floor Lewis A. Fidler, Chairperson Robert Jackson, Chairperson Rosie Mendez, Chairperson

★ Deferred Committee on VETERANS10:00 A.M. Agenda to be announced Committee Room – 250 Broadway, 16th Floor Mathieu Eugene, Chairperson

★ Addition Committee on ENVIRONMENTAL PROTECTION..... 1:00 P.M. Oversight - Implementation of the Jamaica Bay Watershed Protection Plan Strategies Committee Room – 250 Broadway, 14th FloorJames F. Gennaro, Chairperson

Tuesday, November 2, 2010

ELECTION DAY

Thursday, November 4, 2010

Committee on HOUSING AND BUILDINGS10:00 A.M. Int 343 - By Council Members Dilan, Comrie, Garodnick, Gentile, Vann, Williams, Rodriguez and Mendez (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to amending the New York city energy conservation code. Committee Room – 250 Broadway, 14th Floor Erik Martin-Dilan, Chairperson

Committee on TRANSPORTATION10:00 A.M. Proposed Int 370-A - By Council Members Lappin, Brewer, Chin, Comrie, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Palma and Koo - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to pedestrian safety reporting. Int 374 - By Council Members Mendez, Brewer, Chin, Comrie, Fidler, Gentile, James, Koppell, Lander, Palma, Van Bramer and Williams - A Local Law to amend the administrative code of the city of New York, in relation to requiring the compilation of bicycle crash data. Proposed Int 376-A - By Council Members Vacca, Cabrera, Comrie, Fidler, James, Koslowitz, Palma, Recchia, Rose, Williams, Halloran, Koo and Ulrich - A LOCAL

LAW - To amend the administrative code of the city of New York, in relation to creating standards for the approval and installation of certain traffic calming devices. Proposed Int 377-A - By Council Members Vacca, Cabrera, Comrie, Fidler, James, Palma, Williams, Halloran and Ulrich - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to traffic study determinations. Committee Room – 250 Broadway, 16th FloorJames Vacca, Chairperson

Committee on SMALL BUSINESS 1:00 P.M. Int 256 - By Council Members Reyna, Lander, Mendez, Sanders and Rodriguez - A Local Law to amend the New York city charter, in relation to the annual report required by certain entities which enter into contracts with the department of small business services. Committee Room – 250 Broadway, 14th FloorDiana Reyna, Chairperson

Tuesday, November 9, 2010

Committee on SANITATION AND SOLID WASTE MANAGEMENT jointly with the Committee on TRANSPORTATION10:00 A.M. Oversight – Street cleaning and alternate side parking rules Committee Room – 250 Broadway, 14th Floor Letitia James, Chairperson James Vacca, Chairperson

Committee on FINANCE jointly with the Committee on PUBLIC SAFETY 10:00 A.M. Oversight – An examination of the budgets of the District Attorneys and the Special Narcotics Prosecutor of New York City Committee Room – 250 Broadway, 16th Floor Domenic M. Recchia, Chairperson Peter Vallone, Chairperson

Wednesday, November 10, 2010

Subcommittee on ZONING & FRANCHISES9:30 A.M.
See Land Use Calendar Available Friday, November 5, 2010
Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson
Committee on FIRE AND CRIMINAL JUSTICE SERVICES jointly with the
Committee on IMMIGRATION10:00 A.M.
Oversight - Examining New York City’s Department of Correction’s Cooperation
with U.S. Immigration and Customs Enforcement
Committee Room – 250 Broadway, 14th Floor
..... Elizabeth Crowley, Chairperson
..... Daniel Dromm, Chairperson
Subcommittee on LANDMARKS, PUBLIC SITING &
MARITIME USES.....11:00 A.M.
See Land Use Calendar Available Friday, November 5, 2010
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson
Committee on ENVIRONMENTAL PROTECTION..... 1:00 P.M.
AGENDA TO BE ANNOUNCED
Committee Room – 250 Broadway, 14th FloorJames F. Gennaro, Chairperson
Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS. 1:00 P.M.
See Land Use Calendar Available Friday, November 5, 2010
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Thursday, November 11, 2010

VETERANS’ DAY OBSERVED

Friday, November 12, 2010

Committee on VETERANS 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor James Sanders, Chairperson

Monday, November 15, 2010

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th FloorLeroy Comrie, Chairperson
Committee on CIVIL RIGHTS.....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson
Committee on HEALTH..... 1:00 P.M.
Oversight - New York City’s Efforts to Increase Bone Marrow Donation
Committee Room – 250 Broadway, 14th Floor
..... Maria del Carmen Arroyo, Chairperson
Committee on CONTRACTS..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
..... Darlene Mealy, Chairperson
Committee on MENTAL HEALTH, MENTAL RETARDATION,
ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor G. Oliver Koppell, Chairperson

Tuesday, November 16, 2010

Committee on PUBLIC SAFETY10:00 A.M.
AGENDA TO BE ANNOUNCED
Committee Room – 250 Broadway, 14th Floor Peter Vallone, Chairperson
Committee on PARKS AND RECREATION..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor
.....Melissa Mark-Viverito, Chairperson
Committee on WOMEN’S ISSUES 1:00 P.M.
Int 371 - By Council Members Lappin, the Speaker (Council Member Quinn),
Arroyo, Ferreras, Mendez, Garodnick, Reyna, Foster, Brewer, Comrie, Fidler,
James, Koppell, Koslowitz, Lander, Palma, Rose and Van Bramer - A Local Law to
amend the administrative code of the city of New York, in relation to limited service
pregnancy centers.
Committee Room – 250 Broadway, 16th Floor
..... Julissa Ferreras, Chairperson

Wednesday, November 17, 2010

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
.....Agenda – 1:30 p.m.
Location..... ~ Emigrant Savings Bank ~ 49-51 Chambers Street.....

MEMORANDUM

October 28, 2010

TO: ALL COUNCIL MEMBERS
RE: TOUR BY THE SUBCOMMITTEE ON DRUG ABUSE
Please be advised that all Council Members are invited to attend a tour
to:

Phoenix House
480 East 185 Street
Bronx, NY 10458

The tour will be on Wednesday, November 3, 2010 beginning at 1:00 p.m. A van
will be leaving from 250 Broadway at 12:15 p.m. sharp.

Council Members interested in riding in the van should call Matthew Carlin at 212-
788-9110.

Hon. Fernando Cabrera, Chairperson Hon. Christine C.
Quinn Speaker of the
Subcommittee on Drug Abuse Council

Whereupon on motion of the Speaker (Council Member Quinn), the President
Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again
for the Stated Meeting on Wednesday, November 17, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

