

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, AUGUST 25, 2010

THE COUNCIL

*Minutes of the
STATED MEETING*

of

Wednesday, August 25, 2010, 3:35 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	James Sanders, Jr.
Inez E. Dickens	Peter A. Koo	Larry B. Seabrook
Erik Martin Dilan	G. Oliver Koppell	Eric A. Ulrich
Daniel Dromm	Karen Koslowitz	James Vacca
Mathieu Eugene	Bradford S. Lander	Peter F. Vallone, Jr.
Julissa Ferreras	Stephen T. Levin	Albert Vann
Lewis A. Fidler	Melissa Mark-Viverito	James G. Van Bramer
Helen D. Foster	Darlene Mealy	Mark S. Weprin
Daniel R. Garodnick	Rosie Mendez	Jumaane D. Williams
James F. Gennaro	Michael C. Nelson	

Excused: Council Members Lappin, Rose and White.

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.

INVOCATION

The Invocation was delivered by Reverend Lloyd Land, First United Christian Church of Staten Island, 109 Victory Boulevard, Staten Island, NY 10301.

In the beginning was the Word,
and the Word was with God

and the Word was God.
Through him all things were made,
And without him nothing was made that has been made.
In Him was life,
and the life was the light of men.
A light that shineth in the darkness
and the darkness comprehended it not.
He was in the world, and the world knew him not.
He came unto his own and his own received him not,
but yet unto as many as received him,
to them gave He power to become sons of God.
Father, in the name of Jesus, we come to you,
and we ask you Lord to bless this assembly.
Father, in the name of Jesus,
your word says that He was in the world.
And He dwelt among us.
Father, let this City Council
be your dwelling place this day.
We thank you Lord God
in the name of Jesus for Speaker Quinn,
and every person that will participate in this,
the decision making process here today.
We come to you Lord
and we ask you to lead and guide,
because your word says
that the footsteps of the righteous
are ordered by the Lord.
Therefore, Father, in the name of Jesus,
we ask you Lord,
to wash them in righteousness.
Righteousness, in its purest form,
is simply doing what's right.
Doing what you know to be the right thing to do.
Lord God, your word is paramount in our lives,
and in the name of Jesus Christ,
we come to you and we ask you,
order our footsteps this day.
Order the decision making process this day.
In the name of Jesus Christ,
We pray and we thank you, and go forth rejoicing.
Thank you, Lord God, amen.
But City Council, I would like you to do me a favor.
This week, on Thursday, at 12:05 p.m.,
Staten Island lost a very, very good resource.
His name was Dr. David Kpormakpor,
the former President of Liberia.
He was a member of my congregation,
a civil rights advocate,
and a human rights advocate,
in the purest form.
And I would like to ask you
to give him just a moment of silence.

[moment of silence]

We thank you.
May the Lord bless and keep this body.

Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individual: Brooklyn District Leader Bernard (Bernie) Catcher.

Bernard (Bernie) Catcher, 70, longtime Brooklyn Democratic District Leader, died on August 20, 2010 after a long illness. Catcher, born in Brownsville, had a true love of politics and knew how to get things accomplished for the Borough of Brooklyn and the City of New York. He leaves behind several cousins and a very large political family.

ADOPTION OF MINUTES

The Speaker (Council Member Quinn) moved that the Minutes of the Stated Meeting of June 9, 2010 be adopted as printed.

LAND USE CALL UPS

M-212

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(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 604 10th Avenue, Community Board 4, Application 20105736 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote.

M-213

By Council Member Brewer:

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/enclosed sidewalk café located at 2454 Broadway, Community Board 7, Application 20105704 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, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **48.**

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 subcommittees.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Res. No. 370-A

Report of the Committee on Finance in favor of approving a Resolution concerning amendments to the District Plan of the 34th Street Business Improvement District that authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district, and setting the date, time and place for the public hearing of the local law authorizing additional services and modifying existing services for the district, changing the method of assessment upon which the district charge is based and increasing the maximum total amount to be expended for improvements in the district.

The Committee on Finance, to which the annexed amended resolution was referred on July 29, 2010 (Minutes, page 3541), respectfully

REPORTS:

Proposed Resolution 370-A

This resolution sets September 16, 2010 at 10AM in the 16th Floor Hearing Room at 250 Broadway, New York, New York 10007 as the date and time to consider a local law a public hearing pursuant to requests from the 34th Street Business Improvement District (“BID”) to authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district change the method of assessment upon which the district charge is based as of July 1, 2010.

Pursuant to § 25-410(b) of the Administrative Code, a BID may make amendments to its District Plan to 1) provide for additional improvements or services; 2) provide for a change in the method of assessment upon which the district charge is based; or 3) increase the amount to be expended annually for improvements, services, maintenance and change their method of assessment by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such change, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the BID is based.

Although this is the only relevant legal requirement for the provision of notice prior to the Council approving the BID, the Finance Committee Chair has informed the Department of Business Services that it desires written notices of the proposed change in the method of assessment.

Changes to the District Plan

The resolution sets the date to consider a local law authorizing:

- 1) additional services and modifying existing services for the district;
- 2) a change the method of assessment upon which the district charge is based; and
- 3) an increase the maximum total amount to be expended for improvements in the district.

Additional Services/Modifying Existing Services

A new bond financing will be used to finance capital improvements, which include: pedestrian improvements in Herald and Greeley Square and 7th Avenue, lighting improvements, subway entrance improvements, and additional tree pits. In addition, the BID plans to upgrade, repair and replace existing streetscape items including: the traffic regulation sign system, bike racks, bollards, wayfinding signs,

multi-unit newsboxes, and lighted street signs. These will be funded by surplus operating funds, and tax exempt bond issues.

Changing Method of Assessment

In 1991, there were 1,000 residential units, now there are 2,700 units. In order to adapt to the increasing growth in mixed-use residential property within the BID, the method of assessment will need to be changed. Prior to such change, residential properties paid a reduced assessment, as compared to other properties in the BID, using the gross building square footage formula (number of square feet calculated by multiplying the lot's width by its length—typically applied for mixed-use districts that include above ground floor activity). The assessment change will continue to use the gross square foot formula, but reduce the assessment to an amount equal to .60 x gross building square footage on a given assessable property x Per Square Foot Assessment to reflect the proportional benefit such properties receive from services and improvements within the district. This means that the residential property owners pay 60% of the commercial property rate. In other words, a 40% discount.

Increasing amount to be expended for improvement

The Board of Directors of the 34th Street District Management Association, Inc. approved a proposal to expand the number and amount of capital improvements within the district. Therefore, the district plan needs to be amended in order to increase the maximum total amount expended for district improvements from \$30 million to an amount not to exceed \$50 million.

For the 1st Contract Year, the maximum amount to be expended will be increased from \$6 million to \$10.27 million.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 370-A:)

Res. No. 370-A

Resolution concerning amendments to the District Plan of the 34th Street Business Improvement District that authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district, and setting the date, time and place for the public hearing of the local law authorizing additional services and modifying existing services for the district, changing the method of assessment upon which the district charge is based and increasing the maximum total amount to be expended for improvements in the district.

By Council Members Recchia, Foster and Cabrera.

WHEREAS, pursuant to the authority formerly granted to the Board of Estimate by Chapter 4 of Title 25 of the Administrative Code of the City of New York (the "BID Law"), the Board of Estimate, by a resolution dated June 21, 1990 (Cal. No. 596) provided for the preparation of a district plan (the "District Plan") for the 34th Street Business Improvement District in the City of New York; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

WHEREAS, pursuant to authority granted by the BID Law, the City Council, by Local Law No. 79 for the year 1991, authorized the establishment of the 34th Street Business Improvement District (the "District") in accordance with the District Plan; and

WHEREAS, pursuant to Local Law No. 9 for the year 1995, the City Council authorized an amendment to the District Plan to change the method of assessment upon which the district charge is based; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such changes; and

WHEREAS, pursuant to Section 25-410(c) of the BID Law, an amendment to the District Plan that provides for an increase in the maximum total amount to be expended for improvements in the District may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such increase; and

WHEREAS, the 34th Street Business Improvement District wishes to amend the District Plan, as amended, in order to authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; and

WHEREAS, pursuant to Section 25-410(c) of the BID Law, the City Council is required to give notice of the hearing in the manner provided in Section 25-406 of the BID Law, which requires the City Council to: cause a copy of the relevant resolution or a summary thereof to be published at least once in the City Record or a newspaper in general circulation in the city, the first publication to be not less than ten nor more than thirty days before the date set for the hearing; not less than ten nor more than thirty days before the date set for the hearing, cause a copy of the resolution or a summary thereof to be mailed to each owner of real property within the district, to such other persons as are registered with the city to receive tax bills concerning real property within the district and to the tenants of each building within the district; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) and Section 25-410(c) of the BID Law, hereby directs that:

(i) September 16, 2010 is the date and 16th Floor Hearing Room at 250 Broadway, New York, New York 10007 is the place and 10AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district; and

(ii) on behalf of the City Council and pursuant to Section 25-410(b) and Section 25-410 (c) of the BID Law, the District Management Association of the 34th Street Business Improvement District is hereby authorized to, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of the resolution or a summary thereof to each owner of real property within the district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the district, and to the tenants of each building within the district; and

(iii) the Department of Small Business Services shall arrange for the publication of a copy of the resolution or a summary thereof and a notice of the public hearing at least once in the City Record or a newspaper in general circulation in the city and a newspaper in general circulation in the district, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the District Management Association of the 34th Street Business Improvement District mails, or the Department of Small Business Services arranges for the publication of, a summary of the resolution, such summary shall include the information required by section 25-406(c) of the BID Law.

ATTACHMENT:

DISTRICT PLAN
 FOR
 THE 34TH STREET BUSINESS IMPROVEMENT DISTRICT
 IN
 THE CITY OF NEW YORK
 BOROUGH OF MANHATTAN
 Prepared pursuant to Section 25-405(a) of
 Chapter 4 of Title 25 of the Administrative Code
 Of The City of New York

SECOND AMENDMENT TO THE DISTRICT PLAN

FOR
THE 34TH STREET BUSINESS IMPROVEMENT DISTRICT
IN THE CITY OF NEW YORK
BOROUGH OF MANHATTAN

PREPARED PURSUANT TO SECTION 25-405(a) OF
 CHAPTER 4 OF TITLE 25 OF THE
ADMINISTRATIVE CODE OF THE CITY OF NEW YORK

October 2009

Table of Contents

	Page
<u>Preface</u>	4
I. Map of the District	4
[II. Present Uses of the District Property – A Profile]	5
<u>II. Current Use of Property</u>	7
[III. Proposed Services]	29
<u>III. Services</u>	37
[IV. Proposed Improvements]	45
<u>IV. Capital Improvements</u>	48
<u>V. Collaboration with other Projects in the District</u>	53
[V. Proposed] <u>VI. Sources of Funding</u>	54
[VI.] <u>VII. Proposed Expenditures: Annual Budget</u>	58
VIII. Benefitted Properties]	61
IX. District Management Association	61
X. User Rights	62
XI. Regulations	64
[XI. Glossary of Terms]	66
[XII. List of Exhibits]	67
Exhibit [B] <u>A – Board of Estimate Resolution</u>	
Exhibit B - <u>Properties in the 34th Street Partnership, including Block & Lot Numbers</u>	
Exhibit [A] <u>C – District Map (Boundary & Benefitted Properties)</u>	
Exhibit D - <u>Major Commercial Tenants</u>	
Exhibit [C] <u>E – Land Use Map</u>	
Exhibit F – <u>Board of Directors</u>	

District Plan for the 34th Street Business Improvement District

Pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York, Section 25-405, the Board of Estimate of the City of New York (“the City”), at the request of the Mayor, has provided for the preparation of this plan (the “Plan”) for the 34th Street Business Improvement District (the “District” or “BID”).

I. Map of the District. The District will include the 227 properties within its borders, as indicated on the attached map (the “District Map”) (Exhibit A). These properties are located on sections of 92 blockfaces within the District. The District generally includes the commercial areas that adjoin 34th Street, a major corridor, from the east side of Park Avenue on the east, to the east side of Tenth Avenue on the west. This corridor is as narrow as two blocks wide, between Fifth and Park Avenues, but as wide as four or five blocks between the Avenue of the Americas and Ninth Avenue. The properties in most of the Garment Center are excluded.

The Board of Estimate, by resolution dated June 21, 1990, a copy of which is annexed hereto as (Exhibit A), has provided for the preparation of this Plan pursuant to the authority granted by Local Law 96 of 1989, as amended, (the “Law”) for the District.

PREFACE

This second amendment to the District Plan (hereinafter, the “Plan”) revises the original District Plan, for the 34th Street Business Improvement District, (hereinafter, the “District”) which was approved by the Board of Estimate of the City of New York by a resolution dated June 21, 1990, a copy of which is annexed hereto as (Exhibit A), which provides for the preparation of this Plan pursuant to the authority granted by Local Law 96 of 1989, as amended, (the “Law”) for the District, and revises the original District Plan as amended by Local Law 9 of 1995, and this Plan was also approved by the Board of Directors of Thirty-Fourth Street Partnership, Inc. by a resolution dated May 28, 2008. The Plan reflects the activities to date of Thirty-Fourth Street Partnership, Inc., which is the District Management Association described in the original District Plan (“34SP”).

The Purpose of this Plan is to increase the maximum allowable expenditure for District Improvements (hereinafter defined), under the Plan, from \$30,000,000 to an amount not to exceed \$50,000,000, modify and update the Supplemental Services within the District and make a change in the method of assessment of the properties within the District.

I. Map of the District

The District includes 181 properties within its boundaries, as indicated on the attached list “Properties in the 34th Street Partnership” (Exhibit B). These properties are located on sections of 106 block faces within the District. Including the commercial areas that adjoin 34th Street, a major corridor, the District encompasses the west side of Park Avenue, on the east, to the east side of

Pedestrian flows tend to be from Penn Station and area subway stations toward the east and north in the morning, and in the reverse direction during the afternoon commuter rush. Tourists, by contrast, are drawn at all hours and days to see the Empire State Building, shop in Herald Square, and then travel by subway to other prime areas.

The District incorporates portions of the three Community Boards, Manhattan Boards #4, 5, and 6. The District is mostly contained within the boundaries of the Midtown South police precinct. A small portion falls within the 10th police precinct.

Zoning within the District is almost entirely commercial, with the only manufacturing zoning covering a railroad yard to the west of the main Post Office building. Densities are high, with the typical zoning being C5-2 or C6-4, which permits buildings of the highest density. There is no residential zoning in the District.

The District's office development is hemmed in by the manufacturing zoning of the garment district to the north, the residential areas of Murray Hill and Kips Bay to the east, and the lack of office district services to the west of Penn Station. The anticipated office and hotel development near the Javits Convention Center has not occurred, leaving a large gap of underutilized real estate between the District and the Center.

6

II. Current Use of Property

A. District Profile and Overview

The 34SP District is a mixed-use neighborhood featuring a wide variety of shopping, impressive office tenants (with approximately 185,000 office workers), and a growing residential community. The District is anchored by Macy's flagship store with two million square feet. A driving force in the District, and catalyst for much of its traffic, is Penn Station, one of the city's most important transportation hub and the nation's busiest transportation facility, handling over 550,000 people daily. The District incorporates the southern part of midtown Manhattan's central business district. With 36 million square feet of commercial, retail and residential space the district is centered around the Empire State Building on the east, Herald Square and Macy's in the center, and Penn Station and Madison Square Garden on the west.

The District consists of both official New York City Landmarks and National Historic Landmarks. Included in the former are the James A. Farley Post Office, 2 Park Avenue, the Radisson Martinique Hotel, and the Empire State Building. Macy's flagship store – situated at Herald Square since 1902 – is considered a National Historic Landmark. The District also includes the Graduate Center of the City University of New York and the New York Public Library's Science, Industry and Business Library, both housed in the former B. Altman department store, on 34th Street, between Fifth and Madison Avenues.

Some of the city's most popular tourist-class hotel properties are in the District, including the Hotel New Yorker, the Hotel Pennsylvania, the Radisson

7

Martinique, and the Comfort Inn. Combined, these four properties have 3,273 guest rooms.

Zoning in the District is predominately C5 and C6 designations with some M1 designations on the western periphery; the predominate designation is C6. C6 permits a wide range of high-bulk uses, such as hotels, large office buildings, and retail and residential use. C5 allows department stores, office buildings and mixed-use buildings with residential use above the base commercial floors. Both C5 and C6 permit new construction of either 10 or 15 times FAR – dependent on design of the property. The designation "M" stands for Manufacturing and in M1 districts most uses are permitted. Many of the older properties in the district are not built to bulk (permitted size by zoning) and we anticipate many buildings will in the future be replaced with new developments that are built to bulk.

One anticipated significant development – although much uncertainly remains – is the revitalization of the Farley Post Office building. While the development team of Vornado and the Related Companies has been selected to transform the Farley Post Office buildings into the new Moynihan Train Station, and convert existing space and add additional tower(s) to the property for retail/ hotel/ office use, final plans for the property have yet to be developed.

Portions of the District are incorporated into three Community Boards: #4, #5 and #6. The district is mostly served by the Midtown South Police Precinct; however, a small portion is served by the 10th Police Precinct.

8

The Pennsylvania Station complex, which includes NJ Transit, LIRR, Amtrak and NYC subways, is the largest source of pedestrian flows in the district. At only two of the station's entrances almost 49,000 people have been counted leaving the building in one hour, between 8 AM and 9AM, on an average weekday in December 2008. The pedestrians tend to head in all directions from Penn Station. Besides the Penn Station entrances, the next highest pedestrian volumes center around the intersection of Seventh Avenue and 34th Street. Pedestrians seem to be evenly spread out between the north and south sides of 34th Street between Fifth and Seventh Avenues. Afternoons in the District, within a quarter mile of Penn Station, tend to see the highest number of people. Average weekday afternoons tend to have between 5,000 and 8,000 persons passing per hour between Fifth and Seventh Avenues on both sides of the street on 34th Street.

The neighborhoods surrounding the District are experiencing major development activity, including residential, commercial, and hotels. To the south of the district, along Fifth and Sixth Avenues, new office buildings and several new hotels have been built or are under construction. The city has recently eased the Special Garment Center District zoning to the north of the District to allow landlords to convert long-standing manufacturing space into Class B and Class C offices. Within the last several years, at least a dozen hotels have either just opened or are under construction in the area, between 34th and 42nd Streets and Fifth and Ninth Avenues.

To the west, the Department of City Planning rezoned a mostly underutilized area, bounded roughly by West 42nd and West 30th Streets, Eighth Avenue to the Hudson River. A Special Hudson Yards District, adopted by the city in 2005,

9

offers an extraordinary opportunity to meet the City's need for an expanded Midtown business district. The plan includes decking over unsightly railroad infrastructure between Tenth and Twelfth Avenues, extending the No. 7 subway line service, creating parks, and improving the Jacob K. Javits convention center facilities.

Over the next decade, development of the Far West Midtown district will provide the expansion space the City's prime office users will need as the City's economy rebounds, and will transform approximately 360 acres into a dynamic, transit-oriented urban center, with medium-to high-density development and a mix of uses, including commercial, residential, open space, hotels and entertainment.

B. Office Profile

The 34th Street District includes 142 buildings of over 10,000 rentable square feet. The Empire State Building is the largest single office tower, with over two and one-quarter million gross square feet. The other largest office structures all surround Penn Station, including One and Two Penn Plaza, and Eleven Penn Plaza (393 Seventh Avenue). The total inventory of office buildings, approximately 31,000,000 square feet, constitutes about ten percent of Manhattan's commercial office space.

The office market in the District has followed the trend of midtown rents, with a great increase in asking rents in the early and mid-eighties followed by a general stagnation. Rents now range from as low as \$15 per square foot for spaces in

10

smaller buildings, to as high as \$25 per square foot in the Class A office towers that have full amenities and locations near Penn Station.

Compared with the rest of midtown Manhattan, there are few large corporate headquarters in the 34th Street area. Many of the office tenants are related to the adjacent Garment District, or are service industries that take advantage of being near to Penn Station.

Future development will proceed primarily to the west of Penn Station, where a large site at Ninth Avenue and 31st Street is being held for that purpose by Olympia & York and Lazard Realty. Although there are numerous other sites that are not developed to the full extent of their zoning envelope, the recent softening of the midtown office market has discouraged any serious moves towards developing some of the mid-blocks or the area's less attractive corner sites.

B. Commercial Office Profile

The District has 125 properties of over 10,000 rentable square feet. The total inventory of office buildings, approximately 36 million square feet, constitutes about 8.5% of Manhattan's 425 million square feet of commercial office space. The Empire State Building is the largest single office tower, with over two and one-quarter million gross square feet. The other largest office buildings all surround Penn Station, including One Penn Plaza, Two Penn Plaza, and Eleven Penn Plaza. Commercial tenants with headquarters in the District include retailers Macy's Merchandising Group, Foot Locker, New York & Company, and Aéropostale, Inc. The New York Daily News, the Associated Press, and

11

television broadcasting company, Thirteen*WNET, comprise the District's major media companies.

Top commercial tenants by square footage include homecare health provider Visiting Nurse Services; cable company Rainbow Media Holdings; publishers McGraw Hill Companies, Thomas Publishing, and U.S. News & World Report; handbag manufacturer and retailer Coach, Inc.; advertising agency Draft FCB; perfume and toiletry company Coty US LLC; and the financial institution Bank of America. Global engineering company PB Americas, Inc. calls 34SP its home. Exhibit C includes an overview of major commercial tenants in the District.

Twelve Fortune 500 companies have offices in the district; they include: MetLife; Duane Reade; Cisco Systems; Hewlett-Packard; Time Inc; and the Bank of New York.

According to market research compiled by Co-Star, the following types of business utilize office space in the District, measured by percentage of square footage within each type: manufacturing 22.4%; personal services, 21.3%; business services 10.7%; financial institutions, 7.9%; data processing/computer services, 2.6%; insurance, 6%; engineers/architects, 4.1%; medical, 6.1%; law firms, 4.8%; government, 3.2%; accountants, 2.6%; retailers/wholesalers, 2.8%; real estate, 2.2%; communications, 1.6%; and agriculture/mining/utilities, 1.1%.

34SP resides within the Penn Plaza/Station real estate submarket. By the end of October 2008, the vacancy rate in the Penn Plaza/Station district had moved up to 5.1% from the lows reached in the 2007 through early 2008. At the beginning of

12

2008, the vacancy rate was 3.4%, and it had been in the 3% to 4% range since the beginning of 2007. These low vacancy numbers are indicative of the strong demand for space in New York City during the surge in economic activity from 2005 through the first half of 2007. Clearly, the Manhattan market is weakening, and this softness has started to appear in the Penn Plaza/Station district.

Rent levels in this market have been consistently lower than the City's average, and this competitive rent level has allowed the district to attract and retain its tenants. At the end of October 2008, the average asking rent in the district was \$47.93/sf, which is well under the average for the city of \$59.81/sf. With the global, national, and regional economies all weakening, additional increases in the vacancy rate and declines in rents are sure to happen. It is anticipated that the vacancy rate in the Midtown South market as a whole will rise into the range of 9.5% to 10% during the 4Q2009 to 4Q2010 period. The average vacancy rate in the Penn Plaza/Station district will rise to the same level. The peak to trough decline in the average asking rent will fall in the 25% to 30% range, meaning that by the end of 2009 or early 2010 that the average asking rent will equal about \$35/sf in this district. Our outlook for the Manhattan office market in general and the Penn Plaza/Station district in particular is premised on the current severe regional and national recession, but not a protracted decline similar to the Great Depression, from 1929 to the beginning of the Second World War.

13

Retail Profile

The 34th Street District's retail operations cover a wide range. Macy's is the retail anchor, with good sidewalk presence and continuous upgrading of the interior and exterior of their building. The newly opened A&S Plaza, at 31st Street and Avenue of the Americas, located at the site formerly occupied by Gimbels extends the health of the Herald Square shopping district. Herald Center has just been auctioned, and will be redeveloped over the next several years. Smaller retailers typically take advantage of the steady flow of pedestrians, which persists seven days a week, peaking during the weekday rush hours and lunch hour, and continuing most of the day on Saturday and Sunday. While several retailers on 34th Street itself have recently upgraded their facades, much of this retail could benefit from façade improvement.

The retail mix in the District is heavy on fast food, reflecting the presence of Penn Station and Madison Square Garden. Other common uses are children's and women's clothes, toys, drug stores, and take-out food stores. Banks have many key corners, and tend not to make very active use of their space.

C. Retail Profile

Retail in the 34SP continues to thrive. While retail sales are down across the country, most retailers in the 34th Street District do impressive business as they sell affordably-priced, fashion-forward apparel that is accessible, and priced to sell. The shopping district specializes in women's, men's, and children's apparel as well as shoes and accessories.

There are over 500 retail outlets in the district – including food establishments. Retailers have been drawn to the District because of the huge pedestrian volumes. Typical volumes during the day at any of the corners on 34th Street, between Broadway and Seventh Avenue, range from 5,000 people per hour to over 12,000 per hour. Much of the pedestrian volume is comprised of Penn Station commuters, office workers, tourists and shoppers from all over the metropolitan area.

The District is anchored by Macy's with 2 million square feet – the world's largest department store – recently celebrating the 150th birthday of its founding. Many national and international chains have flagship stores in the District. Some retailers even have multiple stores, including H&M, Foot Locker and Payless Shoes. The Gap has stores from all three of their divisions in the District: The Gap, Banana Republic and Old Navy.

The impressive roster of District stores include: B&H Photo & Video; Tourneau; Sephora; Daffy's; Victoria's Secret; Banana Republic; American Eagle Outfitters; and Forever 21.

Every year more notable retailers joined the district. The 2008 entrants include Fossil. We are looking forward to the 2009 openings of JC Penney in Manhattan Mall (150,000sf on two levels; the retailer's first store in Manhattan) and projected to be the number one sales volume store in a chain of 1,000 units, and Geox.

The stores that are on 34th Street proper, between Fifth and Eighth Avenues, as well as the on Fifth, Sixth, Broadway, and Seventh Avenue have been the most desirable to retailers and command the highest rents. As retailers are so successful on 34th Street, retail asking rents had reached to over \$600 psf on 34th Street between Sixth and Seventh Avenues. By spring 2009, with the downturn in the economy still a factor, average asking rents have declined to about \$508 per s/f. With such very high asking rent numbers, in this economy it is challenging for a retailer to be profitable. Until recently, smaller spaces less than 2,000 sf seemed to be quickly renting in the District.

There are few vacant stores in the District; however a number of properties that are currently tenanted are available. In spring 2009, an analysis of all ground-level stores on 34th Street, from Park to Ninth Avenues, indicates that the vacancy rate is 3.6%, which is much lower than the current rate in other retail corridors in Manhattan, some of which are experiencing double-digit vacancy rates. Building owners are hoping to replace the existing tenants with larger tenants who are willing to pay more rent. They also are hoping to combine second and third floor spaces with the ground floor retail. These spaces include Conway at 1333 Broadway (62,000 sf); Florsheim at 1350 Broadway (25,000 sf); and Banana Republic at 19 West 34th Street (40,000 sf). There is also a new 48-floor residential tower under construction at southwest corner of 32nd Street and Avenue of the Americas where the owners hope to lease 47,000 sf to a multi-level store on the lower floors of the building.

While the economy was booming, landlords were reluctant to lower their asking rents or subdivide their space, however we now suspect the opposite will be true.

In order to lease the stores landlords will have to be flexible in their rent and be willing to subdivide space. Second and third floor space that they hoped would be leased to stores may now have to be converted back to office space. We suspect landlords will be renewing the existing tenants (even on a month-to-month basis) or other tenants who are price-sensitive will enter the District as rents decline. We feel strongly that the fundamentals that make the District a great shopping area will continue to exist.

The restaurant industry is one of the most important contributors to the economy and the quality of life in New York City. The 34th Street neighborhood has a wide range of dining options, from fast casual concepts, delis and coffee shops to prime steakhouses. The area has authentic French bistros, lively Irish pubs, and American eateries. This vibrant, busy and highly successful dining and drinking scene surrounding 34th Street brings the hospitality and excitement of New York City to local residents, office workers, shoppers, commuters, visitors, tourists and hotel guests. The 34SP is actively involved in strategies designed to continue increasing the volume and diversity of the local area restaurant scene with new restaurants and bars opening regularly.

C. Residential Profile

There are very few people living within the District as outlined here. The Unification Church has a major transit residence at the former New Yorker Hotel, at 34th Street and Eighth Avenue.

The District's residential population, based on a survey of the known residential buildings in 1989, is approximately 1,000. Most of the residents live in a co-op building at Park Avenue and 34th Street, at the Unification Church facility, and at the McAlpin House apartments in Herald Square.

As the Law has been designed to encourage its use for commercial Districts alone, an effort has been made to exclude residential buildings from the 34th Street Business Improvement District.

D. Residential Profile

The 34th Street District has not traditionally been thought of as a residential district, but that is changing. As of a recent survey, there are ten residential buildings with a total of 2,760 units. In 1992, when the business improvement district was established, there were approximately 1,000 units. At that time, the residential buildings included a 364-unit property at Park Avenue and 34th Street, the McAlpin Hotel, which had been converted to a 690-unit apartment complex at Herald Square, and the New Yorker Hotel, used as a Unification Church residential facility. The market then began to change. The New Yorker Hotel reopened its doors as a hotel on June 1, 1994. In 1995, the William Sloan House Y.M.C.A. was converted to a 285-unit residential building.

Recent residential construction in the District include a 33-story, 465-unit mixed-use building, The Olivia, built in 2000 by J.D. Carlisle Development Corporation and now owned by Stonehenge Properties. In 2002, The Magellan, a 34-story,

168 unit multi-family building, at 35 West 33rd Street, was developed by Pitcairn Properties. The Epic, a mixed-use complex on West 32nd Street, between Sixth and Seventh Avenue, opened in 2007, and includes two not-for-profit condos and 465 condo units. It was development by a partnership of the Durst Organization and Sidney Fetner Associates.

Currently, a 393,000-square-foot, 48-story mixed-use building with 337 residential units is under construction by Atlantic Realty Development Corp at the southwest corner of 32nd and Sixth Avenue, across from Manhattan Mall. A building at 176 Madison Avenue, between 34th and 33rd Street, will be demolished for a new thirty-three story, mixed-use LEED-certified tower, designed by Frank Williams. The project includes a 100-room hotel, 69 condominium residents, and ground floor retail. Residential properties are assessed at a 60% discount.

D. Transportation Profile

The 34th Street District may have more transit service than any other office center in the nation. Penn Station is at the epicenter of the Northeast Corridor, and competes increasingly with the airlines for moving passengers between Washington and New York and between New York and Boston. The Long Island Railroad operates within Penn Station, and is the largest commuter railroad in the United States, carrying 270 thousand passengers per day on several hundred commuter trains. The station also has superb subway access, with twelve lines carrying passengers to and from their offices to make their connection with the LIRR or Amtrak.

Other subway stops that are among the City's busiest include the Herald Square station and the 33rd Street and Park Avenue stop.

Most of the buses that travel between midtown and lower Manhattan pass through the 34th Street Business Improvement District. Thirty-Fourth Street also has frequent crosstown service, serving the Javits Convention Center on Eleventh Avenue. Private bus services traverse the District, loading on sidewalks, and tourist-oriented lines also use sidewalks adjacent to the Empire State Building, Madison Square Garden, and Penn Station.

Pedestrian counts along the direct routes to and from Penn Station at rush hours reveal flows the rival those near Grand Central and the Port Authority Bus Terminal. For example, on 34th Street in the evening peak hours, the south sidewalk can accommodate as many as 9,000 people per hour.

While there has been much discussion of a new transit alternative to serve the Javits Convention Center and bring transit passengers to Penn Station, there is no project under consideration at this point.

E. Transportation Profile

The 34SP District may have more transit service than any other office center in the nation. Penn Station is at the epicenter of the Northeast Corridor. The Long Island Railroad is the busiest commuter railroad in North America, carrying 229,000 customers each weekday on 728 daily trains. Penn station is also connected to six New York City subway lines. The 34th Street/Herald Square station is served by 8 subway lines and is

used on weekdays by 126,000 riders, on average; it ranks third among the city's 422 stations with over 39,040,000 riders in 2008. The Seventh Avenue station at 34th Street has 92,750 weekday users (28.3 million annually), on average, and is ranked fifth in the system. The sixth busiest station in NYC is the Eighth Avenue subway station at 34th Street with 85,500 weekday users (26 million annually).

The Metropolitan Transportation Authority buses operate throughout the district with 42 express bus routes between Manhattan, the Bronx, Queens and Staten Island, and 12 local bus routes operate through the District.

Continuing to grow at an impressive rate, New Jersey Transit has a daily ridership at Penn Station of 162,000 (44.4 million annually). To increase ease-of-access for NJT commuters, the railroad is currently building a new entranceway to its facility – with escalator and elevator access – at the northwest corner of 31st Street and Seventh Avenue; a summer 2009 opening is planned. Linked to the south end of the 34th Street/Herald Square subway station, at Greeley Square, is the Manhattan terminal of PATH, the Port Authority's rail service to New Jersey. Here, at 33rd Street and Sixth Avenue, PATH has 33,000 daily users, on average, which accounted for an annual usage of 10.2 million in 2007 in the station below Manhattan Mall.

The Trans-Hudson Rail Transit Tunnel under 34th Street

New Jersey Transit's planned \$8.7 billion rail transit tunnel will create a new, state-of-the-art two-track rail connection between New Jersey and an expanded Penn Station. It will deliver significant economic dividends to midtown Manhattan as it creates 110,000

more direct, one-seat passenger trips to and from the center of Manhattan --- at 34th Street.

The new 4.5 mile tunnel will travel under 34th Street, leading to a spacious new station complex offering direct connections to the subways at Sixth, Seventh and Eighth Avenues, and new access to the District. There will be a large mezzanine with access from three banks of high-speed escalators at Sixth/Broadway, Seventh and Eighth Avenues. Five station entrances will allow easy access to and from the streets. They will replace the existing subway sidewalk entrances, creating improved subway and NJ Transit entrances that will offer easier travel and mobility.

The open cut/trench-like process of the past to construct tunnels and stations will not be used. The new facility will be built under 34th Street because it provides 100 feet of right-of-way to construct the new station cavern. In addition, two emergency fan plants will be constructed in the District, on 33rd Street, between Sixth and Seventh Avenues, and on 35th Street, just west of Seventh Avenue.

This project will enhance regional competitiveness and help fuel the 350,000 new jobs that are projected to be created over the next 25 years. By advancing commuter comfort and convenience with a one-seat ride, the new tunnel will make the District an even more attractive and accessible business, entertainment and tourism destination.

The new rail tunnel will:

Increase Mobility

- a. Double rail capacity from 23 to 48 (1600 passengers per train) trains in the peak hour and increase ridership by 110,000 passenger trips daily.

22

- b. Connect New Jersey (highest median household income in nation) and the Lower Hudson Valley of New York and 34th Street.

- c. Reduce trans-Hudson congestion to allow for improved pedestrian mobility to the District.

- d. Relocate existing sidewalk subway entrances within buildings, thus improving pedestrian flows.

34SP has committed to working closely with the New Jersey Transit tunnel project team and local businesses to help advance this critical infrastructure project. Construction is expected to begin in early 2010 with station construction below 34th Street to begin in early 2013.

Institutional Profile

Because the prime Manhattan office districts have been located to the north of 34th Street, there are fewer institutional uses in this area than there are ten or fifteen blocks to the north. There are several churches and synagogues in the area, but relatively few major non-profit institutions. The General Post Office at 33rd Street is a major magnet for New Yorkers and visitors, although it has few exhibits that would draw those who do not have postal business. The Sloane House YMCA at 34th Street and Ninth Avenue draws a large number of visitors who are looking for low-cost accommodations.

F. Institutional Profile

Because retail space is extremely desirable in the District, there are fewer institutional uses in this area than other areas of the city. There are several places of higher education in the 34SD. Cornell University's School of Industrial and Labor Relations, the world's first school of its kind, is located at 16 East 34th Street. The CUNY Graduate Center is located in a landmarked building on Fifth Avenue, and the King's and Mercy Colleges are nearby. There are several churches and synagogues in the area, including St. Francis of Assisi church (135 W. 31st Street), St. John the Baptist church (210 W31st Street) and the Westside Jewish Center (347 W. 34th Street). Non-profit institutions include the offices of Planned Parenthood and the Visiting Nurse Service. The American Cancer Society's Hope Lodge NYC is headquartered on West 32nd Street, east of Seventh Avenue. The General Post Office at 33rd Street is a major magnet for New Yorkers and visitors, although it has few exhibits that would draw those who do not have postal business. The New York Public Library has a branch at 188 Madison Avenue. The NYS Department of Motor Vehicles has a facility in the Herald Center and a License "Xpress" in 300 West 34th Street.

Entertainment Profile

The District is one of the top draws in New York City with respect to entertainment. Madison Square Garden has about 300 events per year, often drawing people in the afternoon and evening when there are two different sports events, when a show or tournament has multiple contests throughout the day. The Empire State Building is one of the ten most popular tourist attractions in New York City, with an average of 7,000 people per day touring the observatories on

24

the 86th and 102nd floors. During the Christmas shopping season, the pedestrian volumes are overwhelming at virtually all hours and days in the Herald Square area.

G. Entertainment Profile

Entertainment in the 34th Street District is multi-cultural and wide-ranging in all of its expressions. Musical concerts, major league sports, seasonal attractions, Broadway theatrical productions, and awards' ceremonies happen continuously in the District's entertainment scene.

Leading our list of attractions is the Observation Deck of the Empire State Building, enticing more than 4.5 million visitors to the spectacular views from the 86th floor. A great destination for families, the wait time has been reduced thanks to the expanded hours of service. The Observation Deck is open from 8:00 am to 2:00 am, daily.

Madison Square Garden – host to 400 events annually – is the site of major league sports, world class entertainment and special exhibitions. Ringling Brothers Barnum and Bailey Circus, the New York Rangers, the New York Liberty, the New York Knicks, and the Westminster Dog Show call this arena "home." It's also the preferred New York City venue for international celebrities, rock stars and entertainment fare for children.

WaMu Theater features long term, big stage productions. Cirque du Soleil's Wintuk, the holiday season show, began its 2008/2009 season on October 30, 2008.

Hammerstein Ballroom attracts more than 200 musical events every year. In recent years, the Hammerstein Ballroom has seen performances from a wide variety of musical acts, ranging from Foo Fighters, Counting Crows, Nine Inch Nails, Guns N' Roses, Jay-Z, Radiohead, and R.E.M., to the Beastie Boys, Wu-Tang Clan, Kanye West, Bob Dylan, and Britney Spears. In the past it's been the site of professional wrestling and NASCAR awards ceremonies. The Hammerstein Ballroom is also available for private rental.

AMC Loews 34th Street, with 14 screens, stadium seating, and first run films, is home to New Fest, New York City's LGBT Film Festival and has recently participated in the Tribeca Film Festival. Meeting space is available for corporate and private events.

E. Public Spaces

The 34th Street area contains two public parks, at Herald and Greeley Squares, which have been neglected over the years, but are improving through the efforts of public, private, and non-profit agencies. These very small spaces are supplemented by several private plazas that have significant public use, including the combined forecourt to Two Penn Plaza and Madison Square Garden at 32nd Street and Seventh Avenue, the steps of the Post Office, and the various walkways and indentations surrounding the One Penn Plaza office building, built in 1972.

All of the streets in the 34th Street District are owned by the City of New York. The sidewalks, also owned by the City, are maintained with various degrees of attention by the property owners.

H. Herald and Greeley Squares

Herald and Greeley Squares are the result of the intersection of Broadway and Sixth Avenue. The two triangles created by the roadways crossing in the "bow tie," allowed for the creation of two pocket parks which the 34SP started managing in 1996, then renovated using private funds for the benefit of all New Yorkers.

The 34th Street District is a particularly dense environment, offering very limited public space to the millions of people who use it every year. The notable exception are these two triangular parks. With the cooperation of the Department of Parks and Recreation, 34SP turned the two once-derelict spaces into assets for the revitalization of the District. The objective for 34SP is to provide a space that will enhance the quality of life of the neighborhood.

Methodology

Neither Herald nor Greeley Square are particularly large. Further, they are surrounded by the constant roar of heavy Midtown vehicular traffic. To allow the public to relax in the space, and induce shoppers and workers to feel comfortable in the parks, the 34SP initiated the following:

1. Design: The design of the parks is very simple. The pre-existing statuary takes center stage, while the ideal traffic lines for pedestrians are

respected. Gardens border the park, and lush planters punctuate the open floorplan. Users are left free to determine where they want to sit using the movable furniture provided in the space.

2. Sanitation: The 34SP ensures that the space is clean at all times.
3. Security: Both Herald and Greeley Square are observed by a dedicated security officers at all hours of operation. The parks currently are open to the public from 7 am to 9 pm.
4. Concessions: A food and beverage kiosk, currently operated by 'wichcraft, is located at the 35th Street and 32nd Street edges of the respective parks.
5. Bathrooms: State-of-the-art bathrooms with an attendant are scheduled to open in summer 2009 in each park. In the past few years, automated restrooms had offered this service. The new restrooms will be free of charge to the public.
6. Horticulture: Both parks enjoy lush gardens and lively trees that provide welcome shade in the summer.
7. Lighting: Flood lights installed on neighboring buildings, as well as onsite traditional parks' light poles, guarantee that the space is bright and does not become a pool of darkness on the street at night.
8. Movable seating: Much of the success of the parks is owed to the movable seats and tables that are available at all times. More than 400 chairs and 60 tables in total are placed in the parks.
9. Events: Finally, the 34SP regularly programs events in the parks, ranging to small scale concerts or performances to promotional events and music series. These contribute to keeping the space fresh in the minds of the users of the street. They also provide quality diversions for the public.

Results

The main measure of success in the management of any public space is the number of patrons using the space. The 34SP measures the number of people using the space three times per day. These counts document what any bystander would be able to notice: the parks are filled with people at all hours, with peak use around lunchtime.

III. Proposed Services

A. Description of Services to be Provided

Special assessments to be collected from 34th Street area property-owners will fund the following service, with the aim of improving the business environment in the District:

1. security
2. sanitation
3. social services, including aid to the homeless
4. park operations
5. visitor services
6. retail improvement
7. public events
8. management of taxi waiting areas
9. special maintenance projects
10. administration

A more detailed description of the services to be provided by the 34th Street District Management Association follows.

1. Security

There are many people in the District affected by the perception and reality of crime: office tenants, shoppers in the Herald Square retail hub, hotel guests, sports fans at Madison Square Garden, and commuters who use the LIRR and Amtrak suffer from the crime that is endemic to certain portions of the District. NYPD statistics show that the Herald Square area and Madison Square Garden post are rated two and three concerning total crime committed in the Midtown South precinct during the first six months of 1989. Even the proximity of the Midtown South station house has not deterred this crime.

The 34th Street BID will improve the business environment for all of these users of the 34th Street District by adding security officers throughout the District. The force will consist primarily of uniformed officers but will also have an investigative unit. These officers will patrol for sixteen hours per day, or two full shifts. There will also be "swing coverage" that will permit greater focus on certain problem areas at peak times, such as the plazas outside Madison Square Garden during events, the entrances to Penn Station during rush hours, the sidewalks near the Empire State Building during peak tourist periods, or certain less-trafficked streets. The streets west of the General Post Office at Eighth Avenue, and the area surrounding Norman Thomas High School at 33rd Street and Park Avenue will also get special attention.

The security force will take advantage of a communications system and coordinate extremely closely with the NYPD and with the police forces of the Transit Authority, the LIRR, and Amtrak.

The aim of this security force will be to deter crime, to work with the local police precinct to encourage the arrest of perpetrators in the act of committing crimes, to provide useful information and a sense of security for visitors of all kinds, and to help the already established police forces in the area to be more effective.

2. Sanitation

The Sanitation Department has suffered several recent city-wide budget cuts which have forced it to remove many of the street cleaners who use brooms, shovels, and small vehicles to clean curbs and sidewalks in midtown. The enormous pedestrian flows in this District for as long as fourteen to sixteen hours per day have led to a disorderly scene at many times, with overflowing trash cans and large deposits of trash in gutters after the work day finishes. Building owners and retailers could also do more to keep their sidewalks and curbs clean, as required by law.

To supplement the Sanitation Department's service, and the service provided by some building owners and tenants, the 34th Street BID will provide a supplementary sanitation force of approximately 55 workers, with as many as 25 or 30 on duty when shifts overlap. This unit's work will be modeled on other successful sanitation efforts by business improvement districts that have led to a major improvement in sidewalk and street cleanliness. Other forms of maintenance that will be performed

by the crews include the removal of posters from light poles, the clearing of catch basins, clearing of snow from bus stop shelters, the painting of mail boxes and the removal of graffiti, except for certain large jobs which will be performed by professional contractors.

The aim of this service will be to make the District's streets and sidewalks so clean that passers-by perceive a major improvement in the quality of life in the district, and think twice before littering. More frequent emptying of City trash cans by a truck to be leased or acquired by the District will also contribute to an improvement in pedestrian behavior.

3. Social Services

While there are many services offered to the poor and homeless in the vicinity of Penn Station, there is no coordinated plan among social service providers, City government, and local businesses to provide a path away from homelessness for those who gather in the area. Frequently, assistance is given in ways that both damage local businesses and humiliate the homeless. For example, homeless families were for years housed in the Martinique Hotel near Greeley Square, using the streets, sidewalks, and parks near the hotel as their living room at all hours. In addition, services provided by some area churches can be upgraded with more money from the BID and the City, and better coordinated to provide services to the homeless.

While the final plan for the assistance provided by the District must await closer study by its social service staff, it is clear that a start should be made toward better delivery of services in the District.

Since there are city, state, and private foundation funds available for assistance to the homeless, the 34th Street District simply must make allowances for some seed money to get programs started and to match against other sources of revenue. The private sector, through the BID, should underwrite at least 25% of the total social service program costs.

4. Park Operations

Greeley and Herald Square, at the confluence of massive pedestrian flows, need careful security and sanitation presences in order to be acceptable places for office workers, shoppers, and tourists. The historic sculpture and other architectural elements of the park need a source of funding for careful upkeep.

While the security and sanitation provided to these parks can be carried in those two budgets, additional services to the parks are needed to supplement the efforts of the New York City Department of Parks and Recreation.

It is hoped that the active involvement of the owners of Macy's, Herald Center, and A&S Plaza will be forthcoming for park programming that will provide a reason for the area's pedestrians to patronize these small parks, which are totally surrounded by dangerous and noisy flows of

automobile traffic. Included can be small special events to supplement the spectacular events now sponsored by Macy's, elaborate seasonal plantings, and special visible maintenance efforts.

5. Visitor Services

The 34th Street area is one of the most heavily visited sections of New York City by visitor who need directions to tourist attractions, mass transit facilities, and retail outlets. The tourist assistance program begun in other commercial districts, which places bilingual students at key tourist intersections on mobile carts well-stocked with tourist information, provides a useful model for such a program on 34th Street. The tourist-conscious management of the Empire State Building Observatory, which helped to set up another program, is also available to advise on this much needed service on 34th Street.

The District will make a visible effort to aid visitors. Many people are eager to fill jobs as tourist greeters, and several strategically fixed locations can deliver high visibility for that limited budget.

6. Retail Improvement

Among the most frequent complaints by owners and tenants in the 34th Street District is the condition of much of the retail along 34th Street outside of the major department stores. Too many retail shop owners create unsightly obstacles to pedestrian flow. Examples included illegal extensions for sale in the sidewalk right-of-way, unsightly signs in store

windows, infrequent street-cleaning, and careless deposit of store litter at the curb at the end of the business day.

There is a need for movement in two directions: actions by smaller retailers to match the excellent efforts of stores like Macy's, Abraham & Straus, and some of the smaller stores that have upgraded their image, like Conway's; and improvement in operations of some of the existing store tenants, such as the fast food operators, who, in some cases, create sanitation and security problems.

A number of programs can help. A model façade program, backed by design assistance, can upgrade storefront appearance. A number of owners can also be helped to acquire tenants who will provide desired goods while maintaining high standards of operation. Sometimes, sacrificing some ground floor revenue in return for a better overall image for a building will yield higher office rents.

In those instances where the ground floor tenant constitutes the principal revenue of the existing structure, there may need to be some more creative solutions. For example, architects and consultant who have looked at the District see more potential than is currently being realized from an arcade that runs between 34th and 33rd Streets, just east of the entrance to Penn Station on Seventh Avenue.

7. Public Events

Given the enormous pedestrian flows in the District, and the fair number of open plazas and parks where crowds could safely gather, a public

events program is a natural in the District. Some events will benefit from outside sponsorship, including additional contributions by owners or tenants who benefit directly from the performances.

8. Management of Taxi Waiting Areas

Another source of complaint by owners and tenants in the District is the difficulty of catching a cab without by harassed by the "bag-hustlers" who currently concentrate their efforts at the Seventh Avenue entrance to Penn Station. Attended taxi lines could eliminate this problem.

The District will add a line at Seventh Avenue and upgrade and improve the existing lines in the "well" between Two Penn Plaza and Madison Square Garden, and on Eighth Avenue, on a seven-day-per-week, sixteen-hour-per-day basis. With a well-managed line, the crowds emerging from Penn Station or Madison Square Garden could be better accommodated.

9. Special Maintenance Projects

Beyond simple scraping of light pole, painting of mail boxes, and removal of graffiti from public structures, there are larger maintenance projects that inevitably will be suggested once District improvements begin to take place.

10. Insurance

As a result of providing most or all of its services in-house, the BID will incur significant costs of liability insurance.

III. Services [Provided]

A. The services to be provided pursuant to this Plan (the "Services") may include any services required for the enjoyment and protection of the public and the promotion and enhancement of the District. The following is a detailed description of the services provided by the 34th Street Partnership funded with the Assessments (hereinafter defined) collected from the District's property owners.

1. Security

A security staff of uniformed security officers, supervised by former members of law enforcement patrol, will patrol the District from 7am until 11pm, seven days a week. This is a foot patrol, with an "eye-and-ear-of-the-police" approach toward preventing crime, and apprehending criminals. The department's operations office is situated on W35th Street, near Seventh Avenue, where lockers, a conference room, equipment and an administrative office is located.

2. Management of Taxi Waiting Areas

The security department will operate taxi lines at three locations in the immediate vicinity of Madison Square Garden and Penn Station, staffed by taxi dispatchers, sixteen hours per day. The taxi dispatchers are in distinctive uniforms and are connected to the operations office by way of individual walkie-talkies.

The dispatchers not only control the taxi cabs but also potential passengers of these cabs. They are also a great source of information to visitors to the

area, answering hundreds of questions per day. These taxi stand locations are at Seventh Avenue and 32nd Street, Eighth Avenue and 33rd Street, as well as 31st Street between Seventh and Eighth Avenues.

3. Sanitation

A uniformed sanitation crew will work seven-days-a-week to keep the District's 106 block faces, and Herald and Greeley Square parks, free of litter. The aim of this service is to make the District's streets and sidewalks clean and improve the quality of life in the District.

A maintenance unit will remove graffiti, clean street signs, paint street furniture, fire hydrants, mailboxes and traffic control boxes, remove stickers and posters from light poles, remove snow from the sidewalks at bus shelters and crosswalks. In addition, they will also keep the 34SP's streetscape improvements in good repair.

Both Herald and Greeley Squares are part of the daily coverage. A crew will clean, bag and collect material from the interior of the parks and the adjacent pedestrian walkways. In addition, our work force will also wipe down all park tables and chairs, wash the interiors of the parks and clean and maintains all statues and kiosks.

4. Visitor Services

As one of the city's most popular areas, our multi-lingual tourist greeters will give direction about where to go, what to see, and how to get there.

38

Visitors and New Yorkers alike are welcome to browse our well-stocked mobile information carts offering a large selection of tourist publications about New York City's cultural, entertainment, and historical attractions. They will also find maps to help them get around and guides to "what's where" in the District and NYC.

Our visitor information carts are conveniently located where the tourists are. Carts operate annually on the Amtrak level at Penn Station, and on the Observation Deck ticketing level of the Empire State Building. From late March to late November, our mobile information carts are at Greeley Square and near the Fifth Avenue entrance to the Empire State Building.

5. Retail Services

We have launched a restaurant recruitment program to provide information concerning available space for restaurant development and news about restaurants currently doing business in the District via our restaurant newsletter, *34th StreetEats*.

We will staff a booth at the annual store leasing event of the International Council of Shopping Centers at the New York Hilton, where we will distribute information related to restaurant leasing, including lists of available space, pedestrian counts, and our promotional material.

We maintain a current roster of all District restaurants, will organize district-wide restaurant dining festivals, and launch a special restaurant-oriented website, *34thStreetEats.com*, featuring promotional info about

39

dining in the district and offers, and a campaign of light pole banners to promote the restaurant website.

While focusing on restaurant development, our plan for our core retail services is as follows:

- Continue to reach out to existing and new District merchants to upgrade their storefronts, signs and building facades. Provide expert advice to stores in visual merchandising, customer service, marketing, promotion, store leasing, human resources, and loss prevention.
- Aggressively promote leasing opportunities in the District directly to retailers and to the brokers who represent them.
- Offer special informational reports for leasing promotion, including: bi-annual pedestrian counts; comparative rent information; an annual report of retailers in the district by use groups; and a revised District map showing stores, restaurants and attractions.

6. Public Events

Offer the residents, office workers, and visitors to the District with a wide array of activities, events, and programs, creating a neighborhood enriched by culture, fun, and relaxation.

40

Provide chairs and tables in Herald and Greeley Squares to make it a comfortable place to relax and eat, while enjoying events and interesting programs we will offer.

34SP maintains ongoing relationships with corporations, organizations, not-for-profits, and individuals who are essential partners in the ongoing maintenance of these vibrant parks. Through these relationships, a wide variety of activities take place in the District, ranging from the grand tradition of the Macy's Thanksgiving Day Parade to more intimate music performances with local music schools.

With events, activities, and other programming, the Partnership will continue to present activities and attractions for the thousands of people that use, shop, tour, and admire the District every day.

7. Horticulture

We will install and maintain trees, planters, and elevated baskets mounted on light poles, and will coordinate with the DOT and the NYC Dept of Parks and Recreation, the site selection and installation process.

Our planter program includes three seasonal displays. The planting scheme is determined six months in advance and meant to create repeating masses of color which define the District.

41

8. State of Good Repair: Maintenance

In addition to maintaining the streetscape improvements identified above in a state of safe and sound operating condition, 34SP will perform routine maintenance on the following projects or streetscape elements.

a. District Sidewalk Repair Program

This will be a program to engage property owners and managers in the District to repair hazardous or severely broken pavement flags (panels). The building owner / manager could elect to handle repairs themselves or allow 34SP to manage the work and bill them directly.

b. New Canopies for Information Kiosks

34SP will have new Plexiglas panels fabricated for our sidewalk information kiosks and will be installing them in several locations throughout the District in summer 2009.

c. Street Pole and Sign Post Maintenance

34SP will work closely with the NYC DOT to maintain its custom, award-winning parking regulation sign system in the District. Sign changes are ordered by officials at NYC DOT and then carried out by our contractors. In addition, we plan to maintain the molded ABS plastic sign frames and decorative poles at hundreds of locations throughout the District.

9. Holiday Decorations

We are constantly looking for new technologies to create better and more exciting holiday decorations and tested a new animated LED product in

Herald & Greeley Squares during the 2008 Christmas season. We have also made a design presentation to Macy's to create a more exciting facade decoration scheme for the Herald Square store.

11. Administration

The efforts of the 34th Street BID will be managed by a small central office staff, which will also incur general administrative costs such as rent, office expenses, clerical services, financial management, salaries, and expenses.

10. Administration

The 34th Street Partnership and Bryant Park Corporation share their administrative staff, but have different line staffs. Each BID has a divisional structure, with the main divisions being Security, Sanitation, Capital Projects, Retail Services and Accounting. The staff is managed identically at all levels.

11. Additional Services

Subject to any approvals and controls that may be required by any city agency having jurisdiction thereof, and in addition to the approval of the Board of Directors of 34SP, in subsequent years the District may provide such additional services as are permitted by law.

B. Implementation

It is anticipated that the 34SP will commence most Services during the first Amended Contract Year (hereinafter defined).

C. General Provisions

1. All Services shall be in addition to (and not in substitution for) required and customary municipal services provided by the City on a citywide basis. Benchmarks for existing City services will be developed and monitored by 34SP.

2. All Services need not be performed in every Contract Year.

3. The staff and/or subcontractors of 34SP may render such administrative services as are needed to support performance of the Services.

4. In the event that in any given Contract Year the sources of funding as hereinafter described do not, in the aggregate, produce revenues equal to the Total Annual Budget Amount (hereinafter described) for such Contract Year, 34SP may, subject to the Contract, (hereinafter defined), forego providing one or more or all Services in order to have revenues sufficient to pay debt service required in the budget (hereinafter defined) for the Contract Year.

B. Subcontracting of Services

The staff and/or subcontractors of the District Management Association may render such services as are needed to support performance of the Services. The Contract may authorize the performance of the Services. The Contract may authorize the District Management Association to retain the owner or tenant of a property within the District as a subcontractor of the Association for the supplying

of materials, or the performance of Supplemental Services, provided that the cost of such subcontract with such entity to supply such materials or perform such services would not exceed the amount reasonably estimated by the District Management Association to be incurred by the District Management Association if it were to provide such services or materials with District Management Association staff or other subcontractors, and further provided that in the case of Supplemental Services, the Association shall determine that such Services have been provided by such member for a period of not less than one year in a reasonably competent manner.

IV. Proposed Improvements

A. Financing of Capital Improvements

So that capital improvements can be provided within the next few years, as the District's service improvements are implemented, the District will finance the improvement. Options for this financing include a tax-exempt bond issue to be arranged with a City or State agency, a taxable loan from a bank, or possibly a private placement. The improvements to be financed are described below in the section on capital improvements.

B. Proposed Improvements

The improvements (the "Improvements") to be provided pursuant to this Plan may include, but shall not be limited to, the following, provided that any improvements that require review and approval by an appropriate City agency shall be submitted to that agency and to the affected community board(s) prior to undertaking any improvement.

1. Lighting

The entire 34th Street District suffers from inadequate pedestrian lighting and little illumination from stores, most of which have metal grates covering their windows. Large public spaces, like those surrounding Madison Square Garden, One Penn Plaza, and Herald and Greeley Squares, are uniformly darker than they should be. The 34th Street District will design and install lighting for attractive stanchions and surrounding roof-tops and set-backs that will improve this dangerous and unattractive situation.

2. Herald and Greeley Squares

The Parks Department has attractive plans to improve these parks in design development. The implementation for this design could well benefit from some assistance from the private sector, which could be provided through this BID. There are also improvements that would enliven the parks that might be supported by the District's capital funds, including visitor information kiosks at either one of the parks.

3. Sidewalk Treatment

At intersections, distinctive sidewalk treatment could provide for handicapped access, more visible crosswalks, and other improvements.

4. Graphics

Great improvements in the appearance of traffic and directional signs along the 34th Street corridor would be consistent with the improvements made by such new projects as A&S Plaza.

5. Street Furniture

Trash receptacles, seating, bus shelters, and other examples of street furniture can be given a distinctive look that suits the 34th Street area. The new furniture would do a service simply by upgrading some of the worn-out equipment now on the sidewalks.

6. Arcades

Old walk-throughs, like the one that goes from 34th to 33rd Street just north of the Penta Hotel, can be made more pedestrian-friendly to encourage the better uses that used to occupy shops along that arcade.

To the extent that these arcades, or their sidewalk entrances, are on private property, the owners' cooperation will be sought for an investment that improves the arcades.

7. Blank Walls

South of Madison Square Garden, along 31st Street, an Amtrak substation and other uses create a dark and forbidding street façade. Lighting and, perhaps, a façade improvement will improve the appearance of the south side of the Madison Square Garden area.

Other improvements to some of the public spaces surrounding the Garden and Penn Station would encourage entrants to the four corners of that large and important block.

C. Implementation

It is anticipated that the District Management Association (hereinafter defined) will commence most Services during the first year (hereinafter defined).

IV. Capital Improvements

Future improvements will likewise be funded by both surplus operating funds designated by the 34SP Board of Directors for capital projects and future tax exempt bond issues. Improvements that require review and approval by an appropriate City agency have been submitted to that agency prior to undertaking such improvement.

1. Improvements to Herald and Greeley Squares

Annually, we will continue to add amenities to the parks, including chairs, tables, umbrellas, litter receptacles and deliver a high level of horticultural improvements throughout the year.

2. Lightpoles

The 200 custom lightpoles in the District will be maintained by 34SP. Our services will include painting, repair, and replacement of non-working luminaires. Our goal is to have close to 100% of all lightpoles working everyday.

3. Litter Receptacles

We will care for the 200 40-gallon trash receptacles featured throughout the 34SP. If damaged, we will repair or replace the units.

4. Bike Racks

The 79 bike racks are very popular and the 34SP will guarantee that all of them are maintained and not damaged. With the increase in bicycle use continuing, we plan to add more racks in the future.

5. Benches

Our thirty-five Presidio-model benches, manufactured by Landscapeforms, are popular with visitors and local workers. Thus, any damages to benches will be quickly repaired and, if necessary, benches will be replaced. Adding more benches to the district is contemplated.

6. Newsbox Program

34SP maintains 35 modular newsracks throughout the district. The program requires the voluntary participation of nearly 40 publications, and 34SP works actively to invite non-participants into the system. As required by DOT, we handle all of the permitting and detailed record keeping of weekly maintenance at no cost to the publishers. The program reduces visual clutter by replacing hundreds of unsightly individual newsracks with units designed to complement our streetscape program.

The newsracks will be inspected and cleaned daily by 34SP staff. Maintenance requests for broken boxes and mechanisms are sent to our maintenance contractor specializing in newsracks, who will address the problems immediately. In addition, the contractor will do extensive internal and external cleaning of the boxes on a weekly basis, maintains all part inventories, and keep a detailed log of all work performed.

7. Hanging Baskets

Maintain 160 hanging baskets mounted on light poles throughout the District and provide a horticultural display in each basket, on a seasonal basis.

8. Planters

Maintain nearly 600 rotationally molded, polyethylene custom planters that are easy to clean and relate to the design of other 34SP streetscape items. They have a multi-matrix surface finish that hides scratches and are very lightweight when not filled with soil; they come in three different sizes and have the 34SP logo engraved on one side.

9. Tree Pits

Maintain custom-designed tree pits, including a granite-mounted fence enclosure; make repairs as needed.

10. Parking Signs

Designed and developed a custom support system for existing DOT parking regulatory signs and recently collaborated with DOT to re-design all the graphics for the parking signs.

11. Wayfinding Sign System

Provide maintenance to a wayfinding sign system with 20 units installed for pedestrians and drivers containing useful information about landmarks, transportation and other District sites.

50

12. Information Kiosks

To help with orientation in the District, designed, developed, fabricated and installed and maintain seven information kiosks, each with three information panels, an illuminated canopy, and an international information icon. The three panels display a map of midtown, a bulls-eye map with info about the immediate surrounding area where the unit is located, and a "things to see and do" panel. Plan to install three more sites in last quarter of 2009.

13. Illuminated Street Name Signs

Designed, developed, fabricated, installed and maintain a second generation of self-illuminated street name signs. The new design can be read from a block away, even at night.

14. Curb cuts

For corner intersections, maintain 200 pink granite curb-cuts with one graded pedestrian ramp.

15. Taxi Stands

Designed and developed a new taxi stand kiosk. Three units are maintained at Penn Station/Madison Square Garden.

51

The following are new capital projects under development for the District.

1. History Sign System

A sign system divided into three themes with historical information of sites in and around 34th Street. The 21 selected locations will give the pedestrian a quick and easy way to read and understand the history of the District. This project is now in a preliminary design stage and is starting to go through city approvals.

2. Horticultural Green Walls

In an effort to bring green walls to the District we've been contacting building owners to determine interest and location possibilities. Some 34SP Board members have expressed interest in participating in the program.

3. NYPD Cameras signs

We are working with the NYPD to upgrade the look and the quality of their signs used to inform the public of the area's security cameras. A prototype of the new sign has been developed and installed on Sixth Avenue, near 34th Street.

4. Subway Entrances

With three of the District's stations in the top six most heavily used stations, it makes sense to give our station entrances a special design treatment. A number of preliminary designs have been produced by staff. They feature a new fence enclosure treatment, a rooftop covering (to

52

protect entrance users from the elements as one enters or exits); a wayfinding component (to help with district orientation); and improved signs and lighting.

V. Collaboration with other Projects in the District

From time to time, 34SP coordinates and collaborates with other agencies, commercial / real estate entities, and other parties to advance projects within the District.

B. Implementation Schedule

The Improvements will be implemented on an as-needed basis, but insofar as a construction schedule with respect to the Improvements may be ascertained, it is anticipated that construction of the improvements will begin during fiscal year 1994 and be completed during fiscal year 1997.

C. General Provisions

1. All improvements shall be in addition to, and not in substitution for, required and customary municipal improvements provided by the City, on a city-wide basis.
2. The staff and/or subcontractors of the District Management Association may render such services as are needed to support construction of the improvements.

VI. [V. Proposed] Sources of Funding

A. Sources of Funding: Generally

The [proposed] sources of funding for all (i) Services, (ii) Improvements, (iii) debt service arising from indebtedness as permitted pursuant to paragraph D hereinbelow, and (iv) administrative costs necessary to support the program [contemplated under] detailed by this Plan, shall be the sources of funding described in paragraphs B through F (inclusive). Subject to requirements of law, [the District Management Association] 34SP may apply all monies derived from the sources of funding permitted herein toward funding any expenditure permitted under this Plan.

B. Sources of Funding: Assessments

[The District Management Association] 34SP may enter into the Contract (hereinafter defined) for the purpose of having the City levy and collect, and then disburse to 34SP assessments with respect to the Benefited Properties. Such assessments, as described herein below, shall be defined as "Assessments."

1. General: To defray the cost of Services and Improvements in the District as herein before described all real property in the District shall be assessed in proportion to the benefit such property receives from the Services and Improvements. Each property shall be assessed an amount, that when totaled together with amounts for other properties in the District shall yield an amount sufficient to meet the District's annual budget as determined by the 34SP.

2. Specific Formulae: The formulae for the Assessments are as follows:

The assessment per gross square foot is equal to a variable x. Such a variable is determined by use of the following formulae:

Formulae for Assessments

For the purposes of the following Formulae, the Per Square Foot Assessment equals the Annual BID [Budget] budget assessment divided by the following sum:

(gross building square footage of all properties in Class [A], B, [and C] + .60 x gross building square footage of all properties in Class C + .67 x gross building square footage of all properties in Class D + 1.39 x gross square footage of all properties in Class E [+ gross building square footage of all properties in Class F that have agreed to contribute funds to the BID x a fraction which shall represent the ratio that the contribution made by such property for each building square foot bears to the assessment to be imposed on each building square foot of a property in classes A, B, and C].)

Classes:

A. Industrial

Class A shall include all properties devoted primarily to the manufacturing of goods.
Formula: Gross building square footage on a given assessable property x Per Square Foot Assessment

B. Commercial

Class B shall include all properties devoted primarily to the provision of services, the administration of commercial activity, commonly referred to as office buildings.
Formula: Gross building square footage on a given assessable property x Per Square Foot Assessment
55

C. Residential

Class C shall include all properties devoted primarily to residential use.
Formula: .60 x Gross building square footage on a given assessable property x Per Square Foot Assessment

D. Single Purpose Retail

Class D shall include all properties with over 200,000 square feet of gross building area devoted primarily to the sale of merchandise to the general public, such as shopping malls and department stores.
Formula: .67 x Gross building square footage on a given assessable property x Per Square Foot Assessment

E. Vacant Land

Formula: 1.39 x Gross building square footage on a given assessable property x Per Square Foot Assessment

F. Exempt from real estate taxes

Exempt from assessment

The amounts, exclusive of debt service, levied in a given year against the Benefited Properties as Assessments may not exceed 20% of the total general City taxes levied in that year against the taxable real property in the District.

C. Sources of Funding: Donations

The [District Management Association] 34SP may and will accept grants and donations from private institutions, the City, other public entities or individuals, and other not-for-profit organizations.

D. Sources of Funding: Borrowing

1. Subject to subparagraphs 2 and 3 immediately hereinbelow, the [District Management Association] 34SP may borrow money from private lending institutions, the City, other public entities, or individuals, for the purpose of:
 - a) funding operations, or
 - b) financing the cost of Improvements.
2. Any loans which the [District Management Association] 34SP may enter into a borrower shall be subject to Section [VI] VII of this Plan.

E. Sources of Funding: Charges for User Rights

Subject to the approval and control of the appropriate City Agency, the 34SP may, in accordance with Section X of this Plan, impose charges as consideration for the sub-granting or sub-licensing of User Rights (hereinafter defined) as such charges and User Rights are described in Section X of the Plan.

F. Sources of Funding: Other

The [District Management Association] 34SP may derive revenues from any other source of funding not heretofore mentioned and permitted by law.

G. Constraints

The use of monies received by the [District Management Association] 34SP from the City or from any other public entity, whether in the form of a grant or as proceeds from a loan, shall be subject to (i) all statutory requirements applicable to the expenditure and

use of such monies, and (ii) any contractual requirements imposed by the City (whether pursuant to the Contract or otherwise) or by any other public entity, as the case may be.

H. Assignment of Funding

The [District Management Association] 34SP may assign revenues from the sources of funding described in paragraphs B, C, E, and F of this Section VI for the purpose of securing loans which the District Management Association enters into pursuant to paragraph D of this Section VI, provided such assignments are subject to the requirements of Section VII of this Plan.

VII. Proposed Expenditures: Annual Budgets

A. Total Annual Expenditures and Maximum Cost of Improvements

The total amount proposed to be expended by the [District Management Association] 34SP for improvements, maintenance, and operations for the first Contract Year is ~~[\$6,000,000]~~ \$10,268,000, of which \$9,291,500 is to be funded by Assessments (as defined) as more fully set forth in Subsection B of this Section [VI] VII. The total amount proposed to be expended for improvements, maintenance, and operations for any subsequent Contract Year shall not exceed [the lesser of (i) \$8,000,000 or (ii) the aggregate amount of all monies that the [District Management Association] 34SP may collect for the Contract Year in question from all funding sources permitted under Section [V] VI of this Plan. The maximum cost of [the] Improvements is ~~[\$30,000,000]~~ \$50,000,000.

B. Annual Budget

1. First Year Budget

It is estimated that the budget of proposed expenditures to be made during the first Amended Contract Year shall be as follows:

Services	
Security	\$ 1,400,000
Sanitation	1,500,000
Social Services	200,000
Visitor Services	200,000
Retail Improvements	200,000
Public Events	100,000
Taxi Stands	250,000
Administration	250,000
Parks Mgt. – (non-Sec. & San.)	150,000
Special Maintenance	50,000
Capital Projects – Design & Debt Service	1,700,000
TOTAL	\$ 6,000,000

Sanitation	\$2,510,000
Capital Projects - Design & Debt Service	2,166,000
Security	1,841,000
Administration	945,000
Horticulture	500,000
Capital Maintenance	457,000
Parks Management	446,000
Taxi Stands	284,000
Retail Improvement	270,000
Visitor Services	250,000
Special Maintenance	204,000
Marketing & Promotion	180,000
Design	155,000
Public Events	60,000
TOTAL	\$10,268,000

2. Subsequent Budgets

The [District Management Association] 34SP shall establish for each Contract Year after the first Amended Contract Year a proposed budget of revenues and expenditures. Each such proposed budget shall (with respect to the Contract Years to which they respectively apply): (i) reasonably itemize the purposes for which monies are proposed to be expended by the [District Management Association] 34SP; (ii) specify the amount, if any, proposed to be expended by the [District Management Association] 34SP for debt service; (iii) set forth the total proposed to be expended (the "Total Annual Budget Amount"); and (iv) set forth the revenues anticipated to be received for such year. A proposed budget, whether for the first Amended Contract Year or for a subsequent Contract Year, shall be referred to as a "Budget."

C. General Provisions

1. The 34SP shall make no expenditure of Assessment monies other than in accordance with and pursuant to: (i) a Budget for which a Total Annual Budget Amount has been approved with the City and the Directors of the 34SP; (ii) any provisions in the Contract providing for the satisfaction of outstanding obligations of the 34SP; or (iii) any provisions in the Contract provided in the Budget for, but expended in, a previous Contract Year.

2. The Total Annual Budget Amount shall not exceed the maximum total and annual amount which the 34SP may expend for the Contract Year in question pursuant to paragraph A of this Section VII.

3. The Total Annual Budget Amount shall not be less than the amount needed to satisfy the 34SP's debt service obligations for the Contract Year in question.

4. Subject to the 34SP's need to satisfy its debt service obligations for the Contract Year in question, the 34SP may revise the itemizations within any budget.

5. In the event that in any given Contract Year the sources of funding do not in the aggregate produce revenues equal to the Total Annual Budget Amount for such Contract Year, the 34SP may, subject to the Contract, forego some or all of the non-debt service expenditures as are provided for in the Budget in question in order to have revenues sufficient to pay the debt service provided for in such Budget.

6. In the event the 34SP needs to reallocate its non-debt service expenditures for the Contract Year in question, and provided further, that any debt service has been provided for, the 34SP may revise the itemizations within any Budget to accomplish such goal.

VIII. Benefited Properties

The providing of Services and Improvements shall benefit all properties within the District (the "Benefited Properties"). The Benefited Properties are described by the District Map (Exhibit A) and tax block and lots indicated in Exhibit 5 hereto.

IX. District Management Association

The District Management Association established for the 34th Street BID ["the District Management Association"], known as 34SP, [will be] is incorporated under Section 402 of the New York State Not-for-Profit Corporation Law. The [District Management Association] 34SP [will be] is organized for the purpose of executing the responsibilities

of a District Management Association as set forth in the Law. Furthermore, the [District Management Association] 34SP will carry out the activities prescribed in the Plan and will promote and support the District. The [District Management Association] 34SP [will be] is organized exclusively for charitable and educational purposes as specified in Section 501(c)(3) of the Internal Revenue Code of [1954] 1986, as amended. The [District Management Association] 34SP has four classes of voting membership and one class of non-voting membership. The voting classes are composed of (i) owners of record of real property located within the District, (ii) commercial tenants leasing space within the District, (iii) residential tenants leasing space within the District, and (iv) public representatives. The non-voting class shall include representatives from each community board in the District and may include others with an interest in the welfare of the District, including not-for-profit institutions that are exempt from assessment.

Each voting class elects members to the Board of Directors in the manner prescribed by the by-laws of the Corporation. The Board of Directors includes the representatives of owners of record of real property located within the District (which shall constitute a majority of the Board), the representatives of both commercial and residential tenants leasing space in buildings within the District, and one member appointed by each of the following public officials: the Mayor of the City; the Comptroller of the City; and the Borough President of Manhattan. The Board also will have a seat for the City Council member who represents the area.

X. User Rights

The [District Management Association] 34SP may undertake, or permit, commercial activities or other private uses of the streets or other parts of the

District in which the City has any real property interests ("the User Right(s)"); provided, however, that the User Rights to be so undertaken or permitted by the [District Management Association] 34SP shall have been: (i) set forth in this Plan or authorized for licensing or granting by the City to the [District Management Association] 34SP in a resolution adopted by the City Council, and (ii) licensed or granted to the [District Management Association] 34SP by the City pursuant to the Contract, and (iii) authorized by the appropriate City agency having jurisdiction thereof. Once so granted or licensed, the User Right(s) in question shall be undertaken or permitted by the [District Management Association] 34SP in such a manner as to conform to the requirements, if any, set forth in this Plan, or the aforesaid resolution and in the Contract with respect to User Right(s), and conform to the requirements authorized by the appropriate City agency having jurisdiction thereof. Such requirements may include but shall not be limited to: (i) requirements as to what consideration the [District Management Association] 34SP shall pay to the City for the grant and/or license in question; (ii) requirements as to whether and how the [District Management Association] 34SP may permit other persons to undertake the User Right(s) in question pursuant to a sub-grant or sub-license; (iii) requirements as to what charges the [District Management Association] 34SP may impose upon other persons as consideration for such sub-grant or sub-license; and (iv) requirements as to the general regulation of the User Right(s), by whomsoever undertaken.

B. Proposed User Rights

Subject to the approval and control of the appropriate City agency and/or subject to the requirements set forth in any contract, the [District Management Association] 34SP may undertake or permit the following User Rights, subject to the requirements set forth in the contract:

Newsstand Kiosks

The [District Management Association] 34SP proposes to dramatically upgrade the appearance and offerings of newsstands and street vendors on sidewalks within the District. Working with the City's Art Commission, the District plans to design and install attractive kiosks for vending.

To make this improvement possible the District must be able to derive revenue from the kiosks and control their design, appearance, and operations. The [District Management Association] 34SP will use the resulting revenues to pay off its investments in the kiosks, and for other neighborhood purposes.

XI. Regulations

The rules and regulations proposed for governing the operation of the District and the provision of Services and Improvements by the [District Management Association] 34SP (the "Regulations") are set forth hereinbelow.

A. The [District Management Association] 34SP shall obligate itself to provide the Services and Improvements in a contract into which both the

[District Management Association] 34SP and the City shall enter (collectively, the "Contract") for a specified term (each year of the Contract term to be defined as a Contract Year. The City shall, pursuant to the terms, conditions, and requirements of the Contract, levy and collect, and then disburse to the [District Management Association] 34SP, the Assessments.

B. The [District Management Association] 34SP shall comply with all terms, conditions, and requirements (i) elsewhere set forth in this Plan, and (ii) to be set forth in the Contract and in any other contracts into which both the [District Management Association] 34SP and the City may enter (the terms, conditions, and requirements referred to in clauses (i) and (ii) to be hereby incorporated by reference in the definition for "Regulations") and (iii) shall comply with all the times, conditions, and requirements of the appropriate City agency that is required to give its approval.

C. The [District Management Association] 34SP shall let any subcontracts that it intends to enter into in connection with providing the Services, in accordance with procedures set forth in the Contract.

XI. Glossary of Terms

<u>Term</u>	<u>Section location of definition</u>
Assessments	V (B)
Benefitted Properties	VII
Budget	VI (B)
City	I
Contract	X
Contract Fiscal Year	X (A)
District	I
District Management Association	VIII
District Map	I
Improvements	IV
Plan	I
Regulations	X
Services	III
Total Annual Budget Amount	VII (B) (2)
User Rights	IX

XII. List of Exhibits

- A. Map of Proposed Boundaries of 34th Street District Management Association
- B. Resolution by Board of Estimate
- C. Land Use Map
- D. List of Benefitted Properties

A. Resolution by Board of Estimate

Thursday, June 21, 1990 586

The above-noted item is to utilize the "Form Contract" approved by the Board of Estimate at its meeting of May 10, 1990 (Cal. No. 220), for use between OBD and not-for-profit corporations.

This contract will be funded with Community Development Block Grant monies or tax levy dollars or both, as provided therein.
Resolution for adoption.

No. 596

R-3221

COMMUNICATION dated June 13, 1990, from the Acting Commissioner, Office of Business Development, transmitting resolution, pursuant to Section 25-406(a) of the Administrative Code of the City of New York, which provides for the preparation of a district plan for a potential business improvement district located in the midtown area of the Borough of Manhattan. The proposed name of this potential business improvement district is the "34th Street Business Improvement District."

The proposed business improvement district will be bounded approximately by: 35th Street east to Lexington Avenue; Lexington Avenue south to 31st Street; 31st Street west to 10th Avenue; and 10th Avenue north to 35th Street.

The resolution designates the Office of Business Development to supervise the preparation of the district plan for the area identified above.
Resolution for adoption.

No. 597

R-9100

COMMUNICATION dated June 13, 1990, from the Acting Commissioner, Office of Business Development, transmitting in accordance with Section 343(a) of the Charter, resolution which authorizes the New York City Office of Business Development to enter into a contract with the Grand Street District Management Association, Inc. (the "Association") for the purpose of providing supplemental services to the Grand Street Business Improvement District (the "District") in the Borough of Brooklyn for a term commencing July 1, 1990 and ending June 30, 1995. The services are funded out of proceeds derived from the Grand Street Special Assessment Levy under consideration by the Board of Estimate.
Resolution for adoption.

596, 597

Properties in the 34th Street Partnership, including Block & Lot Numbers

EXHIBIT B

Class A - Industrial
B - Commercial
C - Residential
D - Retail
E - Vacant
F - Exempt

Block	Lot	Property information	Building Name	Class
729	1	450 West 33rd Street	Weslyard Building	B
729	15	437 West 31st Street	Weslyard Building	B
729	50	401 West 31st Street AKA 371 9th Avenue		B
729	60	401-409 Ninth Ave. & 400-422/440-44 West 33rd St.	(Edison Parking Lot)	E
729	163	424 West 33rd Street		B
731	1	460 W. 34th & 406 10th Ave	Master Painter's Building	B
732	36	441 Ninth Avenue	19 Penn Plaza	B
754	44	415 - 419 Eighth Avenue & 300-312 West 31st Street	Vacant Land	B
754	51	320 West 31st Street		B
754	63	340 West 31st Street		B
754	68	350 West 31st Street		B
754	78	360 West 31st Street	21 Penn Plaza	B
755	40	455 Eighth Avenue	Moynihan Station	F
757	1	422 Ninth Avenue		B&C
757	17	325 - 327 West 33rd Street	(formerly Glad Tidings)	B
757	20	321 West 33rd Street (Olivia's Empty Lot)		E
757	22	304 - 328 West 34th St AKA 305 - 319 West 33rd Street	The Olivia	B&C
757	31	461 Eighth Avenue	5 Penn Plaza	B
757	54	330 West 34th Street		B
757	66	356 - 360 West 34th Street	Sloane House	B&C
758	1	432 Ninth Avenue AKA 371 West 34th Street		B
758	5	365 - 367 West 34th Street		B
758	7	361 West 34th Street (Property Address is 355 W 34th)		B
758	14	347 West 34th Street		F
758	16	333 West 34th Street AKA 350 West 35th Street		B
758	25	323-331 West 34th Street		B
758	28	311 West 34th Street	Manhattan Center	B
758	37	481 Eighth Ave.	Hotel New Yorker	B
758	82	440-448 Ninth Ave / 370 West 35th Street		B
759	37	505 Eighth Avenue	Hoover Building	B
780	19	225 - 37 West 30th Street / 218 - 30 West 31st Street		B
780	36	370 Seventh Avenue	7 Penn Plaza	B
780	45	210 West 31st Street & 204-214 West 31st Street		F
780	60	232 West 31st Street	Amtrak	E
780	70	252 West 31st Street		B
780	71	254 West 31st Street		B
780	73	416 Eighth Avenue, AKA 256 W 31st Street		F
781	1	4 Penn Plaza	Madison Square Garden	F
781	2	2 Penn Plaza	2 Penn Plaza	B
783	1	462 Eighth Avenue & 462-474 Eighth Avenue		B
783	34	200 West 34th Street & 420-440 Seventh Avenue		B
783	70	250 34th Street	1 Penn Plaza	B
784	1	480 - 484 Eighth Avenue		B
784	4	486 Eighth Avenue		B
784	5	488 Eighth Avenue		B
784	6	267 West 34th Street		B
784	7	265 West 34th Street		B
784	8	261 West 34th Street		B
784	10	259 West 34th Street		B&C
784	11	257 West 34th Street		B
784	12	255 West 34th Street		B
784	13	253 West 34th Street		B

784	14	251 West 34th Street		B
784	15	249 West 34th Street		B
784	16	247 West 34th Street		B
784	17	245 West 34th Street		B
784	18	243 West 34th Street		B
784	19	225 West 34th Street AKA 14 Penn Plaza	Pennsylvania Building	B
784	28	223 West 34th Street		B
784	29	221 West 34th		B
784	33	213 West 34th Street		B
784	34	211 West 34th Street		B
784	39	442 Seventh Avenue AKA 201 West 34th Street		B
784	41	450 & 446-456 Seventh Avenue AKA Nelson Tower	Nelson Tower	B
784	47	458 Seventh Avenue		B
784	48	460 Seventh Avenue		B
784	60	224 West 35th Street		B
784	77	494 Eighth Avenue		B
784	80	490 Eighth Avenue		B
785	1	500 Eighth Avenue	NY Trade Show Building	B
785	37	462 & 470 Seventh Avenue & 201-211 West 35th St.		B
807	1	393 Seventh Avenue	11 Penn Plaza	B

807	17	143 West 31st Street	Church of St. Francis of Assisi	F
807	18	139 West 31st Street	Church of St. Francis of Assisi	F
807	22	133 West 31st Street	Church of St. Francis of Assisi	F
807	24	129 West 31st Street	Holy Name Providence Provincial Office	F
807	26	125 West 31st Street	The Epic	B,C&F
807	28	116-120 West 32nd Street AKA 119-123 West 31st St		B
807	34	109 - 11 West 31st Street		B&C
807	39	875 Sixth Avenue & 101-107 West 31st Street		B
807	43	100-106 West 32nd Street AKA 883-85 6th Avenue		B
807	48	106 - 108 W 32nd Street		B
807	50	110 - 114 West 32nd aka 113-117 West 31st Street		B
807	62	138 West 32nd Street		B
807	64	142 West 32nd Street		B
807	65	144 West 32nd Street	Holy Name Providence Provincial Office	F
808	40	1275 Broadway & 100 W. 33rd St	Manhattan Mall & The Childrenwear Center	B&C
808	1001-2	15 Penn Plaza & 401 7th Ave	Hotel Pennsylvania	B
809	1	421 Seventh Ave. & 157-163 W 33rd	AKA Sports Plaza	B
809	3	425 - 427 Seventh Avenue		B
809	4	427 Seventh Avenue		B
809	5	429 Seventh Avenue		B
809	8	155-157 West 33rd Street		B
809	16	139 West 33rd Street		B
809	17	137 West 33rd Street		B
809	18	131 West 33rd Street (127-135 W 33rd St)	Childrenswear Showroom Building	B
809	45	1293-1311 & 1303 Broadway	Herald Center	D
809	49	110 West 34th Street		B
809	53	112-122 West 34th Street		B
809	59	124 West 34th Street		B
809	60	126 West 34th Street		B
809	61	128 West 34th Street		B
809	62	130-32 West 34th Street		B
809	64	134 West 34th Street		B
809	65	136 West 34th Street		B
809	66	138 West 34th Street		B
809	67	140 West 34th Street		B
809	68	142 West 34th Street		B
809	69	150 West 34th (141 - 53 West 33rd Street / 144 -150 West 34th Str)	Old Navy	B
809	73	152-154 West 34th Street		B
809	75	160 West 34th Street		B
809	79	439 Seventh Avenue		B
809	80	156 - 160 West 34th Street / 433 - 437 Seventh Avenue		B
809	82	431 Seventh Avenue		B
810	40	1313 - 1315 Broadway		B
810	45	West 35th Street	Herald Square Park	E
810	78	461 Seventh Avenue		B
810	1,12,50	151 West 34th Street AKA 441-459 Seventh Ave	Macy's	D
811	1	463 - 467 Seventh Avenue		B
811	9	155 West 35th Street		B
811	21	1333 Broadway		B
811	31	1350 Broadway & 977 6th Ave.	Herald Sq. Bldg.	B
811	68	469 Seventh Ave. & 158-166 W 36	Textile Center	B
833	11	1250 Broadway		B
833	78	1271 Broadway		B
834	1	West 32nd Street btwn Broadway and 6th Avenue	Greeley Park	E
834	11	1260 Broadway & 49 W 32nd St.	Hotel Martiniqne	B
834	21	37 West 32nd Street		B
834	22	34 West 33rd Street & 29-35 West 32nd Street		B
834	39	320 Fifth Avenue		B
834	48	330 Fifth Ave. & 2 W 33rd St. AKA Fifth Ave. Astor		B
834	49	10 West 33rd Street		B
834	57	18 - 28 West 33rd Street		B



34th Street Partnership
District Map
Exhibit C

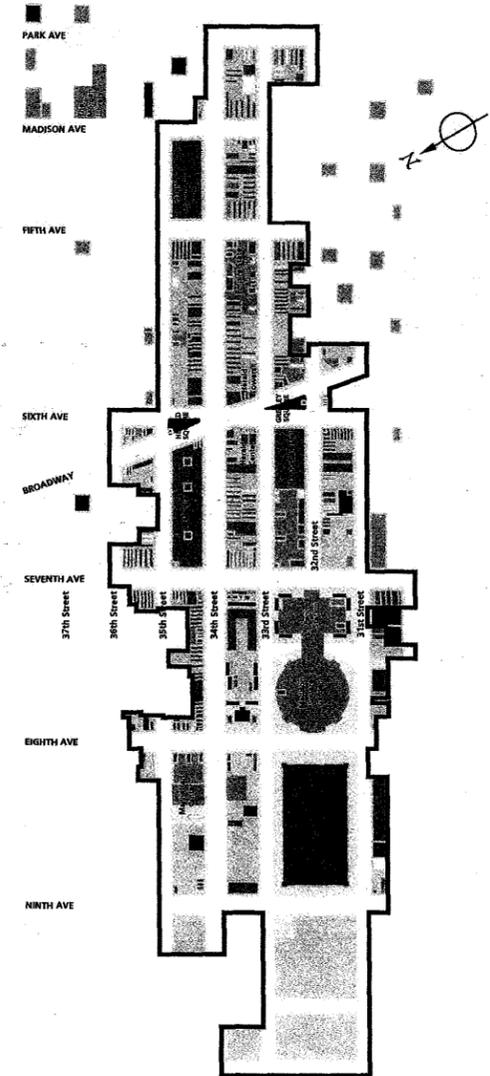


EXHIBIT D

834	66	36 West 33rd		B
834	69	38 - 46 West 33rd Street		B
834	72	48 West 33rd Street		B
834	73	50 West 33rd Street		C
834	80	1270 Broadway		B
835	1	1282 - 1300 Broadway AKA 50 34th Street	Herald Towers	B&C
835	9	49 - 51 West 33rd Street		B
835	11	43-47 West 33rd Street		B
835	15	35 - 39 West 33rd Street	The Magellan	C
835	41	350 Fifth Avenue	Empire State Building	B
835	56	22 - 30 West 34th Street aka 33 West 33rd Street		B
835	61	32 - 34 West 34th Street		B
835	63	36 West 34th Street		B
835	64	38 West 34th Street	Footsaver Building	B
835	65	40 West 34th Street		B
835	67	44 West 34th Street		B
836	1	1302 - 1328 Broadway	Marbridge Building / 2 Herald Square	B
836	7	43 - 45 West 34th Street aka 62 - 64 West 35th Street		B
836	9	41 West 34th Street		B
836	10	31 - 39 West 34th Street aka 60 West 35th Street		B
836	15	29 West 34th Street		B
836	16	25-27 West 34th Street		B
836	18	21-23 West 34th Street		B
836	20	17 - 19 West 34th Street aka 26 - 32 West 35th Street		B
836	23	15 West 34th Street		B
836	25	11 West 34th Street		B
836	26	7 West 34th Street		B
836	33	1 West 34th Street		B
836	35	358 Fifth Avenue aka 352-364 Fifth Avenue		B
836	43	368 Fifth Avenue		B
836	62	34 West 35th Street		B
836	64	36 West 35th Street		B&C
836	65	40 - 44 West 35th Street		B
836	83	1330 Broadway AKA 76 West 35th St		B
862	29	2 Park Avenue		B
863	1	335-339 & 337 Fifth Avenue		B
863	4	347 Fifth Avenue		B
863	6	1 East 33rd Street		B
863	13	16 East 34th Street aka 15 - 19 East 33rd Street		B
863	17	21 East 33rd Street	Demolished	B
863	18	172 - 74 Madison Avenue & 23 East 33rd Street	Demolished	B
863	21	176 Madison Avenue	Demolished	B
863	24	171-175 Madison Avenue AKA 169 - 173 Madison		B
863	27	171-175 Madison Avenue AKA 169 - 173 Madison		B
863	29	33 East 33rd Street		B
863	35	45 East 33rd Street	Sold and will be torn down	B
863	44	4 Park Avenue & 68 East 34th Street		C
863	48	64 East 34th Street		B&C
863	50	60 East 34th Street		B&C
863	51	58 East 34th Street		B&C
863	52	56 East 34th Street		B&C
863	53	48 - 52 East 34th Street		E
863	60	183 Madison Avenue & 40-46 East 34th Street	Belmont Central Bldg	B
863	62	179 Madison Avenue		B&C
863	63	177 Madison Avenue		B&C
863	67	180 Madison Avenue & 24-30 East 34th Street		B
863	74	14 East 34th Street		B
863	75	10 East 34th Street		B
863	80	4 East 34th Street		B
863	81	349 Fifth Avenue		B
864	1	361 Fifth Avenue aka 188 Madison Avenue	B. Altman building	B
864	25	185 Madison Avenue	Cameron Building	B

Major Commercial Tenants					
	Name	Address	Employees	Sq. Ft.	Type
1	McGraw Hill Companies	Two Penn Plaza	2,000	469,418	Book Publishing
2	New York Gift Mart	7 West 34 th Street		453,088	Gift, Novelty
3	Macy's Merchandising Group	11 Penn Plaza	1,200	417,009	Retailer
4	Visiting Nurse Service	1250 Broadway & 5 Penn Plaza*	700	393,833	Home Health Care
5	New York Daily News	450 West 33 rd Street	500	312,500	Newspaper
6	Bank of America	100 West 33 rd Street	450	305,722	Financial Institution
7	Draft FCB	100 West 33 rd Street	200	273,822	Advertising Agency
8	The Associated Press	450 West 33 rd Street	850	252,067	News Syndicates
9	New York & Company	450 West 33 rd Street	300	227,083	Retailer/Wholesaler
10	Rainbow Media Holdings	11 Penn Plaza*	200	209,983	Cable Company
11	Coty US LLC	Two Park Ave & 350 Fifth Ave*	225	195,912	Toilet Preparations
12	Herrick, Feinstein LLP	Two Park Avenue	250	182,826	Law Firm
13	PB Americas, Inc.	One Penn Plaza	650	175,998	Engineering Services
14	The Segal Company	333 West 34 th Street	300	161,810	Financial Institution
15	Milberg Weiss	One Penn Plaza	200	150,119	Law Firm
16	Coach, Inc.	450 West 33 rd Street	250	134,910	Luggage Retailer & Mfg.
17	The Hartford Financial Service	Two Park Avenue	300	125,937	Insurance
18	United Healthcare	One Penn Plaza	300	123,922	Medical
19	Thirteen/WNET New York	450 West 33 rd Street	700	119,193	TV Broadcasting Station
20	St. Vincent's Hospital Manh.	450 West 33 rd Street	300	114,918	Medical
21	MetLife	One Penn Plaza	200	104,506	Insurance
22	Aeropostale	112 West 34 th Street	126	91,889	Apparel And Accessory
23	Duane Reade	440 Ninth Avenue	200	91,740	Drug Store
24	Medical Liability Mutual Ins.	Two Park Avenue	150	89,433	Insurance
25	Props for Today	330 West 34 th Street	50	88,709	Theatrical Props
26	Time, Inc.	2 Park Avenue	175	88,404	Periodicals
27	Planned Parenthood	424-438 West 33 rd Street	200	86,727	Social Service
28	Thomas Publishing	Five Penn Plaza	100	85,921	Publishing
29	American Trans Ins. Co.	330 West 34 th Street	350	85,684	Insurance
30	EMC	Two Penn Plaza	350	79,995	Information Technology
31	Everest Broadband Networks	1 Penn Plaza	78,314	78,314	Broadband Provider
32	Foot Locker, Inc.	112-120 West 34 th Street	300	75,549	Retailer/Wholesalers
33	Young Adult Institute	460 West 34 th Street	500	71,000	Social Services
34	HQ Global Workplaces, Inc.	One Penn Plaza	6	66,314	Real Estate
35	Cisco System	One Penn Plaza	200	65,897	Computer System Design
36	Worldwide Dreams LLC	350 Fifth Avenue	250	61,062	Apparel and Accessory
37	International Protection	481 Eighth Avenue	300	60,000	Elec Parts & Equip Retailers
38	Hewlett-Packard Company	Two Penn Plaza	300	58,449	Computer Related Service
39	Kids Headquarters	60 West 35 th Street	550	56,000	Men's & Boy's Clothing Mfg
40	Tetra-Tech	Two Penn Plaza	200	56,000	Engineering Services
41	HQ Global Workplaces, LLC	5 Penn Plaza		55,754	Real Estate
42	Sirius Satellite	Five Penn Plaza	700	55,754	Satellite Radio
43	Forest Electric	Two Penn Plaza	40	54,570	Electrical & Other Service
44	Pitney Bowes	11 Penn Plaza	125	53,454	Office Machines
45	National Health Plan	11 Penn Plaza	20	51,321	Insurance
46	Aruba Wireless	11 Penn Plaza		51,321	
47	Bank of New York	Five Penn Plaza		51,224	Financial Institution
48	Garan, Inc.	350 Fifth Avenue	100	50,000	Apparel & Accessories
49	Partners in Care	1250 Broadway	200	48,000	Nurse Registry
50	The Clearing House	450 West 33 rd Street	90	47,944	Financial Institution

*Sq. ft. total is from 2 locations

EXHIBIT D Pg 2

34 th Street Partnership's District's Top Schools & Government Commercial Tenants by Square Feet				
The King's College	350 & 339 Fifth Ave.		61,800	Colleges & Universities
Mercy College	Two Herald Square		55,000	Colleges & Universities
Cornell U. School of Industry & Labor	16 East 34 th Street	65	51,927	Colleges & Universities
Human Resources Adm., City of NY	330 West 34 th Street	1200	302,408	City of NY
Financial Info Service Agency	450 West 33 rd Street	300	174,529	City of NY Tech Service
Board of Elections, City of NY	450 West 33 rd Street		138,505	Mostly Used for Storage
US Customs	One Penn Plaza	330	111,026	

May 2009

Exhibit E

34th Street Partnership
Land Use Map

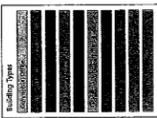


EXHIBIT F
BOARD OF DIRECTORS
34th Street Partnership

Class A

Daniel A. Biederman President

Richard J. Brickell

Jonathan M. Brundige

Michael Close

Randy Czyzewski

Mike Decataldo

Hal Fetner

Joel G. Fisher

OFM Father R. Patrick Fitzgerald

Larry Frenkel

J. Ben Gainey

Bruce D. Gittlin Chairman

David R. Greenbaum

Stephen D. Haymes

Joseph Jerome

Steven J. Kaufman

Dr. William Kelly

Peter Levenson

Peter L. Malkin, Esq.

Robert McClary

Thomas Nemeth Treasurer

Property Owners

34th Street Partnership, Inc.
500 Fifth Avenue, Suite 1120
New York, NY 10110
Phone: 212-719-3434

Joseph P. Day Realty
9 East 40th Street, Suite 800
New York, NY 10016
Phone: 212-736-4536

Broadway Partners
375 Park Avenue, 29th Floor
New York, New York 10152
Phone: 212-810-4910

Balmer Park LLC
445 Park Avenue
New York, NY 10022
Phone: 212-486-8500

Macy's East
151 West 34th Street, Room 900
New York, NY 10001
Phone: 212-494-5293

AMTRAK
400 West 31st Street
New York, NY 10001
Phone: 212-630-7529

Sidney Fetner Associates
245 East 87th Street
New York, NY 10128
Phone: 212-427-9700.

Madison Square Garden
2 Penn Plaza, 14th Floor
New York, NY 10121
Phone: 212-465-6260

St. Francis of Assisi Church
135 West 31st Street
New York, NY 10001
Phone: 212-736-8500

Tower 111, LLC - Atlantic Realty Development Corp.
90 Woodbridge Center
Woodbridge, NJ 07095
Phone: 732-750-1111

1

Jamestown Properties
3625 Cumberland Blvd.
Atlanta, GA 30339
Phone: 770-805-1000

GHG Realty Company, LLC
360 West 31st Street, Suite 1000
New York, NY 10001
Phone: 212-244-4646

Vornado Realty Trust
888 7th Avenue
New York, NY 10019
Phone: 212-894-7000

Haymes Investment Company
5 Penn Plaza, 16th Floor
New York, NY 10001
Phone: 212-279-2500

JEMB Realty Corporation
150 Broadway, Room 800
New York, NY 10038
Phone: 212-608-5100

Kaufman Management Company, LLC
450 Seventh Avenue, 46th Floor
New York, NY 10123
Phone: 212-563-6252

CUNY Graduate Center
365 Fifth Avenue, Pres. Office, Room 8201
New York, NY 10016
Phone: 212-817-7100

The Kibel Companies LLC
300 East 34th Street
New York, NY 10016
Phone: 212-481-5700

Wien & Malkin
60 East 42nd Street, 48th Floor
New York, NY 10165
Phone: 212-850-2650

L&L Holding Company, LLC
142 West 57th Street
New York, NY 10019
Phone: 212-920-3366

Group Health, Inc.
441 Ninth Avenue, 1st Floor
New York, NY 10001
Phone: 212-615-0230

2

Andrew Ratner
The Feil Organization
7 Penn Plaza, Suite 618, 377 Seventh Avenue
New York, NY 10001
Phone: 212-947-7800

Gaston Silva
Vornado Realty Trust
888 7th Avenue, 44th Floor
New York, NY 10019
Phone: 212-894-7414

Kevin H. Smith
New Yorker Hotel
481 Eighth Avenue
New York, NY 10001
Phone: 212-244-0719

Ira Steinberg
Jack's 99¢ Store (LJF Realty)
110 W. 32nd Street
New York, NY 10001
Phone: 212-268-9962

Jeff Sutton
Wharton Realty Group / 15 West 34th Street LLC
20 East 46th Street, Suite 1200
New York, NY 10017
Phone: 212-573-6464

W. James Tozer, Jr.
Vectra Management Group
65 East 55th Street, 31st Floor
New York, NY 10022
Phone: 212-826-0858

Kenneth Walsh
Adams & Company Real Estate LLC
441 Fifth Avenue
New York, NY 10022
Phone: 212-679-5520

Ofer Yardeni
Stonehenge Partners, Inc.
235 West 48th Street
New York, NY 10036
Phone: 212-750-0707

Class B

Jose E. Andrade
Secretary

Dr. William Baker
Secretary

Bruce R. Bent

Commercial Tenants

Thomas Publishing Company
5 Penn Plaza, 15th Floor
New York, NY 10001
Phone: 212-290-7270

Thirteen * WNET
450 West 33rd Street
New York, NY 10001
Phone: 212-560-2013

The Reserve Funds
1250 Broadway, 32nd Floor
New York, NY 10001
Phone: 212-401-5555

Jon Bloostein
Heartland Brewery
35 Union Square West
New York, NY 10003
Phone: 212-645-3400

Julian F. Bozeman
Bank of America
100 West 33rd Street
New York, NY 10001
Phone: 646-733-3636

Tom Curley
Associated Press
450 West 33rd Street
New York, NY 10001
Phone: 212-621-1500

Peter DeNunzio
Draft FCB Group
100 West 33rd Street, 5th Floor
New York, NY 10001
Phone: 212-885-3000

Peter D. Fitzpatrick
Allied Management Ltd.
232 West 48th Street
New York, NY 10036
Phone: 212-956-0104

Herschel Jacobowitz
B&H Photo-Video-Pro Audio
420 Ninth Avenue
New York, NY 10001
Phone: 212-239-7500

Michael Jones
Parsons Brinckerhoff
1 Penn Plaza, 3rd Floor
New York, NY 10119
Phone: 212-465-5524

Mark Kramer
New York Daily News
450 West 33rd Street, 3rd Floor
New York, NY 10001
Phone: 212-210-2134

Martin Whelan
Stout NYC
133 West 33rd Street
New York, NY 10001
Phone: 212-629-6191

Class C

James Fritzy
Residential Tenants

424 West 33rd Street Association, LLC
424 West 33rd Street Association, LLC
New York, NY 10001
Phone: 212-244-6363

Class D

Office of the Mayor

Office of the Comptroller

Office of the Borough President

City Council Member

Government Officials

Honorable Michael Bloomberg, Mayor
City of New York
City Hall
New York, NY 10007
Phone: 212-788-3000

William Thompson, Comptroller
City of New York
1 Center Street
New York, NY 10007
Phone: 212-669-2546

Scott Stringer
Manhattan Borough President
1 Centre Street, 19th Floor South
New York, NY 10007
Phone: 212-669-8300

Christine Quinn, Speaker
Council of the City of New York
265 West 40th Street, Suite 803
New York, NY 10018
Phone: 212-768-4344

Class E

Helena E. Williams

Robin Stout

Richard R. Sarles

Manhattan Community Board #4

Manhattan Community Board #5

Manhattan Community Board #6

Non-Voting Directors

Long Island Rail Road
Jamaica Station Building
Jamaica, NJ
Phone: 718-558-8252

Moynihan Station Development Corp.
633 Third Avenue, 36th Floor
New York, NY 10017
Phone: 212-803-3660

New Jersey Transit
One Penn Plaza East, New Jersey Transit Headquarter
Newark, NJ 07105-2246
Phone: 973-491-7131

Jean Daniel Nolan, Chair
330 West 42nd Street, Suite 2618
New York, NY 10036
Phone: 212-212-736-4536

David Sjesko, Chair
450 Seventh Avenue
New York, NY 10123
Phone: 212-465-0907

Lyle Frank, Chair
866 United Nations Plaza, Suite 308
New York, NY 10017
Phone: 212-319-3750

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, DARLENE MEALY, JULISSA FERRERAS, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, August 25, 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 Finance and had been favorably reported for adoption.

Report for Res. No. 421

Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in Fiscal 2011 Expense Budget.

The Committee on Finance, to which the annexed resolution was referred on August 25, 2010, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

Analysis. This Resolution, dated August 25, 2010, amends the description for the Description/Scope of Services for the Friends of Frederick E. Samuel Foundation, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the

Fiscal 2011 Expense Budget read: “To provide Crime Prevention in School Program by providing and assisting school age at risk youth with after school recreational and educational activities.” This Resolution now changes the Description/Scope of Services to read: “To provide basketball tryouts and tournaments for Girls’ Slam Jam.”

Also, this Resolution amends the description for the Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget read: “Member Initiative funding is being requested in order to sustain the museum’s existing education programs El Museo in the Classroom/Classroom Connections for youth and allow El Museo to expand its programs to serve additional schools and community centers in the 3rd Council District. This Resolution now changes the Description/Scope of Services to read: “The grant would support Youth Communication’s journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in Council District 3. They distribute our publications throughout the city, including many schools, after-school programs and other organizations in Council District 3.”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Enact, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services for Enact, Inc., listed in the Fiscal 2011 Expense Budget read: “Six days of creative drama workshops after-school based upon needs at Repertory Company High School. The ENACT Social and Emotional Skill Building Program will teach 3 workshops each day by two highly trained ENACT Teaching Artists and culminate in a community auditorium performance that will portray the real obstacles that students face in school and in the community. Target Population: public school students and their families. Geographic area: City Council District 3. Program will operate for 2 months of the year from 9am-5pm.” This Resolution now changes the Description/Scope of Services to read: “Three days of creative drama workshops after-school based upon needs at Repertory Company High School. The ENACT Social and Emotional Skill Building Program will teach three workshops by two highly trained ENACT Teaching Artists. The after-school program will culminate in a performance that will portray the real obstacles that students face in school and in the community. The target population will include public school students and their families. The geographic area served will be Council District 3. The program will operate for 2 months of the year from 9am-5pm.”

Moreover, this Resolution amends the description for the Description/Scope of Services for the New York State Tenants and Neighbors Information Service, Inc., an organization receiving local discretionary funding in the amount of \$7,000 within the budget of the Department of Housing Preservation and Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget read: “Support work that focus on helping low and moderate income tenants to preserve at-risk affordable housing.” This Resolution now changes the Description/Scope of Services to read: “To provide support at Tivoli Towers with work that focuses on helping low and moderate income tenants to preserve at-risk affordable housing.”

Further, this Resolution amends the description for the Description/Scope of Services for the Immigrant Opportunity Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$4,500,000 to be dispersed in various amounts to numerous program providers. The Description/Scope of Services for such Initiative listed in the Fiscal 2011 Expense Budget read: “This is a partial restoration of funding to help immigrant adults gain access to information and resources and to strengthen their participation in the democratic process. Specifically, this initiative provides funding for English for Speakers of Other Languages (ESOL) classes, legal services for recent immigrants to assist with applications for citizenship or permanent residency, and legal services that focus specifically on wage and hour disputes and other workplace issues.” This Resolution now changes the Description/Scope of Services to read: “This is a partial restoration of funding to help immigrant adults gain access to information and resources and to strengthen their participation in the democratic process. Specifically, this initiative provides funding for English for Speakers of Other Languages (ESOL) classes, legal services for recent immigrants to assist with applications for citizenship or permanent residency, and legal services that focus specifically on wage and hour disputes and other workplace issues. *For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development’s existing immigrant services contracts.*”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Adult Literacy Services Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$1,500,000 to be dispersed in various amount to numerous program providers. The

Description/Scope of Services for such Initiative listed in the Fiscal 2011 Expense Budget read: “This funding creates additional basic literacy, ESOL and GED classes for adults who cannot read, write and speak English, along with support services such as counseling and case management.” This Resolution now changes the Description/Scope of Services to read: “This funding creates additional basic literacy, ESOL and GED classes for adults who cannot read, write and speak English, along with support services such as counseling and case management. *For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development’s existing Adult Literacy contracts.*”

Also, this Resolution amends the description for the Description/Scope of Services for the Adult Literacy Services PEG Restoration, an allocation to restore \$3.5 million to programs in the Adult Literacy Services Initiative within the Department of Youth and Community Development. The Description/Scope of Services for such PEG Restoration listed in the Fiscal 2011 Expense Budget read: “This allocation represents a PEG restoration of \$3,500,000 to programs to

achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development’s existing Adult Literacy contracts.” This Resolution now changes the Description/Scope of Services to read: “This allocation represents a PEG restoration of \$3.5 million to programs to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development’s existing Adult Literacy contracts. *For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development’s existing Adult Literacy contracts.*”

Additionally, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. This Resolution also approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2, attached hereto as Exhibit B; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3, attached hereto as Exhibit C; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-8 attached hereto as reflected in Exhibits D-H sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain local discretionary funding in the Fiscal 2010 Expense Budget, as set forth in Chart 9 as reflected in Exhibit I.

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010, or the

Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009; name of the organization; organization’s Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 4 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$4,500,000 million in the aggregate, pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 5 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$1,200,000 in the aggregate, pursuant to the Injection Drug Users Health Alliance Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 6 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$3,000,000 in the aggregate, pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of a certain organization receiving funding in the amount of \$42,364 pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2011 Expense Budget. Chart 7 indicates an EIN correction. The correct EIN for the Jewish Community Center of Staten Island, Inc. is 13-5562256.

Chart 8 sets forth the new designation and changes in the designation of a certain organization receiving funding in the amount of \$40,000 pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2011 Expense Budget. Chart 7 indicates a name correction. The correct name of the organization with EIN 23-740640 is the SBH Community Service Network, Inc. (Sephardic Bikur Cholim).

Chart 9 sets forth the new designation and changes in the designation of a certain organization receiving local discretionary funding in the amount of \$10,000 in accordance with the Fiscal 2010 Expense Budget. Chart 9 indicates an EIN correction. The correct EIN for the Horeb French Seventh Day Adventist Church, Inc. is 11-3295780.

It should be noted that the asterisks are referenced in the charts for informational purposes only. They reflect the current status of organizations in the Council and Mayor's Office of Contract Services (MOCS) review process. Organizations identified in the attached charts with an asterisk (*) have not yet completed the MOCS prequalification process (for organizations receiving more than \$10,000) or the Council review process (for organizations receiving \$10,000 or less total). Organizations identified without an asterisk have completed the appropriate review by MOCS and/or the Council.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 and Fiscal 2011 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 421:)

Res. No. 421

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

By Council Member Recchia.

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Friends of Frederick E. Samuel Foundation, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Enact, Inc. an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for New York State Tenants and Neighbors Information Service, Inc., an organization receiving local discretionary funding in the amount of \$7,000 within the budget of the Department of Housing Preservation and Development in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for

the Immigrant Opportunity Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$4,500,000 to be dispersed in various amount to numerous program providers; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for

the Adult Literacy Services Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$1,500,000 to be dispersed in various amount to numerous program providers; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for

the Adult Literacy Services PEG Restoration, an allocation to restore \$3,500,000 to programs in the Adult Literacy Services Initiative within the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 19, 2009 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving local discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the Friends of Frederick E. Samuel Foundation, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: "To provide basketball tryouts and tournaments for Girls' Slam Jam." ; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: "The grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains young people from schools throughout the city including many in Council District 3. They distribute our publications throughout the city, including many schools, after-school programs and other organizations in Council District 3."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Enact, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services for Enact, Inc., listed in the Fiscal 2011 Expense Budget will now read: "Three days of creative drama workshops after-school based upon needs at Repertory Company High School. The ENACT Social and Emotional Skill Building Program will teach three workshops by two highly trained ENACT Teaching Artists. The after-school program will culminate in a performance that will portray the real obstacles that students face in school and in the community. The target population will include public school students and their families. The geographic area served will be Council District 3. The program will operate for 2 months of the year from 9am-5pm."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the New York State Tenants and Neighbors Information Service, Inc., an organization receiving local discretionary funding in the amount of \$7,000 within the budget of the Department of Housing Preservation and Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: "To provide support at Tivoli Towers with work that focuses on helping low and moderate income tenants to preserve at-risk affordable housing."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Immigrant Opportunity Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$4,500,000 to be dispersed in various amount to numerous program providers. The Description/Scope of Services for such Initiative listed in the Fiscal 2011 Expense Budget will now read: "This is a partial restoration of funding to help immigrant

adults gain access to information and resources and to strengthen their participation in the democratic process. Specifically, this initiative provides funding for English for Speakers of Other Languages (ESOL) classes, legal services for recent immigrants to assist with applications for citizenship or permanent residency, and legal services that focus specifically on wage and hour disputes and other workplace issues. For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing immigrant services contracts."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Adult Literacy Services Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$1,500,000 to be dispersed in various amount to numerous program providers. The Description/Scope of Services for such Initiative listed in the Fiscal 2011 Expense Budget will now read: "This funding creates additional basic literacy, ESOL and GED classes for adults who cannot read, write and speak English, along with support services such as counseling and case management. For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing Adult Literacy contracts."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Adult Literacy Services PEG Restoration, an allocation to restore \$3,500,000 to programs in the Adult Literacy Services Initiative within the Department of Youth and Community Development. The Description/Scope of Services for such PEG Restoration listed in the Fiscal 2011 Expense Budget will now read: "This allocation represents a PEG restoration of \$3.5 million to programs to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing Adult Literacy contracts. For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing Adult Literacy contracts."; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding in various amounts in accordance with the Fiscal 2011 Expense Budget, pursuant to the Immigrant Opportunities Initiative, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Injection Drug Users Health Alliance Initiative, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Infant Mortality Reduction, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

Resolved, That the City Council approves the new designation of the Jewish Community Center of Staten Island, Inc. to receive funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Autism Awareness Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation and changes in designation of the SBH Community Service Network, Inc. (Sephardic Bikur Chomlim) to receive funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Geriatric Mental Health Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 9, attached hereto as Exhibit I.

ATTACHMENT:

EXHIBIT A

CHART 1: Local Initiatives

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/ Sponsoring Organization	Fiscal Conduit EIN
Lander	Done Fund, Inc. The**	13-347250	DYCD	(\$2,500.00)	260	005		
Arroyo	New York State Parks by State Parks Project, Inc.	13-307747	DFTA	\$5,000.00	125	003		
Arroyo	Presbyterian Senior Services	13-181482	DFTA	\$5,000.00	125	003		
Arroyo	East Side House, Inc.	15-182389	DFTA	\$10,000.00	125	003		
Eugene	Forest French Seventh Day Adventist Church	25-191936	DYCD	\$10,000.00	260	005		
Eugene	Forest French Seventh Day Adventist Church	13-421897	DYCD	\$10,000.00	260	005		
Fidler	Music Outreach - Learning Through Music, Inc.	11-772626	DCA	\$5,500.00	125	003		
Fidler	Brooklyn Maharaonic Symphony Orchestra, Inc.	11-772626	DCA	\$5,500.00	125	003		
Meady	Ultra Avenue Eastern Parkway Local Development Corporation	22-267178	DSES	(\$20,000.00)	801	005	Brooklyn Economic Development Corporation	11-2510289
Meady	Bergen Basin Community Development Corporation db/a	11-3584429	DYCD	(\$27,000.00)	260	312		
Fidler	Brooklyn Queens Land Trust**	11-318940	DYCD	\$7,000.00	260	312		
Vann	Brooklyn Queens Land Trust**	61-1441924	DPR	\$7,000.00	848	006		
Vann	Brooklyn Queens Land Trust**	13-308397	RFD	(\$1,000.00)	805	009		
Fenners	Neighborhood Housing Services of Bedford Stuyvesant, Inc.	11-3235248	CUNY	(\$15,000.00)	042	001		
Fenners	Community Legal Resource Network (CLRN)	11-3235248	CUNY	(\$15,000.00)	042	001		
Fenners	City University of New York School of Law Foundation, Inc.	11-2507910	DYCD	(\$1,000.00)	260	005	United Activities Unlimited, Inc.	19-2921483
Oddo	Federation of Italian American Organizations of Brooklyn, Ltd.	11-2507910	DYCD	(\$1,000.00)	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	19-2738619
Oddo	Federation of Italian American Organizations of Brooklyn, Ltd.	20-1923271	DYCD	(\$3,200.00)	125	003	Queens Jewish Community Council, Inc.	23-712152
Koslowitz	Maabla	11-197268	DFTA	\$8,200.00	125	003		
Koslowitz	Rego Park Jewish Center	11-197268	DFTA	\$8,200.00	125	003		
Koslowitz	Rego Park Jewish Center	11-197268	DFTA	\$8,200.00	125	003		
CC-Koo, Dromm	Vietnam Veterans of America, Inc. - Queens Chapter #32	11-2629339	DYCD	(\$25,000.00)	260	005		
CC-Koo, Dromm	Vietnam Veterans of America, Inc. - Queens Chapter #32	19-8400371	MISC	(\$7,500.00)	098	002	Manhasset Town Hall, Inc.	23-789702
Palma	New York City Housing Authority	13-314191	DYCD	\$5,000.00	260	312	Maspeth Town Hall, Inc.	23-729702
Palma	Bronx River Resident Association	11-3314191	DYCD	\$1,500.00	260	312		
Palma	Songs of Love Foundation	11-3314191	DYCD	\$1,500.00	260	312		
Palma	Songs of Love Foundation	11-3584429	DYCD	\$11,000.00	260	312		
Palma	Friends United Youth Center	11-3584429	DYCD	\$11,000.00	260	312		
Palma	Bergen Basin Community Development Corporation db/a	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Bergen Basin Community Development Corporation db/a	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
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Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
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Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3584429	DYCD	\$10,000.00	260	312		
Palma	Millennium Development	11-3199040	DY					

CHART 4: Immigrant Opportunities Initiative (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	Polish and Slavic Center, Inc.	11-2285970	DYCD	\$25,000.00	280	005 *
Brooklyn	Research Foundation of the City University of New York**	13-1988190	CUNY	\$25,000.00	042	001 *
Brooklyn	Safe Horizon, Inc.	13-2946970	DYCD	\$63,425.00	260	005 *
Brooklyn	Sanctuary for Families, Inc.	13-3193118	DYCD	\$49,000.00	260	005 *
Brooklyn	SBH Community Service Network, Inc. (Sephardic Bikur Cholim)	23-7406410	DYCD	\$30,000.00	260	005 *
Brooklyn	South Brooklyn Legal Services	13-2609005	DYCD	\$62,856.00	260	005 *
Brooklyn	Southside Community Mission, Inc.	11-2720644	DYCD	\$86,850.00	260	005 *
Brooklyn	United Jewish Organizations (UJO) of Williamsburg	13-3749744	DYCD	\$23,137.50	260	005 *
Manhattan	Asian Americans for Equality	13-3187792	DYCD	\$23,137.50	260	005 *
Manhattan	Chinese American Planning Council, Inc.	13-6202682	DYCD	\$23,137.50	260	005 *
Manhattan	Committee for Hispanic Children and Families, Inc., The	11-2622003	DYCD	\$23,137.50	260	005 *
Manhattan	Comprehensive Development, Inc.	13-3861648	DYCD	\$23,137.50	260	005 *
Manhattan	Dominican Women's Development Center, Inc.	13-3993865	DYCD	\$46,250.00	260	005 *
Manhattan	HIV Law Project, Inc., The	13-3730564	DYCD	\$46,250.00	260	005 *
Manhattan	Housing Conservation Coordinators, Inc.	51-0141488	DYCD	\$46,250.00	260	005 *
Manhattan	Legal Aid Society	13-5662265	DYCD	\$39,312.50	260	005 *
Manhattan	Legal Services NYC - Manhattan	13-2600199	DYCD	\$39,312.50	260	005 *
Manhattan	Lenox Hill Neighborhood House, Inc.	13-1628160	DYCD	\$46,250.00	260	005 *
Manhattan	Little Sisters of the Assumption Family Health Services, Inc.	13-2867881	DYCD	\$23,137.50	260	005 *
Manhattan	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	DYCD	\$23,137.50	260	005 *
Manhattan	MFY Legal Services, Inc.	13-2622748	DYCD	\$101,750.00	260	005 *
Manhattan	Neighborhood Defender Service, Inc.	06-1298692	DYCD	\$46,250.00	260	005 *
Manhattan	Northern Manhattan Coalition for Immigrant Rights	13-3255581	DYCD	\$46,250.00	260	005 *
Manhattan	Northern Manhattan Improvement Corporation	13-2972415	DYCD	\$23,137.50	260	005 *
Manhattan	Research Foundation of the City University of New York**	13-1988190	CUNY	\$46,250.00	042	001 *
Manhattan	Research Foundation of the City University of New York - Citizenship NOW**	13-3280364	DYCD	\$46,250.00	260	005 *
Manhattan	Riverside Language Program, Inc.	13-3280364	DYCD	\$46,250.00	260	005 *
Manhattan	Sanctuary for Families, Inc.	13-3193118	DYCD	\$23,137.50	260	005 *
Manhattan	Urban Justice Center	13-3442022	DYCD	\$46,250.00	260	005 *
Queens	Association of the Bar of the City of New York Fund, Inc. - City Bar Justice Center	13-6003078	DYCD	\$64,000.00	260	005 *
Queens	Central American Legal Assistance	11-2859151	DYCD	\$84,000.00	260	005 *
Queens	City University of New York School of Law Foundation, Inc., The**	11-3235349	CUNY	\$61,800.00	042	001 *
Queens	Ecuadorian International Center	01-0627174	DYCD	\$25,000.00	260	005 *
Queens	Emerald Isle Immigration Center	11-2932528	DYCD	\$23,250.00	260	005 *
Queens	Flushing Jewish Community Council	11-2669559	DYCD	\$6,000.00	260	005 *
Queens	Haitian Americans United for Progress, Inc.	11-2423857	DYCD	\$34,000.00	260	005 *
Queens	Hellenic American Neighborhood Action Committee, Inc. (HANAC)	11-2290832	DYCD	\$120,250.00	260	005 *

* Indicates pending completion of pre-qualification review.
 ** Requires a budget modification for the changes to take effect

CHART 4: Immigrant Opportunities Initiative

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	BronxWorks, Inc.	13-3254284	DYCD	\$71,750.00	260	005 *
Brooklyn	Committee for Hispanic Children and Families, Inc., The	11-2622003	DYCD	\$52,500.00	260	005 *
Brooklyn	Emerald Isle Immigration Center	11-2932528	DYCD	\$35,000.00	260	005 *
Brooklyn	Gambian Society in New York, Inc.	13-3904936	DYCD	\$25,000.00	260	005 *
Brooklyn	International Center in New York, Inc., The	13-1946733	DYCD	\$25,000.00	260	005 *
Brooklyn	Kingsbridge Heights Community Center, Inc.	13-2813809	DYCD	\$32,500.00	260	005 *
Brooklyn	Legal Aid Society	13-5662265	DYCD	\$79,250.00	260	005 *
Brooklyn	Legal Services NYC - Bronx	13-2600199	DYCD	\$79,250.00	260	005 *
Brooklyn	Mary Michael Youth and Family Center, Inc.	13-3389032	DYCD	\$27,500.00	260	005 *
Brooklyn	Mosquito-Monterone Community Center, Inc.	13-3622107	DYCD	\$32,500.00	260	005 *
Brooklyn	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	\$35,000.00	260	005 *
Brooklyn	New York Legal Assistance Group	13-3505428	DYCD	\$86,750.00	260	005 *
Brooklyn	Philly Community Development Corporation	13-2707665	DYCD	\$32,500.00	260	005 *
Brooklyn	Research Foundation of the City University of New York - Citizenship NOW**	13-1988190	CUNY	\$77,500.00	042	001 *
Brooklyn	Sanctuary for Families, Inc.	13-3193118	DYCD	\$71,750.00	260	005 *
Brooklyn	South Bronx Overall Economic Development Corporation	13-2736022	DYCD	\$27,500.00	260	005 *
Brooklyn	Supportive Childrens Advocacy Network (SCAN)	13-2912963	DYCD	\$35,000.00	260	005 *
Brooklyn	Urban Justice Center	13-3442022	DYCD	\$25,000.00	260	005 *
Brooklyn	West Bronx Housing and Neighborhood Resource Center, Inc.	13-2841841	DYCD	\$35,000.00	260	005 *
Brooklyn	Youth Ministries For Peace and Justice	13-4065535	DYCD	\$76,750.00	260	005 *
Brooklyn	Bedford Stuyvesant Community Legal Services Corporation	11-2149662	DYCD	\$56,850.00	260	005 *
Brooklyn	Boro Park Jewish Community Council	11-3475993	DYCD	\$25,000.00	260	005 *
Brooklyn	Brooklyn Chinese-American Association, Inc.	11-3065859	DYCD	\$55,000.00	260	005 *
Brooklyn	Brooklyn Defenders Services	11-3305406	DYCD	\$22,000.00	260	005 *
Brooklyn	Caribbean Women's Health Association, Inc.	13-3323168	DYCD	\$25,000.00	260	005 *
Brooklyn	Center for Law and Social Justice, Medgar Evers College**	13-1988190	CUNY	\$61,850.00	042	001 *
Brooklyn	Church Avenue Merchants Block Association (CABMA)	11-2864728	DYCD	\$26,680.00	260	005 *
Brooklyn	Council of Jewish Organizations of Flatbush, Inc.	11-2664728	DYCD	\$57,350.00	260	005 *
Brooklyn	Cypress Hills Local Development Corporation	11-2633683	DYCD	\$71,850.00	260	005 *
Brooklyn	Emerald Isle Immigration Center	11-2932528	DYCD	\$25,000.00	260	005 *
Brooklyn	Erasmus Neighborhood Federation	11-2490966	DYCD	\$25,000.00	260	005 *
Brooklyn	Federation of Italian American Organizations of Brooklyn, Ltd.	11-2807910	DYCD	\$40,000.00	260	005 *
Brooklyn	Fifth Avenue Committee	11-2475743	DYCD	\$25,000.00	260	005 *
Brooklyn	Jewish Community Council of Greater Coney Island, Inc.	11-2665181	DYCD	\$27,500.00	260	005 *
Brooklyn	Kings Bay YM-YWHA, Inc.	11-3068515	DYCD	\$25,000.00	260	005 *
Brooklyn	Legal Aid Society - Brooklyn	13-5662265	DYCD	\$25,433.00	260	005 *
Brooklyn	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	DYCD	\$71,850.00	260	005 *
Brooklyn	New York Legal Assistance Group	13-3505428	DYCD	\$25,000.00	260	005 *

* Indicates pending completion of pre-qualification review.
 ** Requires a budget modification for the changes to take effect

CHART 4: Immigrant Opportunities Initiative (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Queens	Legal Aid Society	13-5662265	DYCD	\$78,500.00	260	005 *
Queens	Legal Services NYC - Queens Legal Services Corporation	13-2605604	DYCD	\$49,400.00	260	005 *
Queens	Make The Road New York	11-3344389	DYCD	\$25,000.00	260	005 *
Queens	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	DYCD	\$118,500.00	260	005 *
Queens	New York Legal Assistance Group	13-3505428	DYCD	\$125,000.00	260	005 *
Queens	Polonians Organized to Minister Our Community (POMOC), Inc.	11-2594500	DYCD	\$25,000.00	260	005 *
Queens	Queens Community House, Inc. - Jackson Heights Office	11-2375583	DYCD	\$25,000.00	260	005 *
Queens	Research Foundation of the City University of New York - Community Legal Resource Network (CLRN)**	13-1988190	CUNY	\$66,300.00	042	001 *
Queens	Sanctuary for Families, Inc.	13-3193118	DYCD	\$124,500.00	260	005 *
Queens	Sheba USA, Inc.	11-3410174	DYCD	\$25,000.00	260	005 *
Queens	South Queens Boys and Girls Club, Inc.	11-1966067	DYCD	\$64,000.00	260	005 *
Queens	Young Korean American Service and Education Center, Inc.	11-2710506	DYCD	\$35,500.00	260	005 *
Staten Island	Jewish Community Center of Staten Island, Inc.	13-5662265	DYCD	\$95,000.00	260	005 *
Staten Island	Legal Aid Society	13-5662265	DYCD	\$42,750.00	260	005 *
Staten Island	Legal Services NYC - Staten Island Legal Services	13-2600199	DYCD	\$42,750.00	260	005 *
Staten Island	Polonians Organized to Minister Our Community (POMOC), Inc.	11-2594500	DYCD	\$25,000.00	260	005 *
Staten Island	St. Stanislaus Koska Church	13-5664133	DYCD	\$60,000.00	260	005 *
Staten Island	Staten Island Employment Education Consortium	13-3097367	DYCD	\$80,000.00	260	005 *
Staten Island	William A. Epps Community Center, Inc.	86-1074714	DYCD	\$30,000.00	260	005 *
Staten Island & Brooklyn	American-Italian Coalition of Organizations, Inc. (AMICO)	11-2488439	DYCD	\$25,000.00	260	005 *

* Indicates pending completion of pre-qualification review.
 ** Requires a budget modification for the changes to take effect

\$4,500,000.00

EXHIBIT E

CHART 5: Injection Drug Users Health Alliance

Organization	EIN Number	Agency	Amount	Agy #	U/A *
After Hours Project, Inc.	33-1007278	DOHMH	\$81,348.26	816	112 *
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$63,787.81	816	112 *
Citwide Harm Reduction Program, Inc.	13-4009817	DOHMH	\$79,897.49	816	112 *
Community Health Action of Staten Island (formerly SI AIDS Taskforce)	13-3566132	DOHMH	\$61,874.35	816	112 *
Family Services Network of New York	11-2592651	DOHMH	\$61,874.35	816	112 *
Foundation for Research into Sexually Transmitted Diseases, Inc.	13-3387630	DOHMH	\$66,987.80	816	112 *
Harlem United Community AIDS Center, Inc.	13-3461695	DOHMH	\$37,246.97	816	112 *
Harm Reduction Coalition	94-3204958	DOHMH	\$26,618.94	816	112 *
Housing Works, Inc.	13-3584089	DOHMH	\$40,895.82	816	112 *
Lower East Side Harm Reduction Center, Inc.	13-3727641	DOHMH	\$79,897.49	816	112 *
New York City AIDS Housing Network (NYCAHN)	13-4094365	DOHMH	\$113,568.74	816	112 *
New York Harm Reduction Educators, Inc.	13-3678499	DOHMH	\$79,896.95	816	112 *
Positive Health Project	13-3845305	DOHMH	\$61,874.35	816	112 *
Praxis Housing Initiatives, Inc.	13-3832223	DOHMH	\$48,385.88	816	112 *
Public Health Solutions	13-5669201	DOHMH	\$63,720.93	816	112 *
Safe Horizon, Inc.	13-23946970	DOHMH	\$61,874.35	816	112 *
St. Ann's Corner of Harm Reduction	13-3724008	DOHMH	\$63,787.80	816	112 *
Washington Heights Corner Project	20-8672015	DOHMH	\$86,461.72	816	112 *
			\$1,200,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT F

CHART 6: Infant Mortality Reduction (continued)

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Urban Health Plan, Inc.	23-7360305	DOHMH	\$22,320.42	816	113 *
Visiting Nurse Services of New York Home Care, Inc.	13-1624211	DOHMH	\$24,796.08	816	113 *
William F. Ryan Community Health Center, Inc.	13-2884976	DOHMH	\$27,890.65	816	113 *
Women's Housing and Economic Development Corporation (WHEDCO)	11-3099604	DOHMH	\$22,320.42	816	113 *
			\$3,000,000.00		

* Indicates pending completion of pre-qualification review.

CHART 6: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	U/A *
African Services Committee	13-3749744	DOHMH	\$22,320.42	816	113 *
Bedford Stuyvesant Family Health Center, Inc.	11-2472205	DOHMH	\$24,796.08	816	113 *
Bed-Stuy Advocates, Inc.	26-3844464	DOHMH	\$24,773.00	816	113 *
Bronx Health Link	13-4045022	DOHMH	\$140,841.01	816	113 *
BronxWorks, Inc.	13-3254484	DOHMH	\$22,320.42	816	113 *
Brooklyn Prenatal Network, Inc.	13-3428222	DOHMH	\$142,549.45	816	113 *
Christ the Rock	62-1823291	DOHMH	\$18,606.94	816	113 *
Christopher Rose Community Empowerment Campaign, Inc.	11-3423612	DOHMH	\$18,606.94	816	113 *
Church Avenue Merchants Block Association (CAMBA)	11-2430338	DOHMH	\$29,156.93	816	113 *
Church Avenue Merchants Block Association (CAMBA)	11-2430338	DOHMH	\$29,156.93	816	113 *
Clarelli Associates, Inc.	13-3020576	DOHMH	\$66,565.84	816	113 *
Clergy United for Community Empowerment, Inc.	11-3030789	DOHMH	\$24,796.08	816	113 *
Community Healthcare Network, Inc.	13-3083068	DOHMH	\$205,255.20	816	113 *
Community Healthcare Network, Inc.	13-3083068	DOHMH	\$22,320.42	816	113 *
Community Healthcare Network, Inc.	13-3083068	DOHMH	\$24,796.08	816	113 *
Department of Health and Mental Hygiene	13-6400434	DOHMH	\$104,642.80	816	113 *
Department of Health and Mental Hygiene	13-6400434	DOHMH	\$29,156.93	816	113 *
Diaspora Community Services, Inc.	11-3122955	DOHMH	\$29,156.93	816	113 *
DOHMH Infant, Maternal and Reproductive Health Programs	13-6400434	DOHMH	\$587,008.00	816	113 *
East New York Diagnostic and Treatment Center Auxiliary	13-2655001	DOHMH	\$15,421.00	816	113 *
Federation of County Networks, Inc.	13-4156022	DOHMH	\$140,841.01	816	113 *
Federation of County Networks, Inc.	13-4156022	DOHMH	\$28,539.01	816	113 *
Forestville, Inc.	11-1631747	DOHMH	\$24,796.08	816	113 *
Fort Greene Strategic Neighborhood Action Partnership	11-3543941	DOHMH	\$24,796.08	816	113 *
Good Shepherd Services	13-5598710	DOHMH	\$22,320.42	816	113 *
Greater Brooklyn Health Coalition, Inc.	11-3494928	DOHMH	\$29,156.93	816	113 *
Haitian Americans United for Progress, Inc.	11-2423857	DOHMH	\$18,606.94	816	113 *
Joseph P. Addabbo Family Health Center, Inc.	06-1181228	DOHMH	\$24,796.08	816	113 *
Little Sisters of the Assumption Family Health Service, Inc.	13-2867881	DOHMH	\$27,890.65	816	113 *
Lower East Side Family Union	23-7412423	DOHMH	\$24,796.20	816	113 *
Morris Heights Health Center, Inc.	06-1081232	DOHMH	\$22,320.42	816	113 *
Mount Sinai School of Medicine of New York University	13-6171197	DOHMH	\$148,249.98	816	113 *
New York Academy of Medicine	13-1656674	DOHMH	\$38,400.00	816	113 *
Northern Manhattan Perinatal Partnership, Inc.	13-3782555	DOHMH	\$149,384.95	816	113 *
Northern Manhattan Perinatal Partnership, Inc.	13-3782555	DOHMH	\$149,384.95	816	113 *
Planned Parenthood of New York City, Inc.	13-2621497	DOHMH	\$22,320.42	816	113 *
Planned Parenthood of New York City, Inc.	11-2870422	DOHMH	\$140,841.01	816	113 *
Queens Comprehensive Perinatal Council	11-3320584	DOHMH	\$24,796.08	816	113 *
Queens Health Coalition, Inc.	11-3320584	DOHMH	\$24,796.08	816	113 *
Richmond Medical Center dba Richmond University Medical Center	74-3177454	DOHMH	\$18,606.94	816	113 *
SCO Family of Services	11-2777066	DOHMH	\$313,565.11	816	113 *
SIDS of PA, Inc.	25-1442808	DOHMH	\$51,986.34	816	113 *
St. Barnabas Hospital	13-1740122	DOHMH	\$22,320.42	816	113 *

* Indicates pending completion of pre-qualification review.

EXHIBIT G

CHART 7: Autism Awareness

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Jewish Community Center of Staten Island, Inc.	13-3490745	DOHMH	(\$42,364.00)	816	121
Jewish Community Center of Staten Island, Inc.	13-5562256	DOHMH	\$42,364.00	816	121
			\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT H

CHART 8: Geriatric Mental Health

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Sephardic Bikur Holim Community Services Network	23-7406410	DOHMH	(\$40,000.00)	816	120 *
SBH Community Services Network, Inc. (Sephardic Bikur Cholim)	23-7406410	DOHMH	\$40,000.00	816	120 *
			\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT I

CHART 9: Local Initiatives-FY 2010

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *	Fiscal Conduit Organization	Fiscal Conduit EIN
Eugene	Horeb French Seventh Day Adventist Church	25-1919336	DYCD	(\$10,000.00)	260	005		
Eugene	Horeb French Seventh Day Adventist Church	11-3295780	DYCD	\$10,000.00	260	005		

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, DARLENE MEALY, JULISSA FERRERAS, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, August 25, 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 of the Committee on Housing and Buildings

Report for Int. No. 87-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the filing of registration statements by owners of dwellings.

The Committee on Housing & Buildings, to which the annexed amended proposed local law was referred on March 3, 2010 (Minutes, page 712), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On August 25, 2010, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 87-A, "A Local Law to amend the administrative code of the city of New York, in relation to the filing of registration statements by owners of dwellings." On June 22, 2010, the Committee previously heard an earlier version of this bill and received testimony from representatives of the Department Housing Preservation and

Development (HPD) and other persons interested in this legislation. Proposed Int. No. 87-A was amended following this initial hearing.

Proposed Int. No. 87-A would amend the Administrative Code of the City of New York (Ad. Code) to require a corporation or partnership that owns a multiple dwelling to include as part of the annual multiple dwelling registration statement filed with HPD more information about the principals of such corporate entity or partnership. The bill also prohibits the use of "mail drops" for registration purposes. An annual multiple dwelling registration is currently required by the section 27-2098 of the Ad. Code.

By gathering more contact information from property owners who own multiple dwellings, registration statements assist the City in determining who the responsible parties are should the City need to contact anyone with regard to maintaining the habitability of the property and protecting tenants who may reside in the multiple dwelling. The contents of these registration statements also provide valuable information to the public.

Proposed Int. No. 87-A

Bill section one would amend paragraph two of subdivision (a) of section 27-2098 of the Ad. Code. Such section identifies the various steps that must be taken by a building owner to register a multiple dwelling. The bill would provide that if the owner of a multiple dwelling is a corporation, the annual registration statement must not only include the name and address of the corporation together with the names, residences and business addresses of the officers, but also the names and addresses of any person whose share of ownership of the corporation exceeds twenty-five percent. Currently, only corporations that own a multiple dwelling used for single room occupancy are required to provide the names and addresses of any person whose share of ownership of the corporation exceeds twenty-five percent. Bill section one would also require partnerships that own multiple dwellings to provide the name and business address of the partnership together with the name and business address of each general partner and such information for each limited partner whose ownership share exceeds twenty-five percent.

Bill section two would add a new paragraph six to subdivision (a) of section 27-2098 to provide that a United States postal service mail delivery box address, a mail delivery box maintained through a privately operated mail handling facility or the address at which any similar service is provided may not be used as the only business address for those seeking to file a multiple dwelling registration statement and that HPD shall not accept filings that only include such addresses.

Bill section three contains the enactment clause and provides that this local law would take effect on January 31, 2011.

Amendments to Proposed Int. No. 87-A

- Bill section two was amended to provide that a United States postal service mail delivery box, a mail delivery box maintained through a privately operated mail handling facility or the address at which any similar service is provided may be included on property registration statement provided that such address is not the only business address listed on such statement. The bill previously prohibited the use of such an address as the business address for corporations or partnerships filing such registration statements without exception.
- The enactment date was amended to reflect that this bill will take effect on January 31, 2011, rather than in ninety days after its enactment.

Update

On Wednesday, August 25, 2010 the Committee adopted this legislation by a vote of eleven in the affirmative, zero in the negative and no abstentions.

Accordingly, the Committee recommends its adoption.

(The following is from the text of the Fiscal Impact Statement for Int. No. 87-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: No impact on revenues

IMPACT ON EXPENDITURES: No impact on expenditures

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Anthony Brito, Legislative Financial Analyst

HISTORY: Introduced as Int. 87 by Council and referred to the Committee on Housing and Buildings on March 3, 2010. Hearing held and laid over by the Committee on June 22, 2010. An amended version (Proposed Intro. 187-A) is to be considered by the Committee on June 29, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 87-A:)

Int. No. 87-A

By Council Members Mark-Viverito, Reyna, Brewer, Chin, James, Lander, Williams, Vacca, Foster, Dromm, Jackson, Barron, Levin and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to the filing of registration statements by owners of dwellings.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision a of section 27-2098 of the administrative code of the city of New York is amended to read as follows:

(2) An identification of the owner by name, residence and business address. If the owner is a corporation, the identification shall include the name and address of such corporation together with the names, residences and business addresses of the officers. [In the case of any class A multiple dwelling used for single room occupancy pursuant to section two hundred forty-eight of the multiple dwelling law, if] *If the owner of a multiple dwelling is a corporation, the identification shall also include the names and addresses of any person whose share of ownership of the corporation exceeds twenty-five percent. For the purposes of this subdivision, any person owning a share of a parent corporation shall be deemed to be an owner of a share of a subsidiary corporation equal to the product of the percentage of his or her ownership of the parent corporation multiplied by the percentage of the parent corporation's ownership of the subsidiary corporation. If the owner of a multiple dwelling is a partnership, the identification shall include the name and business address of such partnership together with the names and business addresses of each general partner and for each limited partner whose share of ownership of the partnership exceeds twenty-five percent, the names and business addresses of all such limited partners.* If the owner is under the age of eighteen years or has been judicially declared incompetent, his or her legal representative shall file the registration statement.

§2. Subdivision a of section 27-2098 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

(6) *For the purposes of this section, a United States postal service mail delivery box, a mail delivery box maintained through a privately operated mail handling facility or the address at which any similar service is provided shall be deemed an invalid business address and the department shall not accept for filing any registration statement containing only such an address.*

§3. This local law shall take effect on January 31, 2011, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADOFRD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing & Buildings, August 25, 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 Res. No. 191

Report of the Committee on Land Use in favor of approving a Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1497), respectfully

REPORTS:**SUBJECT****CITYWIDE****20105618 GFY**

Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.

INTENT

To enhance the provision of telecommunications services.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: August 24, 2010

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

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

Res. No. 191

Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.

By Council Member Comrie (by request of the Mayor).

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

WHEREAS, pursuant to Section 363 of the Charter ("the Charter") of the City of New York ("the City"), the Commissioner of the Department of Information Technology and Telecommunications has made the initial determination of the need for franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services, and has prepared a proposed authorizing resolution for the granting of such franchises; and

WHEREAS, the Mayor has submitted to the Council a proposed authorizing resolution for the granting of such franchises pursuant to Section 363 of the Charter; and

WHEREAS, the Council has determined that it is appropriate to authorize the granting of such franchises as described hereinafter;

The Council hereby resolves that:

A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the installation of telecommunications equipment and facilities on, over and under the inalienable property of the City to be used in providing mobile telecommunications services in the City of New York.

B. For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter.

C. For purposes of this resolution, "mobile telecommunications services" shall mean any "mobile service", as defined in Section 153 of Title 47 of the United States Code, and other voice and/or data communications or information services employing electromagnetic waves propagated through space to serve portable sending and/or receiving equipment.

D. The public services to be provided under such franchises shall be mobile telecommunications services.

E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council (the "Expiration Date"). No franchises shall be approved pursuant to this resolution by the Department of Information Technology and Telecommunications, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.

F. Prior to the grant of any such franchise, a Request For Proposals ("RFP") or other solicitation shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review ("CEQR") and Section 197-c of the Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate responses to such RFPs or other solicitations shall include, but not be limited to, the following to the extent permitted by law:

(1) the adequacy of the proposed compensation (which may include monetary and/or in-kind compensation, as provided in the applicable RFP or other solicitation) to be paid to the City for the use of City property;

(2) the ability of the respondent(s) to maintain the property of the City in good condition throughout the term of the franchise;

(3) the consistency of the response(s) to the City's management of local rights-of-way activities, plans and goals.

In no event, however, shall the Department of Information Technology and Telecommunications include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including; and in no event shall the Department of Information Technology and Telecommunications apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided, however, that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

(1) the term of the franchise, including options to renew if any, shall not exceed fifteen (15) years;

(2) the compensation to be paid to the City shall be adequate and may include monetary or in-kind compensation or both;

(3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;

(4) a security fund shall be established to ensure the performance of the franchisee's obligations under the agreement;

(5) the City shall have the right to inspect the facilities of the franchisee located on the inalienable property of the City and to order the relocation of such facilities as appropriate at the direction of the applicable agency;

(6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;

(7) there shall be provisions to ensure access by the City to books and records of the franchisee as necessary or appropriate to review and/or enforce compliance with the franchise agreement;

(8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property;

(9) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;

(10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment, purchasing and investigations;

(11) there shall be provisions to restrict the assignment or other transfer

of the franchise without the prior written consent of the City and provisions to restrict changes in control of the franchisee without the prior written consent of the City;

(12) there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the agreement;

(13) all franchisees shall be subject to review under the City's Vendor Information Exchange System ("VENDEX");

(14) franchisees shall be required to hold any applicable licenses and permits required by the New York State Public Service Commission and the Federal Communications Commission;

(15) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;

(16) there shall be provisions requiring the franchisee to protect the property of the City, and the delivery of public services that utilize the property of the City, from damage or interruption of operation resulting from the construction, operation, maintenance, repair or removal of facilities, equipment or other improvements related to the franchise; and

(17) there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction of improvements relating to the franchise.

K. The Department of Information Technology and Telecommunications shall file with the Council the following documents:

(1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;

(2) within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and

(3) on or before July 1 of each year, a report detailing the revenues received by the City during the preceding calendar year from each franchise granted pursuant to this resolution.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 159

Report of the Committee on Land Use in favor of approving Application no. C 100047 ZMM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, by changing from a C4-4.5 District to a C6-6 District, Borough of Manhattan, Community District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3551), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

C 100047 ZMM

City Planning Commission decision approving an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d by changing from a C6-4.5 District to a C6-6 District property bounded by West 33rd Street, a line 150 feet westerly of Avenue of the Americas, West

32nd Street, and a line 200 feet easterly of Seventh Avenue - Fashion Avenue, as shown on a diagram (for illustrative purposes only) dated February 8, 2010.

INTENT

To facilitate the development of a commercial office building of over two million square feet on the western half of the block bounded by West 33rd and West 32nd streets and Sixth and Seventh avenues in the Borough of Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: August 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. 428

Resolution approving the decision of the City Planning Commission on ULURP No. C 100047 ZMM, a Zoning Map amendment (L.U. No. 159).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on July 19, 2010 its decision dated July 14, 2010 (the "Decision"), on the application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change a C6-4.5 District to a C6-6 District to facilitate the development of a commercial office building of over 2 million zoning square feet on the western half of the block bounded by West 33rd and West 32nd streets, and Seventh and Sixth avenues (ULURP No. C 100047 ZMM) (the "Application");

WHEREAS, the Application is related to Applications Numbers N 100048 ZRM (L.U. No. 160), a zoning text amendment to Sections 81-066 and 81-254 to allow an application for a Special Permit to modify height and setback for sites wholly or partially in the Penn Center Subdistrict of the Special Midtown District and an amendment to Section 81-541 to modify the procedure for obtaining a transit bonus in the Special Midtown District and permit the reservation of bonus floor area obtained via the transit bonus; C 100049 ZSM (L.U. No. 161), a special permit pursuant to Sections 81-066 and 81-254 to modify: the height and setback regulations of Section 81-27; the Mandatory District Plan Elements of Sections 81-42, 81-43, 81-45, and 81-47, and the design standards of Section 37-53(f); C 100050 ZSM (L.U. No. 162), a special permit pursuant to Sections 74-634 and 81-541 regarding a floor area bonus for transit related improvements; and C 100237 PQM (L.U. No. 163), a City acquisition of easements related to the transit improvements;

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 August 23, 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 Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010 (CEQR No. 09DCP019M);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto,

the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated July 13, 2010, those mitigative measures that were identified as practicable;
- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100047 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 8d, by changing from a C6-4.5 District to a C6-6 District property bounded by West 33rd Street, a line 150 feet westerly of Avenue of the Americas, West 32nd Street, and a line 200 feet easterly of Seventh Avenue - Fashion Avenue, as shown on a diagram (for illustrative purposes only) dated February 8, 2010, Community District 5, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 160

Report of the Committee on Land Use in favor of approving Application no. N 100048 ZRM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal, Borough of Manhattan, Community District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3551), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

N 100048 ZRM

City Planning Commission decision approving an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal in Community District 5, Manhattan.

INTENT

To facilitate the development of a commercial office building of over two million square feet on the western half of the block bounded by West 33rd and West 32nd streets and Sixth and Seventh avenues in the Borough of Manhattan.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: August 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. 429

Resolution approving the decision of the City Planning Commission on Application No. N 100048 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal in Community District 5, Borough of Manhattan (L.U. No. 160).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on July 19, 2010 its decision dated July 14, 2010 (the "Decision"), pursuant to Section 200 of the New York City Charter, regarding an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal to facilitate the development of a commercial office building of over 2 million zoning square feet on the western half of the block bounded by West 33rd and West 32nd streets, and Seventh and Sixth avenues, Community District 5, Borough of Manhattan (Application No. N 100048 ZRM), (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100047 ZMM (L.U. No. 159), a zoning map amendment from a C6-4.5 district to a C6-6 district; C 100049 ZSM (L.U. No. 161), a special permit pursuant to Sections 81-066 and 81-254 to modify: the height and setback regulations of Section 81-27; the Mandatory District Plan Elements of Sections 81-42, 81-43, 81-45, and 81-47, and the design standards of Section 37-53(f); C 100050 ZSM (L.U. No. 162), a special permit pursuant to Sections 74-634 and 81-541 regarding a floor area bonus for transit related improvements; and C 100237 PQM (L.U. No. 163), a City acquisition of easements related to the transit improvements;

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 August 23, 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 Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010 (CEQR No. 09DCP019M);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated July 13, 2010, those mitigative measures that were identified as practicable;

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100048 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 in # # is defined in Section 12-10;
 * * * indicate where unchanged text appears in the Zoning Resolution

* * *

ARTICLE VIII, Chapter 1 Special Midtown District

* * *

81-066

Special permit modifications of Section 81-254, Section 81-40, and certain Sections of Article VII, Chapter 7

- (a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

- (a)(1) that the modifications of mandatory plan elements, #floor area# allocation, or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#.
- (a)(2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be an integral part of the #development#, both physically and programmatically;
- (a)(3) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
- (a)(4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;
- (a)(5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #development#;
- (a)(6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.
- (b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 in accordance with Section 74-634, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

- (1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;
- (2) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
- (3) that such modifications will not unduly obstruct the access of light and air to surrounding properties;
- (4) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #development#;
- (5) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;
- (6) that the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and
- (7) that the modifications of height and setback regulations:
 - (i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and
 - (ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

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

* * *

81-254

Special permit for height and setback modifications

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

- Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 8 1-266 or 8 1-277 (Special permit for height and setback modifications);
- Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277;
- Section 81-066 (Special permit modifications of Section 81-40, Section 81-254 and certain Sections of Article VII, Chapter 7).
- Section 81-635 (Transfer of development rights by special permit).

* * *

81-50**SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT**

* * *

81-51**General Provisions**

In order to establish the Penn Center Subdistrict as a destination and enhance its retail, entertainment and commercial character and expand accessibility to its transportation network, special regulations are set forth governing the location and type of #signs#, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

The regulations of Section 81-50 are applicable only in the Penn Center Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, except as set forth for rail mass transit improvements pursuant to Section 81-541. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

* * *

81-541**Rail mass transit facility improvement**

In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and/or rail mass transit facility improvements for non-#residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan), and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility. Prior to granting a special permit, the City Planning Commission shall be provided with:

- (a) a letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and
- (b) a legally enforceable instrument containing:
- (1) drawings of the improvements, as approved by the transit operator;
 - (2) provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;
 - (3) the obligations of the applicant to construct, maintain and provide capital maintenance for the improvements; and
 - (4) a schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to insure the completion of the improvements.

For the purposes of this Section, improvements to any rail mass transit facility on a #zoning lot# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 74-634, as modified herein. For #zoning lots# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #zoning lot#. In addition, if a subway and/or rail mass transit improvement has been constructed in accordance with an approved special permit and has received a Notice of Substantial Completion in accordance with the provisions of Section 74-634, the bonus #floor area# may be retained at the full amount granted by the special permit and may be utilized elsewhere on the #zoning lot# subject to any

applicable review and approval process for such #development# or #enlargement#.

* * *

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 161

Report of the Committee on Land Use in favor of approving Application no. C 100049 ZSM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-066 (b) and 81-254 of the Zoning Resolution in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lot 40, 1001 and 1002). This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3552), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 5****C 100049 ZSM**

City Planning Commission decision approving an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections 81-066(b) and 81-254 of the Zoning Resolution:

1. to modify the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and
2. to modify the Mandatory District Plan Elements of Sections 8 1-42 (Retail Continuity along Designated Streets), 8 1-43 (Street Wall Continuity Along Designated Streets), 81- 45 (Pedestrian Circulation Space), 8 1-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening).

in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict).

INTENT

To facilitate the development of a commercial office building of over two million square feet on the western half of the block bounded by West 33rd and West 32nd streets and Sixth and Seventh avenues in the Borough of Manhattan.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** August 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. 430

Resolution approving the decision of the City Planning Commission on ULURP No. C 100049 ZSM (L.U. No. 161), for the grant of a special permit pursuant to the following Sections 81-066(b) and 81-254 of the Zoning Resolution: to modify the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and to modify the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening); in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict), Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on July 19, 2010 its decision dated July 14, 2010 (the "Decision"), on the application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following Sections 81-066(b) and 81-254 of the Zoning Resolution:

1. to modify the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and
2. to modify the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening).

in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict), (ULURP No. C 100049 ZSM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100047 ZMM (L.U. No. 159), a zoning map amendment from a C6-4.5 district to a C6-6 district; N 100048 ZRM (L.U. No. 160), a zoning text amendment to Sections 81-066 and 81-254 to allow an application for a Special Permit to modify height and setback for sites wholly or partially in the Penn Center Subdistrict of the Special Midtown District and an amendment to Section 81-541 to modify the procedure for obtaining a transit bonus in the Special Midtown District and permit the reservation of bonus floor area obtained via the transit bonus; C 100050 ZSM (L.U. No. 162), a special permit pursuant to Sections 74-634 and 81-541 regarding a floor area bonus for transit related improvements; and C 100237 PQM (L.U. No. 163), a City acquisition of easements related to the transit improvements;

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 81-066(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 23, 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 Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010 (CEQR No. 09DCP019M);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated July 13, 2010, those mitigative measures that were identified as practicable;
- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100049 ZSM, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 162

Report of the Committee on Land Use in favor of approving Application no. C 100050 ZSM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-541 and 74-634 of the Zoning Resolution to allow a floor area bonus for mass transit facility improvements, in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3552), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

C 100050 ZSM

City Planning Commission decision approving an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-541 and 74-634 of the Zoning Resolution of the City of New York to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio permitted by the underlying district regulations for subway station and/or rail mass transit facility improvements, in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict).

INTENT

To facilitate the development of a commercial office building of over two million square feet on the western half of the block bounded by West 33rd and West 32nd streets and Sixth and Seventh avenues in the Borough of Manhattan.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: August 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. 431

Resolution approving the decision of the City Planning Commission on ULURP No. C 100050 ZSM (L.U. No. 162), for the grant of a special permit pursuant to Sections 81-541 and 74-634 of the Zoning Resolution of the City of New York to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio permitted by the underlying district regulations for subway station and/or rail mass transit facility improvements, in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict, Borough of Manhattan).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on July 19, 2010 its decision dated July 14, 2010 (the "Decision"), on the application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 81-541 and 74-634 of the Zoning Resolution of the City of New York to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio permitted by the underlying district regulations for subway station and/or rail mass transit facility improvements, in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict), (ULURP No. C 100050 ZSM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100047 ZMM (L.U. No. 159), a zoning map amendment from a C6-4.5 district to a C6-6 district; N 100048 ZRM (L.U. No. 160), a zoning text amendment to Sections 81-066 and 81-254 to allow an application for a Special Permit to modify height and setback for sites wholly or partially in the Penn Center Subdistrict of the Special Midtown District and an amendment to Section 81-541 to modify the procedure for obtaining a transit bonus in the Special Midtown District and permit the reservation of bonus floor area obtained via the transit bonus; C 100049 ZSM (L.U. No. 161), a special permit pursuant to Sections 81-066 and 81-254 to modify: the height and setback regulations of Section 81-27; the Mandatory District Plan Elements of Sections 81-42, 81-43, 81-45, and 81-47, and the design standards of Section 37-53(f); and C 100237 PQM (L.U. No. 163), a City acquisition of easements related to the transit improvements;

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 74-634(d) 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 August 23, 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 Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010 (CEQR No. 09DCP019M);

RESOLVED:

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

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

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

(3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated July 13, 2010, those mitigative measures that were identified as practicable;

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100050 ZSM, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 163

Report of the Committee on Land Use in favor of approving Application no. C 100237 PQM, submitted by the Department of Citywide Administrative Services, pursuant to §197-c of the New York City Charter, for the acquisition of permanent easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), to facilitate mass transit improvements, Community District 5, Borough of Manhattan. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3553), respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 5

C 100237 PQM

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of permanent easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), to facilitate the construction of transit entrances, a below-ground pedestrian passageway, and other mass transit improvements.

INTENT

To facilitate the construction of a series of transit improvements in relation to commercial development known as 15 Penn Plaza in the Borough of Manhattan.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: August 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. 432

Resolution approving the decision of the City Planning Commission on ULURP No. C 100237 PQM (L.U. No. 163), for the acquisition of permanent easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), to facilitate the construction of transit entrances, a below-ground pedestrian passageway, and other mass transit improvements, Borough of Manhattan.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on July 19, 2010 its decision dated July 14, 2010 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services, for the acquisition of permanent easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), to facilitate the construction of transit entrances, a below-ground pedestrian passageway, and other mass transit improvements, Community District 2, Borough of Manhattan, (the "Site"), (ULURP No. C 100237 PQM) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100047 ZMM (L.U. No. 159), a zoning map amendment from a C6-4.5 district to a C6-6 district; N 100048 ZRM (L.U. No. 160), a zoning text amendment to Sections 81-066 and 81-254 to allow an application for a Special Permit to modify height and setback for sites wholly or partially in the Penn Center Subdistrict of the Special Midtown District and an amendment to Section 81-541 to modify the procedure for obtaining a transit bonus in the Special Midtown District and permit the reservation of bonus floor area obtained via the transit bonus; C 100049 ZSM (L.U. No. 161), a special permit pursuant to Sections 81-066 and 81-254 to modify: the height and setback regulations of Section 81-27; the Mandatory District Plan Elements of Sections 81-42, 81-43, 81-45, and 81-47, and the design standards of Section 37-53(f); and C 100050 ZSM (L.U. No. 162), a special permit pursuant to Sections 74-634 and 81-541 regarding a floor area bonus for transit related improvements;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 23, 2010;

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010 (CEQR No. 09DCP019M);

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

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated July 13, 2010, those mitigative measures that were identified as practicable;

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and Decision, and based on the environmental determination and consideration described in this report, C 100237 PQM, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 164

Report of the Committee on Land Use in favor of approving Application no. 20105715 HKK (N 100417 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.429, LP-2280) by the Landmarks Preservation Commission of the William Ulmer Brewery, located at 31 Belvidere Street (Block 3135, Lot 34), 71-83 Beaver Street (Block 3135, Lot 27), 35-43 Belvidere Street (Block 3135, Lot 27), and 26-28 Locust Street (Block 3135, Lot 16) as a historic landmark, Council District no. 34.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3553), respectfully

REPORTS:**SUBJECT**

BROOKLYN CB - 4

20105715 HKK (N 100417 HKK)

Designation by the Landmarks Preservation Commission (List No. 429/LP No. 2280), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the William Ulmer Brewery Office at 31 Belvidere Street (Block 3135, Lot 34), Main Brew House and Addition at 71-83 Beaver Street a.k.a. 45-47 Belvidere Street (Block 3135, Lot 27), Engine and Machine House at 35-43 Belvidere Street (Block 3135, Lot 27), and Stable and Storage Building at 26-28 Locust Street (Block 3135, Lot 16), as an historic landmark.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: August 24, 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. 433

Resolution affirming the designation by the Landmarks Preservation Commission of the William Ulmer Brewery Office at 31 Belvidere Street (Block 3135, Lot 34), Main Brew House and Addition at 71-83 Beaver Street a.k.a. 45-47 Belvidere Street (Block 3135, Lot 27), Engine and

Machine House at 35-43 Belvidere Street (Block 3135, Lot 27), and Stable and Storage Building at 26-28 Locust Street (Block 3135, Lot 16), Borough of Brooklyn, Designation List No. 429, LP-2280 (L.U. No. 164; 20105715 HKK (N 100417 HKK)).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 19, 2010 a copy of its designation dated May 11, 2010 (the "Designation"), of the William Ulmer Brewery Office at 31 Belvidere Street, Main Brew House and Addition at 71-83 Beaver Street a.k.a. 45-47 Belvidere Street, Engine and Machine House at 35-43 Belvidere Street, and Stable and Storage Building at 26-28 Locust Street, Community District 4, Borough of Brooklyn, as a landmark and Tax Map Block 3135, Lots 34, 27 and 16, 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 July 20, 2010 its report on the Designation dated July 14, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 23, 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.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 165

Report of the Committee on Land Use in favor of approving Application no. 20105716 HKM (N 100418 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.429, LP-2362) by the Landmarks Preservation Commission of the SoHo Cast-Iron Historic District Extension, Council District no.1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3553), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20105716 HKM (N 100418 HKM)

Designation by the Landmarks Preservation Commission (List No. 429, LP-2362), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the SoHo Cast-Iron Historic District Extension, as an historic district.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: August 24, 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. 434

Resolution affirming the designation by the Landmarks Preservation Commission of the SoHo Cast-Iron Historic District Extension, Borough of Manhattan, Designation List No. 429, LP-2362; (L.U. No. 165; 20105716 HKM (N 100418 HKM)).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 19, 2010 a copy of its designation dated May 11, 2010 (the "Designation"), of the SoHo Cast-Iron Historic District Extension.

The district boundaries are:

Area I (Western Subsection)

The SoHo-Cast Iron Historic District Extension consists of the properties bounded by a line beginning at the southwest corner of West Broadway and West Houston Street, then extending westerly along the southern curblineline of West Houston Street, southerly along the western property lines of 482 and 480 West Broadway, westerly along the northern property line of 474- 478 West Broadway (aka 146 Thompson Street) to the eastern curblineline of Thompson Street, southerly along the eastern curblineline of Thompson Street to a point formed by its intersection with a line extending westerly from a part of the southern property line of 468-472 West Broadway (aka 138-150 Thompson Street), easterly along a portion of the southern property line of 468-472 West Broadway (aka 13 8-150 Thompson Street), southerly along the western property lines of 460 to 454 West Broadway and 157 Prince Street to the northern curblineline of Prince Street, easterly along the northern curblineline of Prince Street to a point formed by its intersection with a line extending northerly from the western property line of 150-154 Prince Street (aka 43 6-442 West Broadway), southerly across Prince Street and along the western property line of 150-154 Prince Street (aka 436-442 West Broadway), westerly along the northern property line of 430-436 West Broadway, southerly along the western property line of 430-436 West Broadway, westerly along the northern property line of 426-428 West Broadway (aka 102-104 Thompson Street) to the eastern curblineline of Thompson Street, southerly along the eastern curblineline of Thompson Street to a point formed by its intersection with a line extending westerly from the southern property line of 426-428 West Broadway (aka 102-104 Thompson Street), southerly along the western property lines of 424 and 422 West Broadway, westerly along the northern property line of 418-420 West Broadway (aka 94-96 Thompson Street) to the eastern curblineline of Thompson Street, southerly along the eastern curblineline of Thompson Street to a point formed by its intersection with a line extending westerly from the southern property line of 418-420 West Broadway (aka 94-96 Thompson Street), southerly along the western property lines of 414-416 West Broadway and 169 Spring Street to the northern curblineline of Spring Street, easterly along the northern curblineline of Spring Street to a point formed by its intersection with a line extending northerly from the western property line of 166 Spring Street (aka 402-404 West Broadway), southerly across Spring Street and along the western property line of 166 Spring Street (aka 402-404 West Broadway), westerly along the northern property line of 400 West Broadway, southerly along the western property lines of 400 to 390 West Broadway, easterly along the southern property line of 390 West Broadway, southerly along the western property lines of 386-388 to 378-3 80 West Broadway and a portion of the western property line of 372-376 West Broadway (aka 504-506 Broome Street), easterly along a portion of the southern property line of 372-376 West Broadway (aka 504-506 Broome Street), southerly along a portion of the western property line of 372-376 West Broadway (aka 504-506 Broome Street) and across Broome Street (Watts Street) to the southern curblineline of Broome Street (Watts Street), westerly along said curblineline to a point formed by its intersection with a line extending northerly from the western property line of 505 Broome Street (aka 366- 368 West Broadway and 1-3 Watts Street), southerly along the western property line of 505 Broome Street (aka 366-368 West Broadway and 1-3 Watts Street), westerly long a portion of the northern property line of 362-364 West Broadway, southerly along a portion of the western property line of 362-364 West Broadway, westerly long a portion of the northern property line of 362-364 West Broadway, southerly along a portion of the western property line of 362-364 West Broadway, easterly along the southern property line of 362-364 West Broadway to the centerline of West Broadway, northerly along the centerline of West Broadway to a point formed by its intersection with a line extending easterly from the southern curblineline of West Houston Street, then westerly to the point of the beginning.

Area II (Eastern Subsection)

The SoHo-Cast Iron Historic District Extension consists of the properties bounded by a line beginning at the southwest corner of Lafayette Street and East Houston Street, then extending southerly along the western curblin of Lafayette Street, across Prince Street and following the curve of Lafayette Street to the northwest corner of Lafayette Street and Spring Street, westerly along the northern curblin of Spring Street to a point formed by its intersection with a line extending northerly from the eastern property line of 72-78 Spring Street (aka 65-7 1 Crosby Street), southerly across Spring Street and along the eastern property line of 72-78 Spring Street (aka 65-7 1 Crosby Street) and a portion of the eastern property line of 61-63 Crosby Street, easterly along a portion of the northern property line of 61-63 Crosby Street, southerly along a portion of the eastern property line of 61-63 Crosby Street, westerly along the southern property line of 61-63 Crosby Street, southerly along the eastern property lines of 59 to 44-47 Crosby Street, easterly along the northerly property line of 416-422 Broome Street (aka 202 Lafayette Street) to the western curblin of Lafayette Street, northerly along said curblin to a point formed by its intersection with a line extending westerly from the southern curblin of Kenmare Street, easterly across Lafayette Street and along the southern curblin of Kenmare Street to the southwest corner of Kenmare Street and Cleveland Place, southerly along the western curblin of Cleveland Place, across Broome Street, and continuing southerly along the western curblin of Centre Street to the northwest corner of Centre Street and Grand Street, westerly along the northern curblin of Grand Street and across Lafayette Street to the northwest corner of Grand Street and Lafayette Street, southerly across Grand Street and along the western curblin of Lafayette Street to a point formed by its intersection with a line extending easterly from the southern property line of 158-164 Lafayette Street (aka 151 Grand Street), westerly along the southern property line of 158-164 Lafayette Street (aka 151 Grand Street), southerly along the eastern property lines of 13-17 to 1 Crosby Street (aka 28 Howard Street), across Howard Street and continuing southerly along the eastern property line of 19 Howard Street and a portion of the eastern property line of 21-23 Howard Street (aka 261-267 Canal Street, easterly along a portion of the northern property line 257 Canal Street, southerly along a portion of the eastern property line of 257 Canal Street, easterly along a portion of the northern property line of 257 Canal Street and the northern property line of 255 Canal Street, southerly along the eastern property line of 255 Canal Street to the centerline of Canal Street, westerly along the centerline of Canal Street to the centerline of Broadway, northerly along the centerline of Broadway to the centerline of Howard Street, easterly along the centerline of Howard Street to the centerline of Crosby Street, northerly along the centerline of Crosby Street to the southeast corner of Crosby Street and East Houston Street, easterly along the southern curblin of East Houston Street to the point of beginning, as an historic district, Community District 2, Borough of Manhattan, 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 July 20, 2010 its report on the Designation dated July 14, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 23, 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.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 166

Report of the Committee on Land Use in favor of approving Application no. 20105571 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc. d/b/a

Groove to continue to maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3554), respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 2

20105571 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc., d/b/a Groove, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street.

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: August 24, 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. 435

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan (20105571 TCM; L.U. No. 166).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 16, 2010 its approval dated July 16, 2010 of the petition of Groove Enterprises, Inc., d/b/a Groove, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on August 23, 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.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 167

Report of the Committee on Land Use in favor of approving Application no. 20105585 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Smorgas Chef West Village LLC d/b/a Smorgas Chef to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th Street, 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 July 29, 2010 (Minutes, page 3554), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20105585 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Smorgas Chef West Village, LLC, d/b/a Smorgas Chef, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th Street.

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: August 24, 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. 436

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 283 West 12th Street, Borough of Manhattan (20105585 TCM; L.U. No. 167).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 16, 2010 its approval dated July 16, 2010 of the petition of Smorgas Chef West Village, LLC, d/b/a Smorgas Chef, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on August 23, 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.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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. 168

Report of the Committee on Land Use in favor of approving Application no. 20105611TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Watawa Inc. d/b/a Watawa to modify, maintain and operate an unenclosed sidewalk café located at 33-10 Ditmars Boulevard, Borough of Queens, Council District no. 22. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 29, 2010 (Minutes, page 3554), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

20105611 TCQ

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Watawa, Inc., d/b/a Watawa, for a revocable consent to modify, maintain and operate an unenclosed sidewalk café at 33-10 Ditmars Boulevard.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: August 24, 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. 437

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 33-10 Ditmars Boulevard, Borough of Queens (20105611 TCM; L.U. No. 168).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 12, 2010 its approval dated July 9, 2010 of the petition of Watawa, Inc., d/b/a Watawa, for a revocable consent to modify, maintain and operate an unenclosed sidewalk café located at 33-10 Ditmars Boulevard, Community District 1, Borough

of Queens (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 August 23, 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.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 169

Report of the Committee on Land Use in favor of approving Application no. 20085696 SCQ, a proposed site for a new, approximately 665 seat Primary/Intermediate School Facility, to be located at the southwest corner of 46th Avenue and 5th Street (Block 21, lot 31 in portion) Council District No. 26, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010, respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

20085696 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 665-Seat Primary/Intermediate School Facility, to be located at the southwest corner of 46th Avenue and 5th Street (Block 21, Lot 30 in portion), Borough of Queens, Community School District No. 30.

INTENT

To facilitate the development of a new 665-seat primary/intermediate school facility in the Borough of Queens.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: August 24, 2010

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

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

Res. No. 438

Resolution approving the site plan for a new, approximately 665-Seat Primary/Intermediate School Facility to be located at the southwest corner of 46th Avenue and 5th Street (Tax Map Block 21, Tax Map Lot 30 in portion), Borough of Queens (Non-ULURP No. 20085696 SCQ; Preconsidered L.U. No. 169).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on August 19, 2010, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 665-Seat Primary/Intermediate School Facility to be located at the southwest corner of 46th Avenue and 5th Street (Tax Map Block 21, Tax Map Lot 30 in portion), Community District 2, Borough of Queens, in Community School District No. 30 (the "Site Plan");

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

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on August 23, 2010;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on August 18, 2010, (SEQR Project Number 11-001); and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 170

Report of the Committee on Land Use in favor of approving Application no. 20115131 HAX, an Urban Development Action Area Project located at 1341 Chisholm Street, Council District no. 16, 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, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010, respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
1341 Chisholm Street Area Bronx	2971/28	20115131 HAX	170Asset	Control
31 St. Mark's Place Brooklyn	389/57	20115133 HAK	171	Rehab.
315 Jerome Street Rental	3998/6	20115134 HAK	172	Low Income
521 Linwood Street	4035/115			
525-27 Linwood Street	4035/13			
535 Linwood Street Brooklyn	4035/113			

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law for Non-ULURP No. 20115133 HAK; and pursuant to Section 696 of the General Municipal Law for Non-ULURP No. 20115131 HAX.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: August 23, 2010

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

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

Res. No. 439

Resolution approving an Urban Development Action Area Project located at 1341 Chisholm Street (Block 2971/Lot 28), 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 (Preconsidered L.U. No. 170; 20115131 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 29, 2010 its request dated June 28, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1341 Chisholm

Street (Block 2971/Lot 28), Community District 3, Borough of the Bronx (the "Disposition Area"):

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on August 23, 2010;

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

RESOLVED:

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

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

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

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

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

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

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years, during the last five years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1st or July 1st (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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

exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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 Land Use and had been favorably reported for adoption.

Preconsidered Report for L.U. No. 171

Report of the Committee on Land Use in favor of approving Application no. 20115133 HAK, an Urban Development Action Area Project located at 31 Saint Marks Place, Council District no. 33, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 170 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 440

Resolution approving an Urban Development Action Area Project located at Block 389/Lot 57, Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 171; 20115133 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 29, 2010 its request dated June 28, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at Block 389/Lot 57, Community District 2, Borough of Brooklyn (the "Disposition Area"):

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

Law; and

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

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on August 23, 2010;

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

RESOLVED:

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

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

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

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

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

The Council approves the Tax Exemption as follows:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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 Land Use and had been favorably reported for adoption.

Preconsidered Report for L.U. No. 172

Report of the Committee on Land Use in favor of approving Application no. 20115134 HAK, an amended Urban Development Action Area Project located at 315 Jerome Street, 521, 525-27, 535 Linwood Street, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 170 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 441

Resolution approving an Urban Development Action Area Project located at 315 Jerome Street (Block 3998, Lot 6), 521 Linwood Street (Block 4035, Lot 115), 525-27 Linwood Street (Block 4035, Lot 13), and 535 Linwood Street (Block 4035, Lot 113), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 172; 20115134 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 29, 2010 its request dated June 28, 2010 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 315 Jerome Street (Block 3998, Lot 6), 521 Linwood Street (Block 4035, Lot 115), 525-27 Linwood Street (Block 4035, Lot 13), and 535 Linwood Street (Block 4035, Lot 113), Community District 5, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes 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 related to 20095675 HAK, LU 1133, Resolution No. 2107 of 2009;

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 August 23, 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.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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 Land Use and had been favorably reported for adoption.

Preconsidered Report for L.U. No. 173

Report of the Committee on Land Use in favor of approving Application no. 20115135 HAK, an amended Urban Development Action Area Project located at 371 Van Siclen Avenue, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010, 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"), which requests that the Council:

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. Approve the designation of the disposition area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and

3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

NO.	ADDRESS	BLOCK/ LOT	BORO	PROGRAM	COMMUNITY BOARD
20115135 HAK	371 Van Siclen	4026/2	Brooklyn	Low Income Rental	5

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: August 23, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the designation and the project, 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. 442

Resolution approving an amendment to an Urban Development Action Area Project located at 371 Van Siclen Avenue (Block 4026/Lot 2), Borough of Brooklyn, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 173; 20115135 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 29, 2010 its request dated June 28, 2010 that the Council take the following actions regarding an amendment to an Urban Development Action Area Project (the "Project") located at 371 Van Siclen Avenue (Block 4026/Lot 2), Community District 5, Borough of Brooklyn (the "Disposition Area"):

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

2. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and

3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is related to C 100014 HAK, L.U. No. 1269, Resolution No. 2293 of 2009;

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 August 23, 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 approves the designation of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law pursuant to said Section.

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S.L SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, 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, August 24, 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 of the Committee on Rules, Privileges & Elections

Report for M-178

Report of the Committee on Rules, Privileges & Elections in favor of approving the appointment of Joel Forman, M.D. as a member of the New York City Board of Health.

The Committee on Rules, Privileges & Elections, to which the annexed resolution was referred on July 29, 2010 (Minutes, page 3175), respectfully

REPORTS:

New York City Board of Health – (Mayor's nominee for appointment upon advice and consent of the Council)

- **Joel Forman, M.D. [M-178]**

Pursuant to *New York City Charter* ("the Charter") § 553, there shall be in the New York City Department of Health and Mental Hygiene ("the Department")¹ a Board of Health ("the Board")², the Chairperson of which shall be the Commissioner of the Department.

The main function of the Board is to promulgate the *New York City Health Code* ("Code"), which can encompass any matter within the jurisdiction of the Department, and has "the force and effect of law." [Charter § 558.] The Board may legislate on "all matters and subjects to which the power and authority of the Department extends." [Charter § 558(c).] The jurisdiction of the Department is among the most extensive and varied of all City agencies. Except as otherwise provided by law, the Department has jurisdiction to regulate all matters affecting health in the City and to perform all those functions and operations performed by the City that relate to the health of the people of the City, including but not limited to the mental health, mental retardation, alcoholism and substance abuse related needs of the people of the City. [Charter § 556.] The scope of the Department's jurisdiction includes such diverse disciplines as communicable diseases, environmental health services, radiological health, food safety, veterinary affairs, water quality, pest control and vital statistics. New emerging pathogens and biological warfare are the most recent additions to the Department's roster of concerns.

for the Lower Ma_____

¹ On November 6, 2001, the voters of New York City approved the merger of the New York City Department of Health and the New York City Department of Health, Mental Retardation and Alcoholism Services to create a new agency called the Department of Public Health. The agency is presently known as the Department of Health and Mental Hygiene.

² The ballot proposal approved by the City's voters on November 6, 2001, expanded the Board's membership from five to eleven members (including the Commissioner), while maintaining the current ratio of medical to non-medical personnel. Also, member terms were reduced from eight years to six years, and staggered to assure continuity. The Charter Revision Commission (the "Commission") asserted that these changes would ensure that the Board is better able to address today's "more complex public health threats and meet the new and emerging public health challenges of the future." Also, the Commission reasoned that the expansion of the Board would "provide the opportunities to increase the variety of expertise represented, and allow for inclusion of representatives with experience relating to special health needs of different racial and cultural groups in the City." Moreover, the Commission felt "a larger Board would also bring to bear greater diversity of academic, clinical and community perspectives on the broad spectrum of public health problems and issues that need to be addressed." Report of the New York City Charter Revision Commission, *Making Our City's Progress Permanent*, pp69-70 (September 5, 2001).

In addition to its primary legislative function in relation to the *Code*, the Board is charged with certain administrative responsibilities. The Board may issue, suspend or revoke permits (e.g., food vendor permits) or may delegate this duty to the Commissioner, in which case a party aggrieved by the decision of the Commissioner has a right of appeal to the Board. [*Charter* § 561.] The Board may declare a state of “great and imminent peril” and take appropriate steps subject to Mayoral approval. [*Charter* § 563.] Other administrative functions of the Board are contained in the *Administrative Code of the City of New York*. One important function is to declare conditions as public nuisances and to order that such conditions be abated or otherwise corrected. [*Administrative Code* § 17-145.]

In addition to the Chairperson, the Board consists of ten members, five of whom shall be doctors of medicine who shall each have had not less than ten years experience in any or all of the following: clinical medicine, neurology, psychiatry, public health administration or college or university public health teaching. The other five members need not be physicians. However, non-physician members shall hold at least a Masters degree in environmental, biological, veterinary, physical, or behavioral health or science, or rehabilitative science or in a related field, and shall have at least ten years experience in the field in which they hold such a degree. The Chairperson of the Mental Hygiene Advisory Board³ sits as one of the ten board members, provided that such individual meets the requirements for Board membership of either a physician or non-physician member.

The nine Board members other than the Chairperson and the member who shall be the Chairperson of the Mental Hygiene Advisory Board shall serve without compensation and shall be appointed by the Mayor, each for a term of six-years.⁴ In the case of a vacancy, the Mayor shall appoint a member to serve for the un-expired term. [*Charter* § 553(b).] The Mayor’s appointees are subject to the advice and consent of the New York City Council as set forth in *Charter* § 31.

The Commissioner shall designate such Department employees as may be necessary to the service of the Board, including an employee designated by him to serve as the Secretary to the Board. [*Charter* § 553 (c).]

Pursuant to *Charter* § 554, a member of the Board other than the Chairperson may be removed by the Mayor upon proof of official misconduct or of negligence in official duties or of conduct in any manner connected with his/her official duties, that tends to discredit his/her office, or of mental or physical inability to perform his/her duties. Prior to removal, however, the Board member shall receive a copy of the charges and shall be entitled to a hearing before the Mayor and to the assistance of counsel at such hearing.

If appointed, Dr. Forman, a resident of Queens, will fill a vacancy and serve the remainder of a six-year term that will expire on May 31, 2012. A copy of Dr. Forman’s résumé and report/resolution is annexed to this briefing paper.

Pursuant to §§ 31 and 553 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Dr. Joel Forman as a member of the New York City Board of Health to serve for the remainder of a six-year term that expires on May 31, 2012.

The matter was referred to the Committee on July 29, 2010.

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

Res. No. 443

Resolution approving the appointment of Joel Forman, M.D. as a member of the New York City Board of Health.

By Council Member Rivera.

RESOLVED, that pursuant to Section 31 and Section 553 of the *New York City Charter*, the Committee on Rules, Privileges and Elections hereby approves the appointment by the Mayor of Dr. Joel Forman as a member of the New York City Board of Health for the remainder of a six-year term, which will expire on May 31, 2012.

for the Lower Ma_____

³ This body advises the Commissioner of Health and Mental Hygiene and the Deputy Commissioner for Mental Hygiene Services in the development of community mental health, mental retardation, alcoholism and substance abuse facilities and services and programs related thereto. *Charter* § 568.

⁴ The term of the Board of Health Chair, who is the Commissioner of Health, is not specified. The Chair of the Mental Hygiene Advisory Board can serve an unlimited number of four-year terms on that advisory Board and, thus, on the New York City Board of Health as well. *Mental Hygiene Law* § 41.11(d) and *Charter* § 568(a)(1).

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, August 25, 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 Int. No. 260-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 City Clerk to provide the public with certain information regarding same sex marriages.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on June 9, 2010 (Minutes, page 2098), and originally reported to and laid over by the Council on June 29, 2010 (Minutes, page 2438), respectfully

REPORTS:

I. Introduction

The Committee on Governmental Operations will meet on June 25, 2010 to consider Proposed Introduction 260-A (“Proposed Int. 260-A”), a local law to amend the administrative code of the city of New York, in relation to requiring the City Clerk to provide the public with certain information regarding same sex marriages.

The Committee previously considered the proposed legislation at a hearing on June 16, 2010. At that hearing, the Committee heard testimony from the City Clerk as well as several representatives of community groups and members of the public. All of the witnesses testified in favor of the legislation and urged its passage.

The legislation would require the City Clerk to prominently post information on its website listing all domestic and international jurisdictions that perform same sex marriages that would be recognized as valid marriages by the state of New York along with the following text: “Lawfully married individuals, including individuals in same sex marriages, are entitled to more New York State rights and benefits than those registered as domestic partners here in New York City. If an individual lawfully enters into a same sex marriage in a jurisdiction outside New York, they are entitled to most of the New York State rights and benefits available to people lawfully married in New York. If you are considering entering into a marriage in one of the jurisdictions listed above, it is recommended that you contact that jurisdiction beforehand in order to learn about any applicable marriage requirements or restrictions.”

Such information would also be available in hard copy at the Marriage Bureau in the City Clerk’s office.

II. The City Clerk

The City Clerk serves as the Clerk of the City Council and the Clerk of the City of New York. In addition to a variety of other official duties, the City Clerk operates the Marriage Bureau, which provides marriage licenses and domestic partnership registrations.⁵

III. Status of Same Sex Marriages in New York

On February 1, 2008, the Fourth Department issued a decision in *Martinez v. County of Monroe*⁶ affirming that an employee of a state community college was entitled to have her same sex marriage, which was solemnized in Canada, recognized in New York. There was no dispute as to the legality of the marriage under the laws of Canada and Ontario.⁷ The case arose after the employee applied for health care benefits for her spouse, which were denied. The court determined that there was no state statute or “positive law” clearly expressing a state intent “to prohibit recognition of a marriage that would have been invalid if solemnized in New York” and that “[t]he Legislature has not enacted legislation to prohibit the recognition of same-sex marriages validly entered into outside of New York.”⁸

for the Lower Ma_____

⁵ *About the City Clerk*, Website of the Office of the City Clerk, www.cityclerk.nyc.gov.

⁶ 50 A.D.3d 189; 850 N.Y.S.2d 740.

⁷ *Id.*

⁸ *Id.*

Subsequently, on May 14, 2008, Governor David Paterson's counsel issued a directive to state agencies stating that same sex marriages performed in other jurisdictions should be recognized and afforded full faith and credit by all state agencies unless some other provision of law would bar such agencies from doing so.⁹

The next year, in *Lewis v. New York State Dept. of Civil Service*¹⁰, decided on January 22, 2009, the New York Supreme Court Appellate Division, 3rd Department upheld a decision by the New York State Department of Civil Service to recognize parties to a same sex marriage as spouses as long as their marriage was valid in the jurisdiction where it was solemnized, thereby allowing such spouses of state employees full access to the benefits provided under the New York State Health Insurance Program. The 3rd Department cited the New York Court of Appeals holding in *Hernandez*¹¹, where the court found that though the Domestic Relations Law only permits the solemnization of opposite sex marriages in New York, where the Domestic Relations Law does not expressly void a certain type of marriage validly solemnized outside of New York, the statute should not be extended by judicial construction¹².

As a result of these decisions and the Executive branch directive, there is a legal consensus emerging that lawfully married individuals, including individuals in same sex marriages, who were married in a jurisdiction outside New York, are entitled to many of the state rights and benefits available to persons lawfully married in the state of New York. At least one group, however, has raised questions regarding recognition of same sex marriages in governmental contexts outside of the authority of the Executive branch.¹³ While it appears that state courts are tending to apply the Martinez rule in such situations, thereby recognizing such same sex marriages, the Committee recognizes that this is a rapidly changing area of law and will monitor relevant legal developments.

IV. Legislation under Consideration

The legislation under consideration would require the City Clerk to prominently post the following information on the section(s) of the City Clerk's website, or any successor website maintained by or on behalf of the City Clerk or a successor officer, relating to marriage, domestic partnerships or other similar subjects: (i) a list of all domestic and international jurisdictions that perform same sex marriages that would be recognized as valid marriages by the state of New York under current laws, rules and regulations; and (ii) the following text: "Lawfully married individuals, including individuals in same sex marriages, are entitled to more New York State rights and benefits than those registered as domestic partners here in New York City. If an individual lawfully enters into a same sex marriage in a jurisdiction outside New York, they are entitled to most of the New York State rights and benefits available to people lawfully married in New York. If you are considering entering into a marriage in one of the jurisdictions listed above, it is recommended that you contact that jurisdiction beforehand in order to learn about any applicable marriage requirements or restrictions."

Additionally, such information would be prominently displayed and distributed free of charge in hard copy at the Marriage Bureau in the City Clerk's office.

Such information, while already publicly available elsewhere, could prove helpful to individuals considering a domestic partnership registration.

The legislation would become effective thirty days following its enactment.

V. Testimony

On June 16, 2010, the Committee heard testimony on the merits of the proposed legislation from the City Clerk as well as several advocates and members of the public. All testified in favor of the bill and urged the Committee to pass the legislation. The City Clerk stated that he was unable to foresee any operational difficulties in implementing the proposed legislation.

(The following is from the text of the Fiscal Impact Statement for Int. No. 260-A:)

FISCAL IMPACT STATEMENT:

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

for the Lower Ma_____

⁹ Memo from David Nocenti to state agencies on same sex marriage recognition, May 14, 2008.

¹⁰ 2009 NY Slip Op 283.

¹¹ *Hernandez v. Robles*, 7 NY3d 338, 357, 855 N.E.2d 1, (2006) (finding that though New York law prohibited the marriage of same sex couples, such a prohibition did not violate the due process and equal protection clauses of the New York constitution and that the statutory definition of marriage to exclude same-sex couples was not irrationally under inclusive or over inclusive).

¹² See *Matter of May*, 305 NY at 492, 1953 (finding that, in New York, the legality of a marriage is determined by the law of the place where the marriage is solemnized); *Van Voorhis v Brintnall*, 86 NY at 33, 1881 (finding that express legislation is required if a citizen is to be held bound by the laws of his state for acts performed by him outside its limits).

¹³ *Getting Married Out of State*, Empire State Pride Agenda (2009).

IMPACT ON REVENUES: This legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: This legislation would have a limited impact on expenditures, such impact consisting solely of the costs to produce the required hard copy information regarding same sex marriage, domestic partnership, and the relative rights and benefits associated therewith. These costs (which the City Clerk's Office reports will be less than \$2,500), along with the maintenance of the agency's website, can be accomplished using the City Clerk's existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: NA

SOURCE OF INFORMATION: New York City Council Finance Division, City Clerk's Office

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director

HISTORY: On June 9, 2010, Intro. 260 was introduced by the Council and referred to the Committee on Governmental Operations. On June 16, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On June 25, 2010, the Committee is expected to vote on an amended version, Proposed Intro. 260-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 260-A:)

Int. No. 260-A

By The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Dromm, Fidler, James, Koslowitz, Lander, Lappin, Palma, Van Bramer, Mark-Viverito, Jackson, Garodnick, Mendez, Nelson, Koppell, Reyna, Eugene and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the City Clerk to provide the public with certain information regarding same sex marriages.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-207.1 to read as follows:

§3-207.1 **Marriage notification.** a. *The city clerk shall prominently post the following information on the section(s) of the city clerk's website, or any successor website maintained by or on behalf of the city clerk or a successor officer, relating to marriage, domestic partnerships or other similar subjects: (i) a list of all domestic and international jurisdictions that perform same sex marriages; and (ii) the following text: "Lawfully married individuals, including individuals in same sex marriages, are entitled to more New York State rights and benefits than those registered as domestic partners here in New York City. If an individual lawfully enters into a same sex marriage in a jurisdiction outside New York, they are entitled to most of the New York State rights and benefits available to people lawfully married in New York. If you are considering entering into a marriage in one of the jurisdictions listed above, it is recommended that you contact that jurisdiction beforehand in order to learn about any applicable marriage requirements or restrictions."*

b. *All information required to be made available on the internet pursuant to this local law shall also be prominently displayed and distributed free of charge in hard copy at the marriage bureau in the city clerk's office.*

c. *The obligations of the city clerk under this section shall be continuing and the city clerk shall make all reasonable efforts to ensure that all information provided pursuant to this section is accurate and current and shall update such information as appropriate.*

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

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 September 16, 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 178 & Res 443 --** Joel Forman, M.D. – New York City Board of Health.
- (2) **Int 87-A --** Filing of registration statements by owners of dwellings.
- (3) **Int 260-A --** Requiring the City Clerk to provide the public with certain information regarding same sex marriages.
- (4) **Res 191 --** Granting of franchises for installation of telecommunications equipment and facilities.
- (5) **Res 370-A --** 34th Street Business Improvement District that authorize additional services and modify existing services for the district.
- (6) **Res 421 --** Approving the new designation and changes in the designation of certain organizations to receive funding in Fiscal 2011 Expense Budget (**Transparency Resolution, August 25, 2010**).
- (7) **L.U. 159 & Res 428 --** App. **C 100047 ZMM** amendment of the Zoning Map, Borough of Manhattan, Community District 5.
- (8) **L.U. 160 & Res 429 --** App. **N 100048 ZRM** modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal, Borough of Manhattan, Community District 5.
- (9) **L.U. 161 & Res 430 --** App. **C 100049 ZSM** proposed commercial development on property located at 15 Penn Plaza.
- (10) **L.U. 162 & Res 431 --** App. **C 100050 ZSM** floor area bonus for mass transit facility improvements, 15 Penn Plaza.
- (11) **L.U. 163 & Res 432 --** App. **C 100237 PQM**, facilitate mass transit improvements, Community District 5, Borough of Manhattan.
- (12) **L.U. 164 & Res 433 --** App. **20105715 HKK** William Ulmer Brewery, located at 31 Belvidere Street as a historic landmark, Council District no. 34.
- (13) **L.U. 165 & Res 434 --** Application no. **20105716 HKM** SoHo Cast-Iron Historic District Extension, Council District no.1.
- (14) **L.U. 166 & Res 435 --** App. **20105571 TCM**, Groove Enterprises, Inc. unenclosed sidewalk café, 125 Macdougall Street, Manhattan, CD 3.
- (15) **L.U. 167 & Res 436 --** App. **20105585 TCM**, Smorgas Chef West Village LLC, unenclosed sidewalk café 283 West 12th Street, Manhattan, CD 3.
- (16) **L.U. 168 & Res 437 --** App. **20105611TCQ**, Watawa Inc. unenclosed sidewalk café located at 33-10 Ditmars Boulevard, Queens, CD 22.
- (17) **L.U. 169 & Res 438 --** App. **20085696 SCQ**, 665 seat Primary/Intermediate School Facility, to be located at the southwest corner of 46th Avenue and 5th Street Council District No. 26, Borough of Queens.
- (18) **L.U. 170 & Res 439 --** App. **20115131 HAX**, UDAAP 1341 Chisholm Street, Council District no. 16, Borough of the Bronx.
- (19) **L.U. 171 & Res 440 --** App. **20115133 HAK**, UDAAP, 31 Saint Marks Place, Council District no. 33, Borough of Brooklyn.
- (20) **L.U. 172 & Res 441 --** App. **20115134 HAK**, UDAAP, 315 Jerome Street, 521, 525-27, 535 Linwood Street, CD 37, Brooklyn.
- (21) **L.U. 173 & Res 442 --** App. **20115135 HAK**, UDAAP, 371 Van Siclen Avenue, Council District no. 37, Borough of Brooklyn.
- (22) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

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

The following was the vote recorded for **Int No. 260-A**:

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

Negative – Greenfield – **1**.

The following was the vote recorded for **Res No. 191**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Rivera, and the Speaker (Council Member Quinn) – **41**.

Negative – Barron, Halloran, Ignizio, Koo Oddo, Ulrich, and Vallone, Jr. – **7**.

The following was the vote recorded for **LU No. 159 & Res No. 428; LU No. 160 & Res No. 429; LU No. 161 & Res No. 430; LU No. 162 & Res No. 431; and LU No. 163 & Res No. 432**:

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

Negative – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 87-A and 260-A.

INTRODUCTION AND READING OF BILLS

Int. No. 314

By Council Members Brewer, Levin, Koppell, Dromm, Gentile, James, Lander, Palma, Van Bramer, Vann, Williams, Foster, Cabrera, Nelson and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to establishing minimum neighborhood service standards and requiring environmental mitigation reports on certain large-scale developments.

Be it enacted by the Council as follows:

Section 1. This bill shall be known and may be cited as the "Environmental Mitigation Report Law."

§2. Declarations of legislative findings and intent. The Council finds that New York City has undergone and will continue to undergo an extraordinary amount of construction and development, and that much of this development has proceeded without accompanying improvements in infrastructure and services. In order to create communities with adequate infrastructure and support, city agencies need to assess and report to the public through local community boards and the affected Council Member specific mitigations noted within an Environmental Impact Statement where one was prepared for a development project, and whether and how each relevant agency plans to implement such mitigation measures.

§3. Chapter one of title twenty-five of the administrative code of the city of New York is amended By adding a new section 25-114 to read as follows:

§25-114 *Environmental mitigation report. a. Definitions. For purposes of this section the following terms and phrases shall have the following meanings:*

1. "Covered agencies" shall mean the department of transportation, department of sanitation, department of environmental protection, department of education, department of parks and recreation, the police department and fire department.

2. "Covered development" shall mean any project resulting in the construction of a building or structure used for commercial, residential or mixed use occupancy where an environmental impact statement is required by law for an application subject to review pursuant to section 197-c of the New York city charter.

b. The department of city planning shall work with each covered agency and submit a report to each council member, the borough president and each community board for the districts and borough in which a covered development is located within sixty days of issuance of a notice of completion of a draft environmental impact statement on the covered development. In preparing such report, each covered agency shall review the draft environmental impact statement and any other relevant information and provide to the mayor's office of environmental coordination and the department of city planning an assessment of: (1) the current level of services (including infrastructure used to provide such services) in the impacted area identified by the environmental impact statement relating to the covered development and (2) a detailed description of each covered agency's plans to address the differential between such current service levels and the minimum neighborhood service standards set forth for the respective covered agencies in subdivisions d through j of this section.

c. Each covered agency shall, within one hundred eighty days of the effective date of this section, establish minimum neighborhood service standards as set forth in subdivisions d through j of this section which shall be reevaluated no less often than every two years thereafter and revised as appropriate. These minimum neighborhood service standards shall serve as a standard for measuring the impact of a covered development on neighborhood services.

d. The department of transportation shall establish minimum neighborhood service standards which shall include, but not be limited to, the acceptable average distance to the closest public transportation from a city resident's home to a bus stop or subway station, and the acceptable frequency of each such mode of transportation during peak and off-peak hours, an acceptable flow of vehicular and pedestrian traffic based on an examination of vehicular and pedestrian traffic patterns in order to identify and alleviate vehicular and pedestrian congestion and access to alternative transportation methods, such as, but not limited to, authorized bicycle lanes. The department of transportation shall periodically review and, as necessary, revise such minimum neighborhood service standards.

e. The department of sanitation shall establish minimum neighborhood service standards for the frequency of the collection of solid waste and designated recyclable materials and street cleaning. The department of sanitation shall periodically review, and as necessary, revise such minimum neighborhood service standards.

f. The department of environmental protection shall establish minimum neighborhood service standards for air quality, ambient noise levels, the provision of potable water and wastewater treatment. The department of environmental protection shall periodically review and, as necessary, revise such minimum neighborhood service standards.

g. The department of education shall establish minimum neighborhood service standards which shall include, but not be limited to, the number of school seats needed, for elementary level, middle school level and high school level students, respectively, in order to serve the current and expected future school populations. The department of education shall periodically review and revise, as necessary, such

minimum neighborhood service standards.

h. The department of parks and recreation shall establish neighborhood service standards for access to parks and other open space. Such neighborhood service standards shall include, but not be limited to, the acceptable distance an individual should reside from a park or other open space and the minimum amount of parkland appropriate for a given residential and commercial population. The department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

i. The police department shall establish minimum neighborhood service standards for protection of New York city residents. Such neighborhood service standards shall include, but not be limited to, the appropriate response times for different categories of complaints or requests for assistance received by the police department, and precinct staffing levels and patrol schedules. The police department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

j. The fire department shall establish minimum neighborhood service standards for fire protection, including, but not limited to, the response time necessary to achieve adequate protection against fire and other emergency response conditions within the jurisdiction of the fire department. The fire department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

k. No later than February 28 of each year, the department of city planning shall submit to the city council a report describing for each project approved by the department of city planning any adverse environmental impacts of each such project that were identified in any environmental impact statement prepared in conjunction with such project, what measures are required to be taken to mitigate those impacts, when each such mitigation measure is required to be initiated and the duration of each such mitigation measure. Such report also shall include for each such project for the first five years for which each mitigation measure is required to be implemented, what actions have been and will be undertaken with respect to each such mitigation measure.

§4. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 315

By Council Members Brewer, Gentile, James, Koppell, Lander and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to the taxi and limousine commission license fee for compressed natural gas and certain hybrid-electric vehicles.

Be it enacted by the Council as follows:

Section 1. Section 19-502 of the administrative code of the city of New York is amended By adding new subdivisions x and y to read as follows:

x. "Hybrid-electric vehicle" shall mean a commercially available mass-produced vehicle originally equipped by the manufacturer with a combustion engine system together with an electric propulsion system that operates in an integrated manner.

y. "Qualified hybrid-electric vehicle" shall mean a hybrid-electric vehicle that has a United States environmental protection agency city mileage published label value, pursuant to section 32908(b) of title 49 of the United States code, of 45 miles per gallon or greater.

§2. Subdivision b of section 19-504 of the administrative code of the city of New York is amended to read as follows:

b. The license fee for each taxi[-]cab and coach shall be five hundred fifty dollars annually. The license fee for each wheelchair accessible van and each for-hire vehicle shall be two hundred seventy-five dollars annually. If a license is granted for a period other than one year, the fee shall be prorated accordingly. There shall be an additional fee of twenty-five dollars for late filing of a wheelchair accessible van or for-hire vehicle license renewal application where such filing is permitted by the commission. The applicable license fee set forth in this subdivision shall be waived for any qualified hybrid-electric vehicle and any vehicle dedicated to operate on compressed natural gas.

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

Referred to the Committee on Transportation.

Int. No. 316

By Council Members Brewer, James, Palma, Williams, Foster and Cabrera.

A Local Law to amend the New York city charter, in relation to requiring that no videotape, or its contents, produced By an agency be destroyed or

otherwise disposed of and that the head of each agency transmit to the municipal reference and research center such material in a timely manner.

Be it enacted by the Council as follows:

Section 1. Section 1133 of the New York city charter, as added By vote of the electors at the general election held on November 8, 1988, is amended by adding a new subdivision d to read as follows:

d. No videotape, or its contents, produced by or on behalf of any city agency, shall be destroyed or otherwise disposed of by any agency, officer, employee, or independent contractor of the city unless the contents of such videotape are transferred to an alternative video format. The head of each agency shall transmit to the municipal reference and research center at least one copy of each such videotape produced by or on behalf of such agency as soon as practicable after such videotape shall have been produced or distributed. This subdivision shall not apply to any videotape, or its contents, prepared by, or on behalf of, a law enforcement, investigatory, or prosecutorial agency.

§2. Subdivision 2 of section 3011 of the New York city charter, as renumbered By local law number 18 for the year 1985, is amended to read as follows:

2. "Records" means any documents, books, papers, photographs, sound recordings, *video recordings*, machine readable materials or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official city business. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications are not included within the definition of records as used in this chapter.

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

Referred to the Committee on Governmental Operations.

Int. No. 317

By Council Members Brewer, James and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the manual transfer of diesel fuel and requiring all refilling of diesel fuel tanks inside of buildings above the lowest floor be accomplished only By using a transfer pump supplied from a primary storage tank.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 27-829 of the administrative code of the city of New York is amended to read as follows:

(2) (i) Storage tanks having a capacity of two hundred seventy-five gallons or less, installed above the lowest floor inside a building shall be filled *only* By means of a transfer pump supplied from a primary storage tank located and installed as otherwise required by this subchapter. A separate transfer pump and piping circuit shall be provided for each storage tank installed above the lowest floor. No intermediate pumping stations shall be provided between the storage tank and the transfer pump. Appropriate devices shall be provided for the automatic and manual starting and stopping of the transfer pumps so as to prevent the overflow of oil from these storage tanks.

(ii) *Buildings in existence on the effective date of this paragraph shall be brought into compliance with this subdivision on or before July 1, 2012 and the owners of such buildings shall file with the department a final report prepared by an architect or engineer certifying to the installation of the required transfer pump and piping in accordance with this section. Owners of all other buildings subject to the provisions of this subdivision, including buildings for which construction has commenced or for which an application for approval of plans has been filed with the department prior to July 1, 2012, shall submit such final report prior to issuance of temporary or permanent certificate of occupancy. Failure to timely file such final report or otherwise comply with the provisions of this paragraph shall be a violation punishable pursuant to section 28-202.1(3) of the code. Such reports shall be on such forms and in such manner as are prescribed by the commissioner.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 318

By Council Members Brewer, Chin, James, Levin, Vann, Williams and Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to the definitions of alteration and demolition in the building code.

Be it enacted by the Council as follows:

Section 1. The definitions of alteration and demolition in section 27-232 of the administrative code of the city of New York are amended to read as follows:

ALTERATION. Any addition, or change or modification of [a] *an existing* building, or the service equipment thereof, that affects safety or health and that is not classified as a minor alteration or ordinary repair. The moving of [a] *an existing* building from one location or position to another shall be deemed an alteration, *except that an alteration shall not include additions, changes or modifications to an existing building that result in more than thirty percent of such existing building's structural shell being rehabilitated, maintained or reused.*

DEMOLITION. The dismantling or razing of all or part of a building, including all operations incidental thereto. *A demolition shall include any addition, change or modification to an existing building that results in more than thirty percent of such existing building's structural shell being rehabilitated, maintained or reused.*

§2. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Housing and Buildings.

Res. No. 405

Resolution calling upon the New York State Legislature to enact A.4948 and S.4725, which enact a bill of rights for cooperative shareholders and condominium unit owners and direct the Attorney General to promulgate a handbook summary of these rights and the procedures available to enforce them.

By Council Members Brewer, Barron, Chin, Dromm, Fidler, Gentile, Greenfield, James, Koppell, Lander, Palma, Sanders, Williams, Cabrera, Nelson, Halloran and Koo.

Whereas, The boards of directors of cooperative corporations and boards of managers of condominium associations exercise broad authority over the rights and financial interests of the individual owners; and

Whereas, These boards and associations are presently given broad legal discretion under the law; and

Whereas, Identical bills have been introduced in the Assembly, A.4948 and the Senate, S.4725, to address certain aspects of this authority and the sponsors' Memoranda in Support indicate that complaints have been received from property owners who feel that they have been dealt with in an arbitrary and capricious manner By their board or association; and

Whereas, These bills would clarify the rights and responsibilities of the shareholders and boards of directors of cooperative corporations and of the unit owners and boards of managers of condominium associations; and

Whereas, These bills would add a new section 352-eeee to the General Business Law to establish a number of important due process rights for individual unit owners in dealing with their board or association and also create general standards for the conduct of business By these boards and associations; and

Whereas, The rights granted to cooperative shareholders and condominium unit owners in these bills would require cooperative corporations and condominium associations to process requests for action By unit owners in an expeditious, non-discriminatory fashion, according to uniform written procedures; hold elections by secret ballot and post the results; fill board vacancies in a timely fashion; provide for the prompt resignation of board members who sell their interest in the corporation or association; make various documents, including financial statements, available to individual owners in a timely fashion; post notice of meetings at least ten days in advance; and, with the exception of some special cases, obtain permission through a shareholder or unit owner vote before imposing special assessments or entering into contracts for extraordinary expenses; and

Whereas, These protections would help to ensure that unit owners are dealt with fairly and have access to important information regarding the management of the buildings which constitute their homes; and

Whereas, These bills would require the boards of directors of cooperative corporations and boards of managers of condominium associations to amend, within one year, their organizational and operating documents to reflect the rights granted and responsibilities imposed in these bills; and

Whereas, These bills would require the Attorney General of the State of New York to promulgate, within six months, a handbook summarizing the rights of shareholders and unit owners vis-à-vis cooperative corporations and condominium associations and the procedures and processes available to enforce those rights; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A.4948 and S.4725, which enact a bill of rights for

cooperative shareholders and condominium unit owners and direct the Attorney General to promulgate a handbook summary of these rights and the procedures available to enforce them.

Referred to the Committee on Housing and Buildings.

Res. No. 406

Resolution calling upon the New York State Department of Education to improve the process By which eligible students enroll in Supplemental Education Services and to improve oversight of the providers of such services.

By Council Members Brewer, Barron, Dromm, Gentile, James, Lander, Palma, Williams, Greenfield, Cabrera and Koo.

Whereas, Pursuant to the federal No Child Left Behind Act (NCLB), public schools that have failed to meet “adequate yearly progress” in reaching State academic standards are listed as “Title I Schools in Need of Improvement;” and

Whereas, New York State identifies such elementary and middle schools based on State English language arts and mathematics tests taken By students in grades 4-8, and the State further identifies high schools based on the results in English language arts and/or math Regents and graduation rates; and

Whereas, Pursuant to NCLB, low-income students attending a school that has been identified By the State as “in need of improvement” for two consecutive years, may be eligible for a school transfer or Supplemental Education Services (SES); and

Whereas, SES programs are free tutoring programs in English language arts, reading or math, and are provided By New York State approved educational organizations, including community-based organizations, faith-based organizations and for-profit education companies; and

Whereas, The New York City Department of Education lists over 200 schools that are eligible for SES programs for 2005-06; and

Whereas, According to a September 2005 press release from the New York City Department of Education, there are currently 87 State approved SES providers operating in the City; and

Whereas, The New York City Department of Education indicates that the number of New York City students participating in such programs has been steadily increasing, reaching 87,318 in 2004-05; and

Whereas, Despite the increasing number of students being served, there remains a significant number of eligible students who are going without supplemental services; and

Whereas, According to a *New York Times (NYT)* article appearing on February 12, 2006, less than half of the 215,000 New York City students eligible for SES actually received such services; and

Whereas, In addition, the *NYT* article also stated that approximately 34,000 New York City students attended only a few tutoring sessions and did not complete the SES program; and

Whereas, State and City officials as well as providers and education advocates have suggested that students are not participating in the free tutoring programs for a number of reasons, including the lack of parent awareness and a complicated enrollment procedure; and

Whereas, In addition to the lack of student participation, there have also been oversight concerns regarding the SES providers; and

Whereas, A Report done By the special commissioner of investigation for the City’s school system found that some tutoring companies may have inappropriately recruited students through gift certificates, tickets to sporting events and electronic gifts; and

Whereas, Further, some education advocates have suggested that some tutoring companies have avoided serving students with learning or language difficulties because the measurement of a company’s performance is partially based on the progress its students make; and

Whereas, According to the New York State Education Department’s Request for Qualifications (RFQ), approved SES providers must submit annual progress reports to be reviewed By the State Education Department, which are used to determine continued eligibility as an approved provider; and

Whereas, According to the RFQ, providers will be removed as approved SES providers if they fail, for two consecutive years, to contribute to a student’s academic performance; and

Whereas, Action must be taken to ensure that the services offered By SES providers are having a positive impact on student achievement in the quickest time possible; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Education to improve the process By which eligible students enroll in Supplemental Education Services and to improve oversight of the providers of such services.

Referred to the Committee on Education.

Int. No. 319

By Council Members Crowley, Gonzalez, James, Lander, Seabrook and Vacca.

A Local Law to amend the administrative code of the city of New York in relation to the removal of raccoons.

Be it enacted by the Council as follows:

Section 1. Chapter one 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 Raccoon removal. *a. The department shall ensure the prompt removal of any raccoon from any outdoor public or private property upon receiving a request for such removal from a member of the public.*

b. The department shall coordinate the humane release of raccoons with the department of parks and recreation, provided that the department deems the release appropriate, in accordance with the rules of the department.

c. The department shall promulgate such rules as may be necessary to implement the provisions of this section.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Health.

Res. No. 407

Resolution calling upon the New York State legislature to pass legislation that would crack down on puppy mill practices and empower municipalities to legislate in this area.

By Council Members Crowley, Brewer, Dromm, Gentile, Gonzalez, James, Koppell, Lander, Nelson, Palma, Sanders, and Halloran.

Whereas, According to the American Society for the Prevention of Cruelty to Animals (ASPCA), a national animal protection and advocacy organization, puppy mills are large-scale commercial dog breeding operations where profit is given priority over the well-being of the dogs; and

Whereas, Puppy mills seek to breed the greatest number of dogs, without regard for the suffering of the animals, physical defects and disease; and

Whereas, The ASPCA states that puppy mills operate in deplorable conditions, that are overcrowded and unsanitary; and

Whereas, Dogs in puppy mills generally will not receive adequate veterinary care, food, water and space; and

Whereas, Some animal rights organizations estimate that there are 4,000 puppy mills in the United States and these mills are responsible for the production of about half a million dogs per year; and

Whereas, In New York State the sale of animals are governed By the Agriculture and Markets Law and General Business Law; and

Whereas, The State Agriculture and Markets Law addresses the standards of care that pet dealers must provide to animals including the maintenance of proper housing for the animals, such as sufficient space for movement, ventilation, proper temperature, lighting, sanitation, adequate food and water and regular veterinary care; and

Whereas, Pet dealers must also maintain documentation regarding each animal in their possession including the name and address of the person from whom each animal was acquired, the original source of the animal, the date of acquisition and the identity of the animals is purchaser; and

Whereas, State General Business Law also regulates the sale of dogs By pet dealers; and

Whereas, These regulations require that prior to the sale of a dog, the pet dealer must have a veterinarian examine the dog and determine the animal’s breed, age and whether the animal suffers from any health conditions and the animal must receive a rabies vaccine; and

Whereas, The pet dealer must disclose to the purchaser the breeder’s name and address, the source of the dog, the date of the dog’s birth, the date the dog was received By the pet dealer, the dog’s breed, sex, color and identifying marks, a record of the dog’s inoculations, a record of veterinary treatment, a signed statement that the dog doesn’t have a disease and that there are no known congenital or hereditary conditions that adversely affect the dog at the time of sale, a requirement that the dog be licensed, and information on spaying and neutering; and

Whereas, While these laws represent existing safeguards more must be done to protect these vulnerable animals; and

Whereas, Recent puppy mill-related arrests involved animals that were bred to be sold in New York State, further underscoring that New York provides a market for puppy mill animals; and

Whereas, There are also national efforts to crack down on abusive puppy mills; and

Whereas, United States Senators Richard Durbin and David Vitter have introduced the Puppy Uniform Protection Statute (PUPS), legislation aimed at closing a loophole in the Animal Welfare Act that allows thousands of commercial breeders to go unregulated; and

Whereas, This federal legislation would require all breeders who sell more than 50 puppies per year to be federally licensed and inspected and mandate that commercial breeding facilities provide dogs with 60 minutes of exercise each day, as well as eliminate the existing loophole for dealers that sell animals over the Internet; and

Whereas, In addition, authority should be granted to local officials to investigate and regulate puppy mills and other inhumane practices against animals occurring within their jurisdictions; and

Whereas, Such authority should allow New York City to mandate that pet dealers conspicuously post the source of their dogs so that consumers can be aware where these dogs are originating from; and

Whereas, Other reforms should include the creation of a “Puppy Mill Free” certificate program, that pet dealers would need to apply and establish that they receive their dogs from reputable breeders that comply with all applicable humane treatment laws, as this would serve to further protect these animals and consumers; and

Whereas, New York City should also have the authority to create a registry of pet dealers that are puppy mill free; and

Whereas, Only through strong local enforcement and empowerment can localities adequately respond to the threat and inhumane treatment occurring at puppy mills; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass legislation that would crack down on puppy mill practices and empower municipalities to legislate in this area.

Referred to the Committee on Health.

Res. No. 408

Resolution calling upon the New York City Department of Education to make use of available free resources from the Gay, Lesbian and Straight Education Network (GLSEN) in its implementation of the Respect for All initiative in order to protect and support lesbian, gay, bisexual and transgender students.

By Council Members Dromm, Brewer, Fidler, James, Koslowitz, Lander, Palma, Van Bramer, Foster and Nelson.

Whereas, According to Chancellor’s Regulation A-832, it is the policy of the New York City Department of Education (DOE) to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation and/or bullying committed By students against other students on account of race, color, creed, ethnicity, national origin citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation or disability; and

Whereas, The DOE’s Respect for All (RFA) initiative works to protect all students, including lesbian, gay, bisexual and transgender (LGBT) students from bullying and harassment through confidential reporting of incidents, prompt investigation, appropriate intervention and educating students parents and staff about the policy through posters hung in schools and brochures distributed annually; and

Whereas, Research shows that LGBT students are particularly vulnerable to bullying and harassment on the basis of sexual orientation or gender identity/expression; and

Whereas, According to the 2007 National School Climate Survey conducted By the Gay, Lesbian and Straight Education Network (GLSEN), responses show that in New York 79% of LGBT students were verbally harassed due to sexual orientation and 62% due to gender expression, 41% were physically harassed due to sexual orientation and 28% due to gender expression, and 20% were physically assaulted due to sexual orientation and 13% due to their gender expression; and

Whereas, GLSEN’s research further reports that 60% of New York students who had been harassed or assaulted in school never reported it to a staff person, and only 40% of the students who did report the incident said school staff intervened effectively; and

Whereas, This research also found that LGBT students with a greater number of supportive staff members had higher grade point averages than those with fewer supportive staff members; and

Whereas, Despite publication of the anti-bullying policy, LGBT students are often unaware that they are protected By anti-bullying and harassment policies and that supportive staff members exist in their schools; and

Whereas, GLSEN, a nonprofit organization that strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression, has made available free Safe Space Kits through its website; and

Whereas, GLSEN’s Safe Space Kit is designed to help educators create a safe space for LGBT students and is one of the most effective ways for an educator to create a safe learning environment in school for all students and to be a supportive ally to LGBT students; and

Whereas, GLSEN’s website also offers access to other free tools, such as educator guides and lesson plans to facilitate classroom discussions; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to make use of available free resources from the Gay, Lesbian and Straight Education Network (GLSEN) in its implementation of the Respect for All initiative in order to protect and support lesbian, gay, bisexual and transgender students.

Referred to the Committee on Education.

Res. No. 409

Resolution calling on Congress to pass and President Obama to sign the Development, Relief, and Education for Alien Minors Act of 2009 (the “DREAM Act”) or to incorporate provisions of the DREAM Act in a Comprehensive Immigration Reform bill in order to provide immigration relief to undocumented immigrant students pursuing higher education.

By Council Members Dromm, Barron, Brewer, Chin, Gonzalez, James, Lander, Palma, Seabrook, Williams, Foster and Cabrera.

Whereas, Approximately 16% of the nation’s estimated 12 million undocumented immigrants are under the age of 18; and

Whereas, Generally, children brought to the United States at a young age By their undocumented parents derive their immigration status from their parents and have no right to obtain legal permanent resident status through any other manner; and

Whereas, This population of young people is always at risk of deportation; lacking legal immigration status they are forced to live in the shadows of society without a path to citizenship; and

Whereas, Undocumented immigrants cannot legally work in the United States in order to support themselves; and

Whereas, Undocumented immigrant youths who want to pursue higher education are generally ineligible for most forms of financial aid because of their immigration status; and

Whereas, Although undocumented immigrant children are entitled to public education through the 12th grade like their United States citizen counterparts, it is unclear whether these same children are entitled to public higher education; and

Whereas, Although undocumented immigrant youths may legally enroll in most colleges and universities, current immigration law makes it difficult for them to pay for higher education because they are ineligible for most forms of financial aid; and

Whereas, Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which requires that states providing a higher education benefit based on residency to undocumented immigrants provide that same benefit to U.S. citizens, regardless of their state residence, has been interpreted to prohibit states from offering undocumented students who attend state colleges and universities in-state tuition rates; and

Whereas, Despite this narrow interpretation, ten states have enacted laws that allow anyone, including undocumented immigrants, to pay in-state tuition rates at public colleges and universities, so long as they attended and graduated from high school in the state, since section 505 of the IIRIRA went into effect; and

Whereas, For example, undocumented students who meet specific criteria are eligible to pay in-state tuition rates at schools within the City University of New York and the State University of New York systems; and

Whereas, Despite in-state tuition rates, many undocumented immigrant youths are still ineligible for most forms of financial aid and, because they cannot legally work, it is difficult, if not impossible, for them to attend institutions of higher education; and

Whereas, Beginning in 2001, when section 505 of IIRIRA went into effect, legislation has repeatedly been introduced in Congress in an effort to amend immigration law and provide undocumented students with the opportunity to apply for legal permanent resident status and eligibility for some forms of financial aid; and

Whereas, This legislation is commonly referred to as the Development, Relief, and Education for Alien Minors Act (the DREAM Act); and

Whereas, Most recently, the DREAM Act (S.729) was introduced on March 26, 2009 By Senators Richard Durbin (D-IL) and Richard Lugar (R-IN); and

Whereas, Also on March 26, 2009, Representatives Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL) and Lucille Roybal-Allard (D-CA) introduced the sister bill in the House of Representatives called the American Dream Act (H.R.1751); and

Whereas, The DREAM Act was incorporated in the Comprehensive Immigration Reform for America’s Security and Prosperity Act of 2009 (“CIR

ASAP”), H.R.4321, introduced on December 12, 2009 By Representatives Solomon Ortiz (D-TX) and Luis Gutierrez (D-IL); and

Whereas, Elements of the DREAM Act are included in the bipartisan plan for immigration reform legislation introduced By Senators Chuck Schumer (D-NY) and Lindsey Graham (R-SC) on March 18, 2010; and

Whereas, The DREAM Act would amend the IIRIRA to repeal section 505 in order to allow states to provide higher education benefits to undocumented immigrants; and

Whereas, Under the DREAM Act eligible students would be able to apply for a six year conditional legal permanent resident status that would allow them to work, go to school and be eligible for federal work study, student loans and certain forms of federal financial aid grants; and

Whereas, At the end of the conditional period, an eligible immigrant student would be granted legal permanent resident status if he or she has good moral character, avoided lengthy trips out of the United States, and either graduated from a two-year college or studied for at least two years towards a Bachelor of Arts or higher degree or served in the armed forces; and

Whereas, It is estimated that approximately 65,000 undocumented immigrant students who were raised in the United States would benefit from the DREAM Act; and

Whereas, If enacted, the DREAM Act would allow an estimated 360,000 undocumented high school graduates to work legally and attend college and would provide incentives to an additional 715,000 undocumented youth between the ages of 5 and 17 to finish high school and pursue higher education; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass and President Obama to sign the Development, Relief, and Education for Alien Minors Act of 2009 (the “DREAM Act”) or to incorporate provisions of the DREAM Act in a Comprehensive Immigration Reform bill in order to provide immigration relief to undocumented immigrant students pursuing higher education.

Referred to the Committee on Immigration.

Res. No. 410

Resolution calling on the U.S. House of Representatives and the U.S. Senate to pass H.R. 2746 and S.3189, respectively, “to allow for additional transportation assistance grants,” and to encourage the MTA to take advantage of the current allowance for the use of capital money for operational purposes, to avert layoffs.

By Council Members Ferreras, Barron, Brewer, Chin, Dromm, Gentile, Gonzalez, James, Lander, Palma, Seabrook, Vann, Williams and Cabrera.

Whereas, Due to a lower than expected tax revenue, caused By the economic downturn and the reduction of \$143 million in dedicated funding by New York State, the Metropolitan Transportation Authority (“MTA”) is facing a nearly \$800 million deficit in its 2010 budget; and

Whereas, In order to balance its budget, the MTA has enacted drastic reductions in service, such as the elimination of two subway lines, a reduction in service on a third subway line, the elimination of service on thirty-four bus lines, and reduced service on another sixty-five bus lines; and

Whereas, According to the Straphangers Campaign, the effect of these service cuts will lead to longer wait times for trains and buses, more overcrowding, riders having to make additional transfers, and longer travel times for those riders that take both buses and the subway; and

Whereas, In addition to the service cuts enacted By the MTA Board on March 24, 2010, the MTA also announced that it planned to reduce its workforce by over 1000 people, including laying off 400 station agents; and

Whereas, Laying off these MTA workers in this terrible economic climate hurts not only their families but also the economy of New York City, which would potentially lose thousands of dollars that would go into the local economy; and

Whereas, While current law only allows the MTA to use up to 10% of its capital allocation from the federal government for operational expenses, the MTA has refused to take advantage of this allowance; and

Whereas, Public transportation is good for New York City because it allows more people to shop at local businesses that are serviced By the transit system, reduces the need for parking, and reduces traffic congestion; and

Whereas, Currently there are two companion bills pending in Congress, H.R. 2746 and S.3189, which would give local transportation authorities, such as the MTA, the ability to use up to 30% of their capital allocations on operational expenses; and

Whereas, The legislation before Congress would give the MTA greater flexibility to use federal funds for operational expenses, which could avert the need for future fare increases, service reductions and layoffs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the U.S. House of Representatives and the U.S. Senate to pass H.R. 2746 and S.3189, respectively,

“to allow for additional transportation assistance grants,” and to encourage the MTA to take advantage of the current allowance for the use of capital money for operational purposes, to avert layoffs.

Referred to the Committee on Transportation.

Int. No. 320

By Council Members Fidler, Dickens, Gonzalez, James, Palma, Seabrook, Vann, Williams, Cabrera, Nelson, Vacca, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to the appeals of rejections of an application for a certificate of occupancy.

Be it enacted by the Council as follows:

Section 1. Article 118 of chapter one of title 28 of the administrative code of the city of New York is amended By adding a new section 28-118.1.1 to read as follows:

§28-118.1.1 Appeals of rejections of an application for a certificate of occupancy. (a) Upon the receipt of a denial of any application for a certificate of occupancy, an applicant may appeal the rejection in writing through the following process:

(1) the applicant may at any time after receipt of the rejection appeal to the chief inspector of the borough in which the property which is the subject of the application is located. Upon submission of an appeal, the chief inspector shall have ten business days to rule on the appeal;

(2) if the appeal to the chief inspector results in the affirmance of the denial or any portion thereof, then the applicant may appeal at any time after receipt of notice of such affirmance to the borough commissioner of the borough in which the property which is the subject of the application is located. Upon submission of an appeal, the borough commissioner shall have ten business days to rule on the appeal;

(3) if the appeal to the borough commissioner results in the affirmance of the denial or any portion thereof, then the applicant may appeal at any time after receipt of notice of such affirmance to a panel consisting of each of the five borough commissioners, and the applicant shall indicate whether the applicant wishes to have a hearing. The panel shall notify the applicant of the date of a hearing and provide the applicant with an opportunity to submit supporting materials and to be heard on the date of the hearing. The panel shall have twenty business days to hear and rule on the appeal;

(4) if the appeal to the panel results in the affirmance of the denial or any portion thereof, then the applicant may further appeal at any time after receipt of notice of such affirmance to the commissioner, or his or her designee. Upon submission of an appeal, the commissioner shall have twenty business days to rule on the appeal.

(5) All denials of any application for a certificate of occupancy, as well as any appeals and decisions concerning same, must be in writing.

(b) The department shall submit to the council two reports annually which shall contain the number of appeals total and the number of appeals decided beyond the time frames described in paragraphs 2, 3 and 4 of subdivision a of this section. One of the two annual reports shall be submitted to the council simultaneous with the issuance of the mayor’s management report, and the other annual report shall be submitted simultaneous with the issuance of the preliminary mayor’s management report. The reporting period for the report issued simultaneous with the mayor’s management report shall be the most recently ended fiscal year, and the period of reporting for the report issued simultaneous with the preliminary mayor’s management report shall be the first four months of the fiscal year in which such report is issued.

(c) All decisions under paragraphs 2, 3 and 4 of subdivision a of this section shall be published by the department on its website within thirty business days of the decision and in a printed volume to be issued annually.

(d) Each decision pursuant to this section that denies an application for a certificate of occupancy or affirming any such denial, shall state with which laws of the city of New York or other relevant laws the applicant is not in compliance, and the reasons why the applicant is not in compliance with such laws.

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 321

By Council Members Fidler, Brewer, Gonzalez, Palma, Cabrera and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to modifying the prohibition of smoking around residential health care facilities.

Be it enacted by the Council as follows:

Section 1. Subdivision mm of section 17-502 of the administrative code of the city of New York, as added By local law 50 for the year 2009, is amended to read as follows:

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

§2. Paragraph 6 of subdivision c of section 17-503 of the administrative code of the city of New York is amended to read as follows:

6. Hospital grounds, within fifteen feet of any hospital entrance or exit and within fifteen feet of the entrance to or exit from any hospital grounds, *except where a residential health care facility has established a designated area where smoking is permitted.*

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

Referred to the Committee on Health.

Res. No. 411

Resolution calling upon the New York City Housing Authority to include an admission preference for public housing in its next proposed agency plan for veterans who have a military service-connected disability.

By Council Members Fidler, Brewer, Chin, Dickens, Dromm, Gentile, Gonzalez, Greenfield, James, Lander, Nelson, Palma, Sanders, Seabrook, Williams, Cabrera, Vacca, Halloran and Koo.

Whereas, According to statistics from the United States Department of Veterans Affairs (VA), New York City is home to approximately 348,722 veterans; and

Whereas, Many veterans in New York City are unable to secure affordable housing; and

Whereas, The New York City Housing Authority (NYCHA) is a public housing agency (PHA) organized and funded primarily through federal and state programs; and

Whereas, The requirements for income eligibility and admission preferences for PHAs are based on federal and state law; and

Whereas, Section 156 of New York State's Public Housing Law allows veterans and the families of veterans who served in the armed forces between 1961 and 1975 and were injured or killed as a result of this service to meet a less stringent income eligibility standard for public housing than for other persons or families of low income; and

Whereas, According to section 960.206 of Title 24 of the Code of Federal Regulations, NYCHA has the authority to "adopt a system of local preferences for selection of families admitted to the PHA's public housing program;" and

Whereas, Such admission preferences must be based on local housing needs and determined By the PHA after a period of public comment and consultation with the resident advisory board of the PHA and then submitted within the PHA's annual or five year plan, whichever is applicable, to the federal Department of Housing and Urban Development (HUD), which then must approve or disapprove the plan; and

Whereas, NYCHA does include local admission preferences for certain groups, such as working families, victims of domestic violence, intimidated witnesses and those with health emergencies; and

Whereas, NYCHA's Draft Annual Plan for FY 2011 provides a listing under "Other preferences," entitled "veterans and veteran's families" and a corresponding box that NYCHA failed to check off, thus indicating that there is no existing veterans preference; and

Whereas, Veterans who have a disability as a result of military service and qualify for public housing should receive some kind of admission preference from NYCHA, if not the same preference as for those mentioned above; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to include an admission preference for public housing in its next proposed agency plan for veterans who have a military service-connected disability.

Referred to the Committee on Public Housing.

Res. No. 412

Resolution calling upon the United States Food and Drug Administration to require that caffeine content be included on nutrition labeling panels.

By Council Members Fidler, Barron, Brewer, Chin, Gonzalez, James, Lander, Nelson, Palma, Williams, Cabrera and Koo.

Whereas, Caffeine belongs to a group of drugs called central nervous system stimulants (CNS); and

Whereas, According to a report By the University of Kansas on caffeine, caffeine narrows blood vessels in the brain and stimulates the cerebral cortex, which can help a person think more rapidly and clearly, and expands blood vessels in other places in the body, which can help to improve coordination; and

Whereas, Caffeine is used medically as a mild stimulant, and, combined with certain analgesics, as a headache eradicator; and

Whereas, According to the Center for Science in the Public Interest, (CPSI), in healthy people, moderate amounts of caffeine have little effect on blood pressure or heart rate, but in certain individuals, larger doses can cause irregular heartbeat, muscle tremors, agitation or ringing in the ears, and may also cause miscarriages, insomnia and anxiety; and

Whereas, The CPSI also points out that caffeine is the only drug that is widely added to the food supply; and

Whereas, Caffeine is found in many products that are consumed By children as well as adults, and many people are unaware of the amounts of caffeine contained in various products; and

Whereas, Nutritional labeling, regulated By the federal Food and Drug Administration, is intended to aid consumers in making informative choices about what they eat and drink; and

Whereas, By indicating on such labeling the amount of caffeine in food products, consumers would be able to make informed choices for themselves and their families regarding the amount of caffeine they ingest; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Food and Drug Administration to require that caffeine be included on nutrition labeling panels.

Referred to the Committee on Health.

Int. No. 322

By Council Members Foster, Barron, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Palma, Vann, Cabrera, Nelson, Vacca and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to abating rats as a requirement for the issuance of a permit for new construction or a building alteration.

Be it enacted by the Council as follows:

Section 1. Section 28-105.5 of the administrative code of the city of New York is amended By adding new subsections 28-105.5.1 and 28-105.5.2 to read as follows:

§28-105.5.1 *Rat abatement. No new building permit shall be issued unless the applicant has conducted appropriate trapping or baiting of rats at the site for which the permit is sought, and submits, with the application, a certification that such trapping or baiting has been performed.*

§28-105.5.2 *Rat abatement. No building alteration permit shall be issued unless the applicant has conducted appropriate trapping or baiting of rats at the site for which the permit is sought, and submits, with the application, a certification that such trapping or baiting has been performed.*

§2. This local law shall take effect ninety days after enactment except that the commissioner of buildings shall take all actions necessary for its implementation, including the promulgation of rules prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 323

By Council Members Foster, Barron, Dromm, Gonzalez, Koppell, Lander, Seabrook, Williams and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to classifying a broken mailbox as an immediately hazardous violation.

Be it enacted by the Council as follows:

Section 1. Section 27-2047 of the administrative code of the city of New York is amended to read as follows:

§27-2047 Mail service. The owner of a multiple dwelling shall either:

(1) Arrange for mail to be delivered to himself or herself, his or her agents, or employees for prompt distribution to the occupants; or

(2) Provide and maintain approved mail receptacles and directories of persons living in the dwelling, as provided By federal law and by the regulations of the post office department. *The existence of a broken mail receptacle shall constitute an immediately hazardous violation.*

§2. This local law shall take effect ninety days after enactment except that the commissioner of buildings shall take all actions necessary for its implementation, including the promulgation of rules prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 413

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.10206/S. 7131, to require dating violence education and dating violence policies in schools.

By Council Members Ignizio, Oddo, Rose, Barron, Brewer, Dromm, Fidler, Gonzalez, Lander, Palma, Van Bramer, Vann, Williams, Cabrera, Nelson, Halloran and Koo.

Whereas, Dating violence means a pattern of behavior where one person uses threats of, or actually uses physical, sexual, verbal or emotional abuse to control his or her dating partner; and

Whereas, Women ages 16 to 24 experience the highest per capita rates of intimate violence; and

Whereas, The New York City High School Youth Risk Behavior Survey reported that in 2007, 11% of all high school students in New York City claimed they were hit, slapped or physically hurt By a boyfriend or girlfriend in the past year; and

Whereas, A report By the Institute for Women’s Policy research recommends that schools incorporate discussions on physical and sexual violence in their programs; and

Whereas, Since young people tend to communicate with their friends regarding instances of sexual and dating violence, it is suggested that all teens be equipped with information about service providers and agencies and organizations that can help; and

Whereas, Research suggests that during the preteen and teen years, young people learn the skills they need to form positive relationships with others and that these years are an ideal time to promote healthy relationships and prevent patterns of dating violence that can last into adulthood; and

Whereas, Low self-esteem has been found to be a predictor for both intimate partner violence victimization and aggression; and

Whereas, If passed, S.7131 and its companion bill A.10206 would require each school district to establish a specific policy to address incidents of dating violence, to provide preventative dating violence training to all school staff at the middle and high school levels, and to provide dating violence awareness training for parents; and

Whereas, To assist school districts, S.7131 and A.10206 would require the state Department of Education to work in conjunction with the Office for the Prevention of Domestic Violence to develop a model dating policy; and

Whereas, Assembly bill A.10206/Senate bill S.7131 would also require each school district to incorporate respect and self-esteem education in the annual curriculum for students in grades kindergarten through six and dating violence education into the annual curriculum framework for students in grades seven through twelve; 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.10206/S. 7131, to require dating violence education and dating violence policies in schools.

Referred to the Committee on Education.

Int. No. 324

By Council Members Koppell, Barron, Brewer, Chin, Fidler, Gonzalez, James, Palma, Seabrook, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of sprinkler systems in student housing.

Be it enacted by the Council as follows:

Section 1. Article 3 of subchapter 5 of chapter 1 of title 27 of the administrative code of the city of New York is amended By adding a new section 27-330.1 to read as follows:

§27-330.1 *Retroactive sprinkler requirements for buildings or portions thereof occupied as student housing built prior to July 1, 2008. Regardless of occupancy group classification, buildings or portions thereof occupied as student housing that have been built prior to July 1, 2008 shall have an automatic sprinkler system, as defined by section BC 902.1 of title 28 of this code. For the purposes of this section “student housing” shall mean housing for students under the age of twenty-two including, but not limited to, student dormitories that are under the ownership or control of a school, college, university or other educational institution, and units of other buildings in which students have been placed by such school, college or university, including all common areas that are used for ingress or egress by such students.*

§2. This local law shall take effect July 1, 2015, except that the commissioner of buildings and the commissioner of housing preservation and development shall take all actions necessary, including the promulgation of rules, to implement this local law on or before such date upon which it shall take effect.

Referred to the Committee on Housing and Buildings.

Int. No. 325

By Council Members Lander, Barron, Brewer, Chin, Dromm, Gonzalez, James, Koppell, Sanders, Seabrook, Van Bramer, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to post prevailing wage information on work permits and the building information system.

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter one of title twenty-eight of the administrative code of the city of New York is amended By adding a new section 28-105.13 to read as follows:

§28-105.13. *Prevailing wage information posting. The department shall collect prevailing wage information for projects and shall post such information on the face of any work permit listed in section 28-105.2 as well as on the building information system. Such information shall include whether a prevailing wage rate applies to the project and if it does, the statutory source of the prevailing wage rate.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 326

By Council Members Lander, James, Mark-Viverito, Mendez, Rodriguez, Williams, Barron, Dromm, Koppell, Levin, Palma, Cabrera and Nelson.

A Local Law to amend the administrative code of the City of New York, in relation to the human rights law.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The council finds that a significant portion of the City’s population resides and seeks to reside in cooperative apartments. While some of these apartments are available only to wealthy New Yorkers, the cooperative form of ownership is one that is also available for New Yorkers of moderate incomes. The council finds that there has historically been and continues to be widespread resistance on the part of cooperative corporations to provide reasons when these corporations withhold consent to the sale of an apartment. This unwillingness to provide reasons has frequently served to conceal both arbitrary refusals to consent to sales and discriminatory refusals to consent to sales. The lack of any mechanism By which prospective purchasers can timely determine the reasons for a cooperative corporation’s withholding of consent has impaired their and the City’s ability to identify unlawful discriminatory practices, has facilitated the ability of cooperative

corporations to craft in the context of actions or proceedings alleging unlawful discriminatory practices a variety of pretexts for having withheld consent and has deterred many New Yorkers from seeking homes in cooperative apartment buildings. The widespread failure to provide reasons for withholding consent has interfered with economic transactions, limited mobility, exacerbated the City's housing shortage by impeding the optimal efficiency of the housing market, and has reinforced economic, racial, and other forms of segregation in the City. In order to prevent these economic, social and moral injuries, to guard the health, safety, and welfare of the City, and to enhance the effectiveness of the City's Human Rights Law, the council finds that cooperative corporations must be required to disclose to prospective purchasers the reasons for withholding consent to a proposed sale.

§2. Title 8 of the administrative code of the City of New York is amended By adding a new chapter eleven, to read as follows:

CHAPTER 11

FAIR AND PROMPT RESIDENTIAL COOPERATIVE DISCLOSURE LAW

- §8-1101. Short title
- §8-1102. Definitions
- §8-1103. Mandatory statement
- §8-1104. Amended, supplemental and untimely statements
- §8-1105. Liability for failure to provide statement
- §8-1106. Procedure for asserting violation
- §8-1107. Preclusive effect of statement
- §8-1108. No estoppel or res judicata
- §8-1109. Construction

§8-1101. Short title. This chapter shall be known as the "Fair and Prompt Coop Disclosure Law."

§8-1102. Definitions. For the purposes of this chapter: a. "Application" means a request of a seller or a purchaser for a cooperative corporation to consent to the sale of stock by the seller to the purchaser and to the supporting information lawfully required by the cooperative corporation's policies or rules in connection with the consideration of the request.

b. "Cooperative corporation" means any corporation that grants a person the right to reside in housing accommodations leased by the corporation, that right existing by virtue of such person's ownership of certificates of stock or other evidence of ownership of an interest in a cooperative corporation.

c. "Proper party" means a person whose application has been rejected or a real estate broker who would have been entitled to a commission had the proposed transaction been approved or the City of New York.

d. "Purchaser" means a person who seeks to purchase stock in a cooperative corporation from a seller of such stock.

e. "Seller" means an owner of stock in a cooperative corporation who intends to sell that stock.

f. "Statement date" means the date the written certification required by this chapter has been received by a proper party. Delivery may be made by hand, facsimile device, electronic mail, overnight mail, or other mail delivery service that provides proof of date of receipt.

g. "Stock" means certificates of stock or other evidence of ownership of an interest in a cooperative corporation.

§8-1103. Mandatory statement. a. Whenever any cooperative corporation withholds consent to the sale or proposed sale of stock, the board of directors of the corporation shall provide the purchaser with a written statement of each and all of its reasons for withholding consent no later than five business days after it has made its decision to withhold consent.

b. The statement required by this section must set forth each reason for withholding consent with specificity. This requirement includes identifying each element of the purchaser's application which was found by the cooperative corporation to be deficient, any specific ways that the application failed to meet any specific policies, standards, or requirements of the cooperative corporation, and the source of any negative information relied upon by the cooperative corporation in connection with any of its reasons for withholding consent to the proposed purchase. The statement must convey sufficient information to enable a prospective purchaser to take specific steps to remedy any specific deficiencies in that prospective purchaser's application.

c. The statement required by this section must set forth the number of applications that have been received by the cooperative corporation in the period commencing three years prior to the date of the submission of the application that is the subject of the statement and continuing through and including the date of the statement. The statement must also set forth for the same period of time the number of applications for which the cooperative corporation withheld consent and the number of applications for which the cooperative corporation did not make a decision on such applications.

d. The statement required by this section must include a certification by an officer of the cooperative corporation, sworn or affirmed under penalties of perjury, that the statement is a true, complete and specific recitation of each and all of the cooperative corporation's reasons for withholding consent; that each director who participated in the decision to withhold consent has stated to the certifying officer that he or she had no reasons for withholding consent other than those set forth in the statement; and that the statement is a true and complete recitation of total

applications, applications for which consent was withheld and applications in which no decision was made as required by this chapter.

§8-1104. Amended, supplemental and untimely statements. a. Amendments or supplements to timely statements required by section 8-1103 of this chapter shall also be considered timely if such amendments or supplements are provided to a purchaser within ten business days after the cooperative corporation has made its decision to withhold consent.

b. If a cooperative corporation seeks to provide a purchaser with an untimely statement, amendment, or supplement, the untimely statement, amendment or supplement must be accompanied by a statement of reasons for untimeliness. If no more than twenty days have elapsed since the cooperative corporation's decision to withhold consent and no proper party has initiated an action or proceeding pursuant to this chapter or pursuant to any other chapter of this title, the untimely statement, amendment or supplement shall be permitted to be considered in mitigation of the scope of non-compliance should an action or proceeding subsequently be commenced pursuant to this chapter, and shall be permitted to be considered in determining the scope of permissible evidence pursuant to section 8-1107 of this chapter, provided that the cooperative corporation can demonstrate that the reasons provided for untimeliness were true and can demonstrate that those reasons establish good cause for the untimeliness. In the event that more than twenty days have elapsed since the cooperative corporation's decision to withhold consent, or a proper party has initiated an action or proceeding pursuant to this chapter or pursuant to any other chapter of this title, then such untimely statement or amendment or supplement shall not be permitted to be considered in mitigation of the scope of non-compliance in an action or proceeding commenced pursuant to this chapter, and shall not be permitted to be considered for determining the scope of permissible evidence pursuant to section 8-1107 of this chapter.

§8-1105. Liability for failure to provide statement. In addition to any other penalties or sanctions which may be imposed pursuant to this chapter or any other applicable provision of law, any cooperative corporation that is determined to have failed to timely comply with any of the provisions of section 8-1103 of this chapter shall be liable to each proper party who commences or joins in an action or proceeding alleging a failure to have timely complied with the requirements in an amount no less than one thousand dollars and no more than fifteen thousand dollars for the first instance of non-compliance; no less than five thousand dollars and no more than twenty thousand dollars for the second instance of non-compliance; and no less than ten thousand dollars and no more than twenty-five thousand dollars for the third or any subsequent instance of non-compliance, in addition to liability as provided by section 8-1106 of this chapter. In determining the appropriate civil penalty to be imposed pursuant to this section, a finder of fact shall take into account both the scope of non-compliance and the resources of the cooperative corporation.

§8-1106. Procedure for asserting violation. a. Any proper party may commence an action in any court of competent jurisdiction alleging a failure to comply with the requirements of this chapter. Such action must be commenced within six months of the time when compliance was required. The prevailing party in such an action may be awarded costs and reasonable attorneys' fees and shall be awarded appropriate equitable relief. In the event that the finder of fact determines that non-compliance was willful, the finder of fact may award punitive damages.

b. In lieu of commencing an action in a court of competent jurisdiction, any proper party may commence a proceeding before the commission. Such proceeding must be commenced within sixty days of the time when compliance was required. The prevailing party in such a proceeding may be awarded costs and reasonable attorneys' fees and shall be awarded appropriate equitable relief. In the event that the commission determines that non-compliance was willful, it may award punitive damages. In connection with a complaint filed pursuant to this section, the commission shall act in an adjudicatory capacity only and not in an investigatory or prosecutorial capacity; provided, however, that this provision shall not act as a bar to the power of the commission's existing prosecutorial bureau to investigate and prosecute potential instances of housing discrimination arising from information related to complaints commenced pursuant to this chapter. The commission shall promptly establish rules to govern proceedings pursuant to this chapter and such rules shall include a provision requiring that determinations be made within sixty days of the commencement of the proceeding.

§8-1107. Preclusive effect of statement. a. In any action or proceeding commenced against a cooperative corporation pursuant to chapter one, four, five or eleven of this title neither the cooperative corporation nor any of its directors shall be permitted to introduce any evidence concerning reasons for having withheld consent that were not set forth in a statement fully compliant with the requirements of this chapter.

b. A person commencing an action in a court of competent jurisdiction as described in paragraph a of this section is under no obligation to commence a proceeding under section 8-1106 of this chapter in order for such person to gain preclusion of non-compliant statements. The court before which the allegation of an unlawful discriminatory practice is pending shall determine which statements, if any, fully complied with the requirements of section 8-1103 and section 8-1104 of this chapter, unless such a judgment has already been rendered pursuant to a proceeding commenced pursuant to section 8-1106 of this chapter.

§8-1108. No estoppel or res judicata. No action or proceeding commenced pursuant to this chapter shall determine or purport to determine either the genuineness of the reasons provided in the statement required by section 8-1104 of this chapter or shall determine any question of whether any person has committed an unlawful discriminatory practice as defined by chapter one of this title. If a judgment rendered pursuant to an action or proceeding commenced pursuant to this

chapter purports to do so, a person shall nevertheless retain all rights to commence an action or proceeding alleging the commission of an unlawful discriminatory act, and insofar as any judgment rendered pursuant to this chapter purports to make findings regarding either genuineness or whether an unlawful discriminatory practice has been committed, such purported findings shall not be given any force or effect in any other action or proceeding.

§8-1109. Construction. a. The provisions of this chapter shall be construed in a manner to make certain that a purchaser has been provided with sufficient information to learn why a cooperative corporation has withheld consent to such purchase; and to deter attempts to evade or delay compliance with the provisions of this chapter.

b. No provision of this chapter shall be construed or interpreted to restrict or expand the reasons for which a cooperative corporation may lawfully withhold consent to the sale of stock.

§3. Chapter one of title 8 of the administrative code of the city of New York is amended By adding a new paragraph c to subdivision 4 of section 8-105 as follows:

c. To receive and pass upon complaints made pursuant to subdivision b of section 8-1106 of this title.

§4. This local law shall take effect 30 days after enactment.

Referred to the Committee on Housing and Buildings.

Res. No. 414

Resolution calling upon the United States Congress to update 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.

By Council Members Lander, Nelson, Baron, Brewer, Fidler, Gentile, Gonzalez, James, Levin, Palma, Sanders, Williams, Cabrera, Reyna, Koppell, Chin, Lappin, Mendez, Crowley, Dromm and Mark-Viverito.

Whereas, 87 million Americans live in or adjacent to port communities that violate federal air quality standards and create areas with high asthma, cancer and respiratory illness rates; and

Whereas, The Port of New York and New Jersey is a national and regional asset that handles the highest volume of shipping containers on the East Coast and serves as a critical economic engine to our region; and

Whereas, According to the Clean Air Task Force, a nonprofit organization dedicated to reducing atmospheric pollution, the annual projected diesel fine particle health impacts for adults in the NY-NJ Metro region are expected to be 1,397 premature deaths, 2,733 non-fatal heart attacks, 48,192 asthma attacks, 1,037 cases of chronic bronchitis, and 218,566 work loss days (WLD); and

Whereas, The Natural Resources Defense Council's report "Harboring Pollution: Strategies to Clean Up U.S. Ports," estimated that the toxins emitted from the Port of New York and New Jersey are the equivalent of over 400,000 cars daily, and that truck emissions account for 40 percent of port pollution in each of America's 10 major ports; and

Whereas, Because diesel exhaust is a known trigger of asthma attacks, its reduction is critical for New York City, which has some of the highest asthma rates in the country; and

Whereas, According to the Coalition for Clean and Safe Ports, 95 percent of our nation's 100,000 trucks hauling critical imports and exports at every major port and throughout our nation's transportation corridors fail to meet current United States Environmental Protection Agency (EPA) emission standards; and

Whereas, Under the current Federal Motor Carrier statute of the Federal Aviation Administration Authorization Act of 1994 (FAAAA), States and local entities are only allowed to regulate trucking companies for "safety" related programs and not for environmental reasons; and

Whereas, Because of this Federal rule restricting States from regulating the trucking industry, the financial responsibility for trucks continues to fall on individual drivers who are misclassified as independent contractors; and

Whereas, The majority of Port truckers are considered independent contractors who own and maintain their own trucks yet, they are reliant on the trucking company for delivery assignments and they cannot take orders from other companies; and

Whereas, A Demos report titled "Port Trucking Down The Low Road: A Sad Story of Deregulation," found that these drivers typically live near or below the federal poverty level and most do not have any health insurance or receive any contributions to a retirement fund; and

Whereas, The responsibility for cleaning the air near ports should belong to the trucking companies who have the financial stability to purchase and maintain newer and cleaner trucks; and

Whereas, The Port of Los Angeles' landmark Clean Truck Program banned the use of truck models older than 1994 within the terminals and combined business-friendly subsidies and incentives to help put over 6,000 new emissions-compliant vehicles on the road, reducing truck pollution in the region By 70 percent; and

Whereas, The Port of Los Angeles also required trucking companies to employ their drivers directly By 2013 instead of using them as independent contractors; and

Whereas, The American Trucking Association sued to stop aspects of the program and won a federal court injunction By citing the federal statute that exempts trucking from environmental port regulations; and

Whereas, The Port of Los Angeles' EPA award-winning program's short-term clean-air gains, and long-term sustainability are now seriously jeopardized By the trucking industry's legal challenge, which has shifted the cost of clean truck operation and maintenance back to the workers behind the wheel; and

Whereas, The American Trucking Association's legal maneuvering has therefore eliminated the ability for port officials around the nation, including the Port Authority of New York and New Jersey, to adopt fiscally responsible and environmentally sustainable clean truck programs; and

Whereas, Ensuring that ports have the tools to clean the air and secure their property is necessary to advance massive infrastructure projects that create thousands of jobs for the region in crucial sectors, including retail, manufacturing and construction; and

Whereas, A federal amendment that updates the existing statute will make clear the Port Authority's ability to fully impose and enforce high-road policies like the Los Angeles Clean Trucks Program; now therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to update 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.

Referred to the Committee on Waterfronts.

Int. No. 327

By Council Members Lappin, Barron, Gentile, Gonzalez, James and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to requiring all children with an individualized education program to be transported in buses with air-conditioning.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-605 of the administrative code of the city of New York is amended to read as follows:

a. Any bus or other motor vehicle transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be air-conditioned when the ambient outside temperature exceeds seventy degrees Fahrenheit. Drivers of all such vehicles shall utilize such air conditioning systems in order to make the internal climate of such vehicles comfortable to passengers in order to protect or enhance the health of children with disabilities. Any failure, mechanical or otherwise, of an air-conditioning system required By this section shall be repaired and restored to operable condition as soon as is practicable, but in no event more than three business days subsequent to the failure. For purposes of this section, "child with a disability" shall mean a child with a disability as defined in section 4401(1) of the education law [who requires an air-conditioned environment for health reasons].

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

Referred to the Committee on Education.

Int. No. 328

By Council Members Lappin, Brewer, Koppell, Sanders, Seabrook and Nelson.

A Local Law to amend the administrative code of the city of New York in relation to increasing the fee for licensing a dog that is not spayed or neutered.

Be it enacted by the Council as follows:

Section 1. Chapter eight of title 17 of the administrative code of the city of New York is amended By adding a new section 17-813 to read as follows:

§17-813 Dog license fee. a. In addition to the fees charged pursuant to sections one and two of chapter 115 of the laws of 1894 of the state of New York any person applying for a dog license shall pay twenty-five dollars and fifty cents for any dog four months of age or older that has not been spayed or neutered unless an owner presents with the license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reasons, the life of the dog would be endangered by spaying or neutering.

b. Fees collected pursuant to the provisions of this section shall be directed to the animal population control fund established pursuant to section 17-812.

§2. This local law shall take effect January 2, 2011, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Res. No. 415

Resolution calling upon the New York State Legislature to pass and the Governor to sign Assembly bill A.3659 and Senate bill S.1241, which are designed to improve the efficiency, accountability, and transparency of industrial development agency operations.

By Council Members Mark-Viverito, James, Lander, Palma, Williams and Koo.

Whereas, In 1969, state legislation was enacted providing for the creation of industrial development agencies (IDAs), which are public benefit corporations designed to facilitate economic development in specific localities; and

Whereas, Since their creation, IDAs have served as an important economic development tool, used to improve economic conditions in their respective areas By attempting to attract, retain and expand businesses within their jurisdictions through the use of financial incentives; and

Whereas, There are currently 114 IDAs throughout New York State that provide private entities with almost \$400 million in tax exemptions each year; and

Whereas, Local communities extend IDA assistance to businesses and thereBy forego tax revenues to facilitate increased economic activity and the creation of jobs; and

Whereas, Due to a lack of uniformity in the operations and reporting practices of individual IDAs, the effectiveness of IDA-subsidized projects is unclear, and issues regarding their accountability and transparency persist; and

Whereas, In response to these concerns, two bills have been introduced in the New York State Legislature, A.3659 and S.1241 ("The Act"), which would reform the existing IDA enabling legislation; and

Whereas, The Act would reform business standards to ensure that IDAs statewide are subsidizing quality business partners; and

Whereas, These reforms would include requiring IDA-subsidized projects to provide prevailing and living wages for their employees, which would afford workers with self-sufficiency and the economic means to sustain a decent livelihood; and

Whereas, IDA subsidy recipients would also have to adhere to local hiring requirements which draw from regional labor pools so that the positive effects of job creation and higher wages directly affect the regional economy and the local communities whose tax revenues are being sacrificed; and

Whereas, Apprenticeship requirements would be instituted for construction contractors and subcontractors and thereBy increase the quality of construction work and provide the necessary training and career advancement to build and maintain a skilled workforce; and

Whereas, In addition to mandating green building standards and anti-sprawl requirements for all new construction and development to improve energy, water, and land use conservation, the proposed reforms would restrict the availability of funding for projects not sited on brownfields, not served By public water and sewer systems or on land not suitable for conservation unless there is no viable alternative; and

Whereas, The Act would also reform the accountability measures used for holding IDAs and the businesses they subsidize responsible for projects that are failing to create jobs or to meet other contractual requirements; and

Whereas, These measures would include designating seats on IDA boards for labor, environmental, community and school board representatives in order to ensure that the interests and concerns of everyone affected By IDA subsidies and development are represented; and

Whereas, Currently, some IDAs adopt "clawback" provisions, wherein foregone tax revenues are recouped when assisted businesses fail to fulfill their obligations while some IDAs do not; and

Whereas, Even among the IDAs that have "clawback" provisions, such provisions are not applied consistently; the proposed accountability reforms would require all IDAs to incorporate "clawback" provisions into their financial agreements with subsidy recipients and would call for uniform enforcement of these provisions in order to suspend benefits, or recapture previously awarded benefits, from companies that renege on their agreements; and

Whereas, Anti-raiding or anti-piracy measures would be enacted to prevent IDAs from practicing unfair and unhealthy competition By subsidizing companies to relocate from one part of the state to another, and thereby cause job shifting rather than job creation; and

Whereas, The Act would also reform IDA transparency measures to create clarity and consistency in IDA decision-making and reporting processes, allowing for an honest evaluation of IDA performance and the projects they subsidize; and

Whereas, These reforms would require IDA-subsidized project applicants to fully disclose the potential adverse community, labor, and environmental impacts their project may cause, along with any necessary mitigation measures; and

Whereas, These reforms would also better guarantee the ability of the community to provide meaningful input in the decision-making process during the required public hearings regarding the impacts, costs and benefits of IDA projects; and

Whereas, Increased monitoring of and reporting By IDAs and their projects would be required to determine compliance with their contracts and more importantly, if the projects should continue to receive IDA benefits; and

Whereas, Due to the substantial amount of tax revenue that local communities sacrifice to subsidize IDA projects, it is imperative that IDAs function effectively and deliver their stated economic commitments; and

Whereas, Providing IDA assistance to companies that do not meet their contractual obligation results in millions of wasted tax dollars, which New York state's local governments and public schools cannot afford; and

Whereas, To guarantee the effectiveness of the City's local economic development subsidies, reform enacted By the state legislature is required; and

Whereas, Enactment of the proposed legislation would help ensure that IDAs operate efficiently and in the public interest By reforming their business standards, improving monitoring of their subsidized projects and instituting measures to hold the IDAs accountable for failed projects; 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 Assembly bill A.3659 and Senate bill S.1241, which are designed to improve the efficiency, accountability, and transparency of industrial development agency operations.

Referred to the Committee on Community Development.

Res. No. 416

Resolution calling on Congress and President Obama to abandon the proposal for a national biometric social security card as part of a comprehensive immigration reform package.

By Council Members Mark-Viverito, Dromm, James, Lander and Palma.

Whereas, An estimated 11 million undocumented immigrants live in the United States, most of whom came to the United States in search of a better life for themselves and their families; and

Whereas, New York City is home to the second largest immigrant population in the nation, many of whom are likely undocumented; and

Whereas, The current immigration system makes it difficult for undocumented immigrants to work, pursue higher education and to adjust their status to become lawful residents in the United States; and

Whereas, In order to resolve these issues, President Barack Obama promised to make comprehensive immigration reform a top priority during his first year as President; and

Whereas, On July 1, 2010, President Obama made his first speech dedicated solely to immigration, in which he reiterated his commitment to comprehensive immigration reform and stated that in order to repair the broken immigration system a bi-partisan bill needs to be introduced in Congress; and

Whereas, During his speech, President Obama expressed support for the Real Enforcement with Practical Answers for Immigration Reform (REPAIR) Proposal unveiled By Senators Charles Schumer (D-NY) and Lindsey Graham (R-SC) on March 18, 2010; and

Whereas, In order to control the hiring, recruitment and employment of undocumented immigrant workers, the REPAIR Proposal would establish a biometric social security card that would serve as evidence of lawful work authorization and would allow employers to quickly and accurately determine who is allowed to work in the United States; and

Whereas, Because the biometric social security card would be used for employment verification purposes, the entire nation's workforce, of more than 150 million people, would be required to carry a biometric social security card and businesses would be required to obtain the appropriate technology to read each card; and

Whereas, Some fear that a biometric social security card would result in people being wrongfully denied work because employers would be relying on an automated system that could make mistakes; for example, an error rate of just 1% could result in more than 1.5 million people being wrongly deemed ineligible for work; and

Whereas, Once the biometric social security card system is established, some believe that the government would be unable to resist the urge to use the card as a central identity document that would be used as a general form of identification and for purposes other than determining employment eligibility; and

Whereas, Many fear that a biometric social security card would be required to be shown as proof of citizenship or lawful immigration status; and

Whereas, A coalition of privacy and civil liberties groups have asked key lawmakers and President Obama to reject the idea of a biometric social security card as part of a comprehensive immigration reform package; and

Whereas, In his July 1, 2010, speech, President Obama stated that the task for lawmakers concerning comprehensive immigration reform is "...to make our national laws work - to shape a system that reflects our values as a nation of laws and a nation of immigrants;" and

Whereas, Some fear that a biometric social security card will lead to a national identification card system and increased surveillance, something that Americans have always been against; now, therefore, be it

Resolved that the Council of the City of New York calls on Congress and President Obama to abandon the proposal for a national biometric social security card as part of a comprehensive immigration reform package.

Referred to the Committee on Immigration.

Res. No. 417

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would create the Staten Island Green Zone.

By Council Members Oddo, Ignizio, Rose, Lander, Palma and Cabrera.

Whereas, Many community and business advocates, along with city, state and federal elected officials who represent the borough of Staten Island specifically and New York City generally, support public policies and legislative efforts to develop, support and attract "green businesses"; and

Whereas, A "Green Business" is a business whose primary source of revenue is from such business activities as the provision of services in greenhouse gas emission reduction technologies, the assembly of essential components for a clean-fuel vehicle and energy efficiency technologies; and

Whereas, Currently pending in the New York State Assembly is A. 10662, a bill to create the New York State Green Economic Development Zones Act, which offers incentives and assistance to develop, relocate or expand green businesses within a designated green economic development zone in Staten Island; and

Whereas, In May 2009 the Staten Island Economic Development Corporation formed the Staten Island Green Zone Task Force consisting of representatives of industry and government officials on Staten Island to spearhead this effort; and

Whereas, The Staten Island Economic Development Corporation, in collaboration with community advocates and city, state and federal elected officials, has developed a legislative proposal for the creation of the Staten Island Green Zone, a geographic area designed for attracting and supporting companies that produce green goods and services; and

Whereas, There are currently 1106 vacant acres within the boundaries of the proposed Staten Island Green Zone; and

Whereas, The proposed "Green Zone" would consist of the following boundaries: North: Starting at the foot of the northside Goethals Bridge running east along the Goethals Bridge Extension and Goethals Road North to South Avenue then along Fahy Avenue to Felton Street; East: Running south along Felton Street and Graham Avenue to the intersection of Victory Boulevard turning east along Travis Avenue to the intersection of Richmond Avenue then running south to the intersection of Arthur Kill Road; West: Running along the western shore line of Staten Island from Gulf Avenue to the intersection of Rossville Avenue running south to Arthur Kill Road; South: running east along Arthur Kill Road from the western shore line to the intersection of Richmond Avenue; and

Whereas, It is expected that the Staten Island Green Zone will attract green technology companies, venture capitalists, strategic planners, and marketers who recognize the economic development potential in "green" technology, thereBy creating green jobs in Staten Island; and

Whereas, To attract green businesses it is envisioned that the following state and city incentives will be provided: wage tax credits for firms increasing employment; investment tax credit/employment incentive credit for firms that create new employment and new investments in production, property, and equipment; state sales tax refunds on building materials to be used for commercial/industrial property located in the "green zone"; real property tax credits for firms that increase employment; Relocation and Employment Assistance Program (REAP) credits for entities moving into the green zone; Industrial and Commercial Abatement Program (ICAP) tax exemptions on real estate property taxes for renovated and newly constructed commercial and industrial buildings; Energy Cost Savings Program (ECSP) access to reduced electricity and natural gas costs; Commercial Expansion

Program (CEP) package of tax benefits to help businesses relocate and expand; and Industrial Business Zone (IBZ) incentives; and

Whereas, There are many incentives for firms to relocate into the proposed Staten Island Green Zone, including those administered By the New York State Energy Research and Development Authority (NYSERDA), National Grid, Consolidated Edison and the New York City Economic Development Corporation - Green Department; and

Whereas, With the assistance of the New York City Investment Fund, a private investment fund created to mobilize financial and business leaders to build a stronger New York City economy, many firms have already expressed an interest in locating within the proposed Staten Island Green Zone, and

Whereas, The Staten Island Green Zone, if approved, would be a source of economic development and lead to the creation of many "green" collar jobs on Staten Island; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation creating the Staten Island Green Zone.

Referred to the Committee on Economic Development.

Int. No. 329

By The Public Advocate (Mr. de Blasio) and Council Members Gentile, Palma, Recchia, Seabrook, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to conduct traffic studies for any school with students at or below the eighth grade level.

Be it enacted by the Council as follows:

Section 1. Section 19-179 of the administrative code of the city of New York is amended to read as follows:

§19-179 Traffic [calming study] *studies*. a. The commissioner shall conduct a study on the feasibility of installing traffic calming measures, including but not limited to, raised crosswalks, traffic circles and protected pedestrian phases in appropriate locations in the city. Within one year of the effective date of [this] *the* local law *that added this section*, the commissioner shall submit a report of the department's findings to the council.

b. For the purposes of this section, the following terms shall have the following meanings:

(1) "traffic calming" shall mean any engineering measure which slows vehicular traffic and accommodates other street users such as pedestrians, bicyclists or children at play.

(2) "raised crosswalks" shall mean crosswalks which are raised several inches above street level in order to slow vehicular traffic.

(3) "traffic circles" shall mean landscaped islands in the middle of intersections which can replace traffic control indications or stop signs on non-arterial streets.

(4) "protected pedestrians phases" shall mean traffic control indications that are adjusted to provide that all conflicting vehicular movements are stopped in order to accommodate pedestrian movement.

(5) "*eligible school*" shall mean any educational facility under the jurisdiction of the New York city department of education and any non-public school that provides educational instruction to students at or below the eighth grade level.

c. *The commissioner shall conduct traffic studies on the feasibility of installing traffic calming measures adjacent to all eligible schools. (1) Such traffic studies shall follow the following schedule: within one year of the effective date of the local law that added this subdivision, the commissioner shall complete traffic studies of twenty-five percent of all eligible schools; within two years of the effective date of the local law that added this subdivision, the commissioner shall complete traffic studies of fifty percent of all eligible schools; within three years of the effective date of the local law that added this subdivision, the commissioner shall complete traffic studies of seventy-five percent of all eligible schools; and within four years of the effective date of the local law that added this subdivision, the commissioner shall complete traffic studies of all eligible schools.*

(2) *If any new eligible schools open within four years after the effective date of the local law that added this subdivision, a traffic study of such school shall be completed within the schedule provided in paragraph 1 of this subdivision. With respect to the opening of any new eligible school after the expiration of the four year period following the effective date of the local law that added this subdivision, the commissioner shall conduct a traffic study of such eligible school within ninety days of such opening.*

(3) *If the commissioner determines, after conducting any traffic study mandated pursuant to this subdivision, that traffic calming measures are needed at any eligible school, such traffic calming measures shall be installed within one year after the completion of the traffic study at such eligible school.*

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

Referred to the Committee on Transportation.

Res. No. 418

Resolution calling upon the New York City Department of Education to place hand sanitizer in all public school classrooms and to install hand sanitizer dispensing machines in all such classrooms.

By The Public Advocate (Mr. de Blasio) and Council Members Barron, Dromm, Gentile, Palma, Seabrook, Cabrera and Nelson.

Whereas, The Office of School Health (OSH) within the New York City Department of Education (DOE) is a joint program with the New York City Department of Health and Mental Hygiene (DOHMH) and is responsible for providing health services and preventive services to DOE students; and

Whereas, DOE policy provides that, in suspected cases of communicable disease, environmental illness or food-borne illness, schools will immediately notify OSH; and

Whereas, According to DOE policy, upon notification of a suspected communicable disease OSH will investigate; and

Whereas, DOE has issued recommendations which promote good hygiene which include keeping hands clean By washing thoroughly with soap and water or an alcohol-based hand sanitizer; and

Whereas, In a letter to parents on May 26, 2009, the Chancellor stated that H1N1, also known as swine flu, has become more common and that many schools reported high absenteeism rates and students with flu-like symptoms; and

Whereas; The DOHMH released a fact sheet advising parents, teachers, and school principals to wash hands frequently with soap and water and adding that alcohol based hand cleaners are also effective; and

Whereas, According to an article published By the Center for Disease Control (CDC) studies have shown that hand sanitizers were effective in curbing absentee rates in elementary schools; and

Whereas, A total of 57 New York City public schools temporarily closed as a result of the swine flu epidemic in the spring of 2009; and

Whereas, Ensuring the availability and use of hand sanitizer By students will decrease the spread of swine flu and other communicable diseases; and

Whereas, The health and well being of school children is pertinent to their ability to learn; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to place hand sanitizer in all public school classrooms and to install hand sanitizer dispensing machines in all such classrooms.

Referred to the Committee on Education.

Res. No. 419

Resolution calling upon the Department of Education to change the policy that places responsibility on the child to notify the bus driver or escort when the adult who is designated to pick them up from the bus stop is not present.

By The Public Advocate (Mr. de Blasio) and Council Members Barron, Fidler, Gentile, Palma and Seabrook.

Whereas, The Department of Education currently serves approximately 1 million school children in New York City; and

Whereas, Within the Department of Education, the Office of Pupil Transportation (OPT) provides transportation services to over 600,000 students in public and non-public schools; and

Whereas, The Chancellor's Regulations provide that if the adult designated to receive the child is not present when the child is returned home from the school By bus, the child may not be left with an unauthorized individual; and

Whereas, A parent or guardian may elect to designate another family member, neighbor or other individual to receive the student; and

Whereas, A parent may elect to permit the driver to deliver the child without an authorized adult present to receive the child; and

Whereas, In any case, such alternative designations must be in writing By the parent or guardian and provided to the principal and driver; and

Whereas, The OPT policy for general education students provides that for a student receiving school-to-stop service, the student will be allowed to get off the bus at his or her stop unless such student notifies the bus driver that the designated adult is not present, at which point the student will be allowed to remain on the bus until the driver returns to such student's bus stop upon completing the bus route; and

Whereas, The OPT policy for special education students provides that for a student receiving door-to-door service, if the designated adult is not present to

receive the student, the bus driver will drop off other students and return to the student's home stop on the return trip; and

Whereas, The OPT policy provides further that if the designated adult is still not there, the driver will radio the dispatcher at OPT to determine if there is a pre-existing arrangement; and

Whereas, on September 23, 2008, the Daily News reported that a good Samaritan brought a five year old boy home after the boy was placed on the wrong bus and a bus driver forced him to get off of the bus at the end of the line without a designated adult; and

Whereas, On May 13, 2009, the Post reported that a five year old boy was placed on the wrong bus and was dropped off at a busy intersection in Queens without a designated adult; and

Whereas, On May 14, 2009, the Daily News reported that a five year old girl wandered around for blocks after a bus driver dropped her off at in Queens without a designated adult; and

Whereas, These reported incidents show that the responsibility should be placed on the bus driver or escort and not on the child to determine whether the appropriately designated adult is present to receive the child; and

Whereas, It is the responsibility of the DOE to ensure the safety of New York City school children who are bused under the auspices of the DOE; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Education to change the policy that places responsibility on the child to notify the bus driver or escort when the adult who is designated to pick them up from the bus stop is not present.

Referred to the Committee on Education.

Res. No. 420

Resolution calling upon the New York State Assembly to pass A.6756, which would delay foreclosure proceedings throughout New York State for one year.

By the Public Advocate (Mr. de Blasio) and Council Members Barron, Gentile, Palma, Sanders, Seabrook, Williams, Cabrera, Nelson and Halloran.

Whereas, According to the Mortgage Bankers Association, approximately six million foreclosures have been initiated since 2007, and approximately 6.5 million homes are currently at risk of foreclosure; and

Whereas, Credit Suisse estimates that at least 8.1 million families will lose their homes to foreclosure in the next four years; and

Whereas, Foreclosure notices were filed on one out of every 158 homes in New York State in 2009, a 30 percent increase from 2007; and

Whereas, Almost 5,000 homes entered into foreclosure in the first quarter of 2010, a 1.5 percent increase from the previous quarter and a 16.21 percent increase from the first quarter of 2009; and

Whereas, In a city already struggling with a high unemployment rate and decreased property values, it is imperative that troubled homeowners in New York be able to modify their mortgages and avoid foreclosure; and

Whereas, Placing a temporary moratorium on mortgage foreclosures would enable a borrower to remain in his or her home while renegotiating the terms of his or her mortgage with the lender; and

Whereas, There is a historical precedent for a foreclosure moratorium in New York State, such as the moratorium imposed in 1933 under the governorship of Herbert H. Lehman; and

Whereas, If passed, A.6756 would amend the New York State Real Property Actions and Proceedings Law to mandate a one-year delay between the moment entitlement to foreclosure is determined and the moment the court order actually transfers the title; and

Whereas, Under A.6756, the mortgagor would still make a minimum monthly payment to the mortgagee while the two parties renegotiate the terms of the loan, with failure to do so resulting in the lifting of the moratorium; and

Whereas, A one-year foreclosure moratorium is one of many necessary steps to mitigate the effects of the subprime mortgage foreclosure crisis in New York State; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Senate to pass A.6756, which would delay foreclosure proceedings throughout New York State for one year.

Referred to the Committee on Consumer Affairs.

Res. No. 421

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

By Council Member Recchia.

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Friends of Frederick E. Samuel Foundation, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget; and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Enact, Inc. an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for New York State Tenants and Neighbors Information Service, Inc., an organization receiving local discretionary funding in the amount of \$7,000 within the budget of the Department of Housing Preservation and Development in the Fiscal 2011 Expense Budget; and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for

the Immigrant Opportunity Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$4,500,000 to be dispersed in various amount to numerous program providers; and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for

the Adult Literacy Services Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$1,500,000 to be dispersed in various amount to numerous program providers; and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Adult Literacy Services PEG Restoration, an allocation to restore \$3,500,000 to programs in the Adult Literacy Services Initiative within the Department of Youth and Community Development; and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 19, 2009 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"); and

Whereas, The City Council is hereBy implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of a certain organization receiving local discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new Description/Scope of Services for the Friends of Frederick E. Samuel Foundation, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: "To provide basketball tryouts and tournaments for Girls' Slam Jam." ; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Youth Communication/New York Center, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: "The grant would support Youth Communication's journalism training and publishing programs for New York public high schools students. The programs help young people acquire the skills and information they need to make thoughtful choices about their lives, contribute to their communities, and make the most of their educational and career opportunities. The program trains

young people from schools throughout the city including many in Council District 3. They distribute our publications throughout the city, including many schools, after-school programs and other organizations in Council District 3."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Enact, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services for Enact, Inc., listed in the Fiscal 2011 Expense Budget will now read: "Three days of creative drama workshops after-school based upon needs at Repertory Company High School. The ENACT Social and Emotional Skill Building Program will teach three workshops By two highly trained ENACT Teaching Artists. The after-school program will culminate in a performance that will portray the real obstacles that students face in school and in the community. The target population will include public school students and their families. The geographic area served will be Council District 3. The program will operate for 2 months of the year from 9am-5pm."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the New York State Tenants and Neighbors Information Service, Inc., an organization receiving local discretionary funding in the amount of \$7,000 within the budget of the Department of Housing Preservation and Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such program listed in the Fiscal 2011 Expense Budget will now read: "To provide support at Tivoli Towers with work that focuses on helping low and moderate income tenants to preserve at-risk affordable housing."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Immigrant Opportunity Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$4,500,000 to be dispersed in various amount to numerous program providers. The Description/Scope of Services for such Initiative listed in the Fiscal 2011 Expense Budget will now read: "This is a partial restoration of funding to help immigrant adults gain access to information and resources and to strengthen their participation in the democratic process. Specifically, this initiative provides funding for English for Speakers of Other Languages (ESOL) classes, legal services for recent immigrants to assist with applications for citizenship or permanent residency, and legal services that focus specifically on wage and hour disputes and other workplace issues. For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing immigrant services contracts."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Adult Literacy Services Initiative, an Initiative receiving funding within the Department of Youth and Community Development in the amount of \$1,500,000 to be dispersed in various amount to numerous program providers. The Description/Scope of Services for such Initiative listed in the Fiscal 2011 Expense Budget will now read: "This funding creates additional basic literacy, ESOL and GED classes for adults who cannot read, write and speak English, along with support services such as counseling and case management. For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing Adult Literacy contracts."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Adult Literacy Services PEG Restoration, an allocation to restore \$3,500,000 to programs in the Adult Literacy Services Initiative within the Department of Youth and Community Development. The Description/Scope of Services for such PEG Restoration listed in the Fiscal 2011 Expense Budget will now read: "This allocation represents a PEG restoration of \$3.5 million to programs to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing Adult Literacy contracts. For awards above \$10,000.00, programs will be required to achieve service levels, rates and outcomes as specified for the corresponding service funded in the Department of Youth and Community Development's existing Adult Literacy contracts."; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding in various amounts in accordance with the Fiscal 2011 Expense Budget, pursuant to the Immigrant Opportunities Initiative, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Injection Drug Users Health Alliance Initiative, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Infant Mortality Reduction, as set forth in Chart 6, attached hereto as Exhibit F; and be it further

Resolved, That the City Council approves the new designation of the Jewish Community Center of Staten Island, Inc. to receive funding in accordance with the Fiscal 2011 Expense Budget, pursuant to the Autism Awareness Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation and changes in designation of the SBH Community Service Network, Inc. (Sephardic Bikur Cholim) to receive funding, in accordance with the Fiscal 2011 Expense Budget, pursuant to the Geriatric Mental Health Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 9, attached hereto as Exhibit I.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to the resolution following the Report of the Committee on Finance for Res No. 421 printed in these Minutes).

Res. No. 422

Resolution calling upon the New York State Congressional delegation to urge the U.S. Department of Veterans Affairs (V.A.) to completely renovate and utilize the existing St. Albans Community Living Center to provide a full-service V.A. hospital with an emergency room, a primary and extended care facility for female veterans, and a comprehensive treatment facility with domiciliary for homeless veterans.

By Council Members Sanders, Barron, Chin, Dromm, Gentile, James, Lander, Nelson, Palma, Williams and Halloran.

Whereas, The St. Albans Community Living Center opened in 1943 as the St. Albans Naval Hospital in Queens, New York; and

Whereas, The facility was turned over to the U.S. Department of Veterans Affairs (V.A.) in 1974; and

Whereas, The St. Albans veterans facility is not a full-service hospital, and veterans from Queens and nearBy Nassau County who need the amenities of a full-service hospital must travel to the V.A. hospital in Brooklyn in order to access such services; and

Whereas, According to the American Hospital Association, a “full-service hospital” offers, among other services, emergency care, extended care, and provides medical attention to patients regardless of their ability to pay; and

Whereas, According to the 2000 census, there are over 200,000 veterans in Queens and Nassau County, which are both in close proximity to the St. Albans facility; and

Whereas, The V.A. also reports that as of September 2009, the State of New York was home to over 65,000 female veterans, a higher number than in all states but six; and

Whereas, In 2004, the V.A. first signaled its intention to renovate the 55-acre property upon which the St. Albans veterans facility is located; and

Whereas, In 2006, the V.A. announced plans to erect a new hospital on 30 acres of the property and lease the remaining 25 acres to private developers to construct commercial and residential buildings; and

Whereas, The Queens Chapter of the Veterans of Foreign Wars exclaims that the existing 67-year old St. Albans veterans facility is in immediate need of repair and should expand the range of services offered; and

Whereas, Community newspapers have reported that veterans organizations in Queens, Nassau County, and the surrounding areas share the view that only veterans’ services should be conducted on the grounds of the St. Albans veterans facility, and that a full-service hospital serving both male and female veterans is necessary for this location; and

Whereas, Local civic and community organizations adjacent to the St. Albans veterans facility fully support the veterans in their quest for a full service hospital, and agree that residential or commercial development on the site is neither appropriate nor supportable By the local infrastructure; and

Whereas, The State of New York has introduced resolutions in both the Senate and Assembly that call for the construction of a full-service hospital on the grounds of the St. Albans veterans facility; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Congressional delegation to urge the U.S. Department of Veterans Affairs (V.A.) to completely renovate and utilize the existing St. Albans Community Living Center to provide a full-service V.A. hospital with an emergency room, a primary and extended care facility for female veterans, and a comprehensive treatment facility with domiciliary for homeless veterans.

Referred to the Committee on Veterans.

Int. No. 330

By Council Members Vallone Jr., Gentile, Nelson, Recchia, Sanders, Cabrera and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to making it a misdemeanor to serve process without a license.

Be it enacted by the Council as follows:

Section 1. Section §20-409.1 of the Administrative Code of the City of New York is amended to read as follows:

§20-409.1 Violations and penalties. *a. In addition to the penalties provided for in section 20-105 of chapter 1 of this title, any person who, after notice and hearing, shall be found guilty of violating section 20-403 of this subchapter shall be deemed guilty of a misdemeanor and shall be subject to a penalty of not less than seven hundred dollars, nor more than one thousand dollars, or by imprisonment for not more than three months or by both such fine and imprisonment.*

b. Notwithstanding subsection a of this section, any [Any] person who, after notice and hearing shall be found guilty of violating any provision of this subchapter, shall be punished in accordance with the provisions of chapter one of this title and shall be subject to a penalty of not less than seven hundred dollars nor more than one thousand dollars for each violation.

Referred to the Committee on Consumer Affairs.

Res. No. 423

Resolution calling upon the Congress and President of the United States to provide a specific allocation of funding for video security systems at New York City Housing Authority developments.

By Council Members Vallone Jr., Chin, Fidler, James, Nelson, Palma, Recchia, Seabrook, Vann, Vacca, Halloran and Koo.

Whereas, The New York City Housing Authority (NYCHA) is the nation’s largest housing authority with 334 developments and 2,604 buildings comprising 178,407 units and nearly 404,000 authorized tenants; and

Whereas, Fifteen high crime NYCHA developments have been targeted and are currently equipped with a technologically advanced video security system, known as the Video Interactive Patrol Enhancement Response (VIPER) system; and

Whereas, All VIPER systems are constantly monitored from a central location By the New York City Police Department; and

Whereas, There has been a demonstrated decrease in crime in these 15 NYCHA VIPER-equipped developments, since 1997, when the City first began installing VIPER systems; and

Whereas, There are currently eighty-five additional NYCHA developments with security cameras installed, known as closed circuit televisions (CCTVs); and

Whereas, Such CCTVs are not monitored By the Police Department but the videotapes made are kept on file for a certain period of time by employees of NYCHA; and

Whereas, Funding for CCTV systems have been allocated through the City’s capital budget; and

Whereas, New York City continues to face significant budget deficits, and it may be difficult for Council Member capital allocations to continue to support such CCTV systems; and

Whereas, Since the Public Housing Operating Fund, which provides funding for NYCHA's operation, is funded from Congressional allocations, Congress has a responsibility to provide funding for video security systems, since public housing residents benefit from the decrease in crime that such cameras provide; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Congress and President of the United States to provide a specific allocation of funding for video security systems at New York City Housing Authority developments.

Referred to the Committee on Public Housing.

Res. No. 424

Resolution calling upon the New York State Assembly to pass A.6796, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, requiring level two and level three sex offenders to wear Global Positioning System monitoring devices.

By Council Members Vallone Jr., James, Nelson, Palma, Sanders Jr. and Vann.

Whereas, According to New York State Division of Criminal Justice Services' ("DCJS") Sex Offenders Registry there are approximately 6,000 sex offenders living in New York City; and

Whereas, Sex offenders can pose a serious threat to public safety as well as to the welfare of children; and

Whereas, Seven-year-old Megan Kanka was a New Jersey resident who was raped and brutally murdered by a known sex offender who moved across the street from the Kanka family's residence; and

Whereas, In 1996 the United States Congress passed a federal law in memoriam to Megan Kanka titled "Megan's Law", which authorizes local law enforcement agencies to notify the public about convicted sex offenders living in their communities; and

Whereas, Megan's Law requires every state to develop a procedure for notifying the public when a sex offender is released into their community; and

Whereas, The New York State Sex Offender Registration Act requires anyone on parole, probation or imprisoned for a sex offense to register with DCJS; and

Whereas, In addition, sex offenders sentenced to probation, local jail, or state prison must register upon their return to the community; and

Whereas, According to DCJS's Sex Offenders Registry there are approximately 3,600 level two and level three sex offenders living in New York City; and

Whereas, Convicted sex offenders who are assessed as posing a possible risk to reoffend are assigned a classification level; and

Whereas, Sex offenders who have been classified as a Level 2 (moderate) or Level 3 (high) are identified on the New York State Sex Offender Registry; and

Whereas, In concert with registering as a sex offender, forty states have programs that require convicted sex offenders to wear an ankle bracelet for monitoring purposes; and

Whereas, This heightened vigilance is required because of the high number of repeat offenders amongst sex offenders; and

Whereas, A.6796, currently pending in the New York State Assembly, would require all Level 2 and Level 3 sex offenders to wear an electronic Global Positioning System ("GPS") monitoring device anytime they are not otherwise incarcerated; and

Whereas, A.6796 would create a publicly accessible website that listed satellite tracking and location of all Level 2 and Level 3 sex offenders in New York State; and

Whereas, Such website would be constantly updated to show the current location of those being monitored; and

Whereas, Electronic and GPS monitoring technology of Level 2 and Level 3 sex offenders ought to be used to help ensure the protection of our children; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.6796, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, requiring level two and level three sex offenders to wear Global Positioning System monitoring devices.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 425

Resolution calling upon the United States Congress to pass and the President to sign H.R. 3057, the Household Product Labeling Act of 2009, requiring any household cleaning products and similar products to bear a label that contains a complete and accurate list of all the product's ingredients.

By Council Members Vallone Jr., Brewer, Chin, Fidler, Gentile, James, Koppell, Koslowitz, Nelson, Palma, Sanders, Williams and Vacca.

Whereas, According to the Center for the New American Dream, an environmental advocacy organization, the institutional cleaning industry uses an estimated five billion pounds of chemicals annually in the United States; and

Whereas, There is concern that certain chemicals commonly found in household cleaners can lead to adverse health effects; and

Whereas, In a 2007 report Women's Voices for the Earth, an organization that encourages women to advocate for a healthy environment, identified specific chemicals that have been linked to negative health consequences in humans; and

Whereas, These chemicals include monoethanolamine, which is found in some laundry detergents, and ammonium quaternary compounds, found in disinfectant sprays and toilet cleaners both of which are considered inducers of occupational asthma; and

Whereas, Other chemicals include phthalates, used in glass cleaners, deodorizers, laundry detergents, and the active ingredients in fabric softeners, which have been linked to negative health outcomes in some studies; and

Whereas, Due to these potential health consequences, manufacturers have received public pressure to accurately provide the ingredients of their products on the product's label or packaging; and

Whereas, As a result of the mounting pressure, several major companies agreed to voluntarily disclose their ingredients through websites, a toll-free number and some have disclosed the same on the label; and

Whereas, The Consumer Specialty Products Association, an industry lobbying organization representing household and industrial products, embarked on the Consumer Product Ingredient Communication Initiative; and

Whereas, This initiative will provide consumers with ingredient information for air care, automotive care, cleaning and polishes and floor maintenance products; and

Whereas, While this is a positive development, some are concerned that this voluntary initiative does not go far enough and cite the fact that having this information on the label is imperative and assert that the agreement does not require disclosure of an ingredient if it is present in less than one percent of a product; and

Whereas, On June 25, 2009, Representative Steve Israel of New York introduced H.R. 3057, the Household Product Labeling Act of 2009; and

Whereas, This legislation requires that any household cleaning product or similar products bear a label on the product's container or packaging that contains a complete and accurate list of all the product's ingredients; and

Whereas, The bill defines a household cleaning product or similar product as any substance which is customarily produced and distributed for use in or about a household as a cleaning agent, pesticide, epoxy, paint or stain or similar substance; and

Whereas, Products that do not conform with this legislation would be considered a misbranded hazardous substance under the federal Hazardous Substances Act; and

Whereas, The Household Product Labeling Act of 2009 empowers the United States Consumer Product Safety Commission to issue related regulations; and

Whereas, The purpose of this legislation is to proactively provide consumers with the ingredients of household products, as they have a right to know which chemicals are in their cleaning products; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 3057, the Household Product Labeling Act of 2009, requiring any household cleaning products and similar products to bear a label that contains a complete and accurate list of all the product's ingredients.

Referred to the Committee on Health.

Res. No. 426

Resolution in support of pending legislation in the New York State Legislature, which would amend the New York State Penal Law to criminalize taking property from a mentally disabled or mentally incapacitated individual.

By Council Members Vallone Jr., Chin, Greenfield, James, Koslowitz, Nelson, Palma and Sanders.

Whereas, According to a study released in 2005 By the National Center on Elder Abuse, there may be over five million elder financial abuse victims each year in the United States; and

Whereas, The Pew Research Center reports that the nation's elderly population--individuals who are 65 years of age or older-- is projected to grow to 81 million By the year 2050, from 37 million in 2005; and

Whereas, This significant demographic change will create a large population vulnerable to abuse and exploitation; and

Whereas, The elderly are often the target of larceny crimes due to their vulnerability; and

Whereas, Prosecutors report that they face some difficulties prosecuting larceny cases with elderly victims; and

Whereas, Kristen Kane, Chief of the Elder Fraud Unit of the Queens District Attorney's Office stated at a New York City Council Public Safety Committee hearing on June 23, 2008, that proving the element of wrongful taking can be difficult; and

Whereas, Those accused of larceny often claim as their defense that the property or monies they acquired were willingly gifted; and

Whereas, Another challenging aspect of these larceny cases includes the fact that the criminal investigations are often closed with no arrest because prosecutors are faced with cognitively impaired victims whose exploitation takes place with few or no witnesses, and whose impairment renders them incompetent to testify in court; and

Whereas, In order to address these challenges, the victims of this crime, those who are mentally disabled and/or mentally incapacitated, must be further defined within the New York State Penal Law as a class so that prosecutors can more readily bring charges against their abusers; and

Whereas, Senator George Maziarz and Assemblywoman Barbara Clark introduced S.2150 and A.2585, respectively, which seek to amend the Penal Law By adding definitions of a mentally disabled and/or mentally incapacitated person and by adding language to make taking property from a mentally disabled and/or mentally incapacitated person a crime; and

Whereas, S.2150 and A.2585 would enable prosecutors to more easily bring charges against exploiters who knowingly and wrongfully take, obtain, or withhold property from a mentally disabled and/or mentally incapacitated owner; and

Whereas, S.2150 and A.2585 would, however, create an affirmative defense applicable to cases in which the defendant obtained property in the course of rendering assistance that benefited the mentally afflicted owner, as long as the value of the appropriated property is proportional to the benefit received; and

Whereas, District Attorneys in New York are not only seeing an increase in the number of elder financial abuse cases, but are also finding that they cannot adequately prosecute these criminals because present larceny statutes do not specifically define this type of theft; and

Whereas, This legislation further clarifies that the wrongful taking, obtaining or withholding of property from a victim who is mentally disabled or mentally incapacitated is a criminal act and that a victim's mental capacity, or lack thereof, should be assessed in determining whether there was a wrongful taking of property; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature, which would amend the New York State Penal Law to criminalize taking property from a mentally disabled or mentally incapacitated individual.

Referred to the Committee on Public Safety.

Res. No. 427

Resolution calling upon the White House Office of Urban Affairs to include within its Inter-Agency Working Group's Neighborhood Revitalization Initiative the development of a "Recovery Neighborhoods" plan that would capitalize on the availability of federal American Recovery and Reinvestment Act funds to revitalize high poverty communities within New York City and other American cities.

By Council Members Vann, Chin, Gentile, James, Koppell, Palma, Sanders, Seabrook, Williams and Foster.

Whereas, The American Recovery and Reinvestment Act, colloquially known as ARRA, was enacted By the United States Congress in February 2009 with the intention to both preserve and create jobs as an aspect of promoting economic recovery; and

Whereas, As set forth in Section 3 of ARRA, one of the purposes of the Act was to assist those most impacted By the recession; and

Whereas, In the First Quarter of calendar year 2010, New York City received a total of over \$7 million; and

Whereas, During the quarter, the number of created or retained jobs through stimulus funding reported for New York City totaled 21,787; and

Whereas, Addressing the needs of high poverty communities continues to remain a key task for community development in the City; and

Whereas, In order to effectively address the problem of concentrated poverty, public policy strategies are needed that will simultaneously improve neighborhood conditions and connect low-income residents with better economic prospects; and

Whereas, The Thurgood Marshall Plan, a proposal of the DuBois Bunche Center at Medgar Evers College of CUNY, complements the federal stimulus recovery program By urging the creation of new localized systems for employment opportunities and business development within urban centers; and

Whereas, Part of this plan urges the creation of a neighborhood development program entitled "Recovery Neighborhoods," which would put an emphasis on smart growth in the areas of green spaces, transportation, workforce development, minority business development and sustainable community economic development; and

Whereas, In establishing a local delivery system of resources in order to accomplish the short term and long term goals of ARRA, participating neighborhoods within the development program should be selected using the following indices: (1) high rates of long term chronic unemployment, (2) large concentrations of out-of-school and unemployed youth between the ages of 16 and 24, (3) older public and private buildings in need of retrofitting to meet current building code standards, (4) a disproportionate number of low performing schools, (5) underdeveloped minority and local business infrastructure, and (6) high rates of incarcerated and formerly incarcerated persons; and

Whereas, The White House Office of Urban Affairs (OUA) was established in February 2009 to provide leadership and coordination on all aspects of urban policy - thus enabling metropolitan areas in developing local strategies and/or expanding integrated programs that capitalize on their assets; and

Whereas, OUA's Inter-Agency Working Group has established a Neighborhood Revitalization Initiative, an interagency collaboration towards creating "neighborhoods of opportunity" throughout the country's cities and metropolitan areas through the coordination of Federal policies and programs to design a holistic effort that will maximize life outcomes for low-income children; and

Whereas, This initiative should also incorporate elements of the Thurgood Marshall Plan's "Recovery Neighborhoods" development program, in order to approach the goal of creating more opportunities for the neighborhoods that need them with a focus on public policy efforts towards getting the entire community out of poverty and not just its children; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the White House Office of Urban Affairs to include within its Inter-Agency Working Group's Neighborhood Revitalization Initiative the development of a "Recovery Neighborhoods" plan that would capitalize on the availability of federal American Recovery and Reinvestment Act funds to revitalize high poverty communities within New York City and other American cities.

Referred to the Committee on Community Development.

L.U. No. 169

By Council Member Comrie:

Application no. 20085696 SCQ, a proposed site for a new, approximately 665 seat Primary/Intermediate School Facility, to be located at the southwest corner of 46th Avenue and 5th Street (Block 21, lot 31 in portion) Council District No. 26, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

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

L.U. No. 170

By Council Member Comrie:

Application no. 20115131 HAX, an Urban Development Action Area Project located at 1341 Chisholm Street, Council District no. 16, 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, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

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

L.U. No. 171

By Council Member Comrie:

Application no. 20115133 HAK, an Urban Development Action Area Project located at 31 Saint Marks Place, Council District no. 33, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a tax exemption.

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

L.U. No. 172

By Council Member Comrie:

Application no. 20115134 HAK, an amended Urban Development Action Area Project located at 315 Jerome Street, 521, 525-27, 535 Linwood Street, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

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

L.U. No. 173

By Council Member Comrie:

Application no. 20115135 HAK, an amended Urban Development Action Area Project located at 371 Van Siclen Avenue, Council District no. 37, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

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

L.U. No. 174

By Council Member Comrie:

Application no. 20115132 HAX, an Urban Development Action Area Project located at 2103 Tiebout Avenue, Council District no. 15, 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, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

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

L.U. No. 175

By Council Member Comrie:

Uniform land use review procedure application no. C 100452 HAM, an Urban Development Action Area Designation and Project, located at 535-537 East 11th Street, and the disposition of such property, Borough of Manhattan, Council District no. 2. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

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

L.U. No. 176

By Council Member Comrie:

Uniform land use review procedure application no. C 100453 HAM, an Urban Development Action Area Designation and Project, located at 706-712 East 9th Street, and the disposition of such property, Borough of Manhattan, Council District no. 2. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

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

L.U. No. 177

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100345 ZMK 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.

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

L.U. No. 178

By Council Member Comrie:

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.

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

L.U. No. 179

By Council Member Comrie:

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. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

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

L.U. No. 180

By Council Member Comrie:

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. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 181

By Council Member Comrie:

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. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 191

By Council Member Comrie:

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. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 192

By Council Member Comrie:

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. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 193

By Council Member Comrie:

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. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 194

By Council Member Comrie:

Uniform land use review procedure application no. C 100274 PPM, pursuant to §197-c and §197-d of the New York City Charter concerning the disposition of a surface easement located at 882 St. Nicholas Avenue, Borough of Manhattan, Council District no. 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 195

By Council Member Comrie:

Uniform land use review procedure application no. C 100275 PQM, pursuant to §197-c and §197-d of the New York City Charter concerning the acquisition of a surface easement, generally bounded by West 155th Street, St. Nicholas Avenue and St. Nicholas Place, Borough of Manhattan, Council District no. 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 196

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100277 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section 3b, Borough of Manhattan, Council District no. 7.

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

L.U. No. 197

By Council Member Comrie:

Application no. 20105704 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Big Daddy's III LLC d/b/a Big Daddy's to establish, maintain and operate an unenclosed sidewalk café located at 2454 Broadway, Borough of Manhattan, Council District no. 6.

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

L.U. No. 198

By Council Member Comrie:

Application no. 20105736 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Atrio LLC d/b/a Pio Pio Restaurant to establish, maintain and operate an unenclosed sidewalk café located at 604 Tenth Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 199

By Council Member Comrie:

Application no. N 100284 ZRY submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the parking of car share vehicles on off-street parking facilities.

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

L.U. No. 200

By Council Member Comrie:

Application no. 20105798 HKX (N 100474 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.430, LP-2400) by the Landmarks Preservation Commission of the Noonan Plaza Apartments, located at 105-149 West 168th Street (Block 2518, Lot 1) as a historic landmark, Council District no. 16.

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

L.U. No. 201

By Council Member Comrie:

Application no. 20105799 HKX (N 100457 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.430, LP-2388) by the Landmarks Preservation Commission of the Haffen Building, located at 2804-2808 Third Avenue (Block 2307, Lot 59) as a historic landmark, Council District no. 17.

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

L.U. No. 202

By Council Member Comrie:

Application no. 20105800 HKM (N 100476 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.430, LP-2366) by the Landmarks Preservation Commission of the Greenwich Village Historic District Extension II, Council District no. 3.

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

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

ANNOUNCEMENTS:

Tuesday, September 7, 2010

Committee on GOVERNMENTAL OPERATIONS 1:00 P.M. Oversight - Board of Elections: Assessing Voting Machine Implementation and Outreach Efforts Committee Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

Monday, September 13, 2010

Subcommittee on ZONING & FRANCHISES9:30 A.M. See Land Use Calendar Available Wednesday, September 8, 2010 Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

Committee on TRANSPORTATION10:00 A.M. Agenda to be announced Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

Subcommittee ON LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M. See Land Use Calendar Available Wednesday, September 8, 2010 Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Committee on GENERAL WELFARE..... 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 16th Floor..... Annabel Palma, Chairperson

Committee on HEALTH..... 1:00 P.M. Agenda to be announced Committee Room – 250 Broadway, 14th FloorMaria del Carmen Arroyo, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M. See Land Use Calendar Available Wednesday, September 8, 2010 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, September 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 Floor Leroy Comrie, Chairperson

Committee on PUBLIC SAFETY10:00 A.M. Agenda to be announced Committee Room – 250 Broadway, 14th Floor Peter Vallone, Chairperson

Committee on JUVENILE JUSTICE..... 1:00 P.M. Agenda to be announced Committee Room – 250 Broadway, 14th Floor Sara M. Gonzalez, Chairperson

Committee on LOWER MANHATTAN REDEVELOPMENT 2:00 P.M. Agenda to be announced Committee Room – 250 Broadway, 16th Floor Margaret Chin, Chairperson

Thursday, September 16, 2010

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m. Agenda – 1:30 p.m. Location..... ~ Emigrant Savings Bank ~ 49-51 Chambers Street.....

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again at the Emigrant Savings Bank building at 49-51 Chambers Street for the Stated Meeting on Thursday, September 16, 2010.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council

Editor's Local Law Note: Int Nos. 141-A, 142-A, 147-A, 148-A, 156-A, 157-A, 158-A, 162-A, 164-A, 165-A, 171-A, and 194-A, all adopted at the July 29, 2010 Stated Council Meeting, were signed by the Mayor into law on August 16, 2010 as, respectively, Local Law Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 of 2010.

