

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
TUESDAY, JANUARY 18, 2011

THE COUNCIL

*Minutes of the
STATED MEETING*

of
Tuesday, January 18, 2011, 2:30 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Gonzalez, Jackson and Vann.

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 Charter Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Minister Sat Kirin Kaur Khalsa, Sikh Dharma of New York, 220 Fifth Avenue, New York, N.Y. 10001.

Please take a moment to go within

and watch your breath,
so we can have a moment together
to unify in our purpose,
in our mission of service.

There is but one God, all victory is His.
May His sword be our protection.
This is the ballad of the Divine Master,
Composed by the Tenth Guru.
(prayer recited in foreign language).
O Divine Father, Mother, friends,
We stand before this most esteemed time and space
that's been granted to us.
We ask for the infinite consciousness
that dwells within each one of us,
to guide us, to give us the understanding,
the patience, the wisdom, and the fortitude
to face all the challenges
with a dignity, with a willingness,
to live in understanding,
so that this esteemed body,
the New York City Council,
and all its members,
may serve with majesty and grace.
We thank you for the blessing
of allowing us to do this service
and may we keep up to the victory.
Thank you.

Through *Nanak*, may Thy name forever increase,
may Your spirit be exalted
and may all people prosper by Thy grace.
(Invocation in foreign language)
Thank you.

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

At this point, the Speaker (Council Member Quinn) asked for everyone to rise for a Moment of Silence in reflection for the victims of the Tucson, Arizona shooting of January 8, 2011 which resulted in the killing of six people and the wounding of thirteen others -- those wounded included U.S. Congresswoman Gabrielle Gabby Giffords (8th CD, Arizona).

The six victims killed represented a cross-section of America: a Federal judge, who left morning mass to stop by to say hello to his long-time friend Congresswoman Giffords; a widowed great-grandmother from New Jersey who spent her winters in Arizona; an elderly man who tried to shield his wife; another elderly woman who tried to shield her husband; a young Congressional aide whose true passion was to help people; and a nine year old girl Christina Taylor Green who had recently become a member of her student council. All the victims were shot during the Congresswoman's "Congress on Your Corner" public event where representatives of the people were able to personally address their constituent's concerns. Though gravely injured, the Congresswoman's doctors and nurses are amazed and grateful for her initial speedy recovery. The Speaker (Council Member Quinn) offered the thoughts and prayers of the Council to all the victims and families of this tragic and senseless act of gun-violence.

At this point, the Speaker (Council Member Quinn) yielded the floor to Council Members Koppell and Brewer who both spoke of their personal friendship with Congresswoman Gabrielle Gabby Giffords. The Speaker (Council Member Quinn) also yielded the floor to Council Member Mark-Viverito who spoke briefly of the tragedy and included some words about Firefighter Roy Chelsen, 51, the first 9/11 emergency responder who passed away since the passage of the Zadroga health bill.

Firefighter Chelsen, who died on January 9, 2011, ordered his fellow firefighters of Engine 28 to get to those people who could be saved in Tower One and to leave the area before the building collapsed. He spent weeks digging through the rubble and was later diagnosed with incurable bone marrow cancer linked to his time at Ground Zero. Firefighter Roy Chelsen is survived by his wife Trish and their son Christopher.

ADOPTION OF MINUTES

Council Member Mark-Viverito moved that the Minutes of the Stated Meeting of December 8, 2010 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-334

Communication from the Mayor - Submitting the name of Rudy Washington to the Council for its advice and consent regarding his re-appointment to the New York City Civil Service Commission, Pursuant to Sections 31 and 813 of the City Charter.

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

Referred to the Committee on Rules, Privileges and Elections.

M-335

Communication from the Mayor - Submitting the name of Charles D. McFaul to the Council for its advice and consent regarding his appointment to the New York City Civil Service Commission, Pursuant to Sections 31 and 813 of the City Charter.

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

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL UPS

M-336

By the Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 28 Eighth Avenue, New York, NY 10014, Community Board 2, Application 20115241 TCM shall be subject to review by the Council

Coupled on Call – Up Vote

M-337

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(G) or Section 20-25 (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 253 Tenth Avenue, New York, NY 10001, Community Board 4, Application 20105632 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-338

By Council Member Dickens:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1 West 125th Street, New York, NY 10027, Community Board 10, Application 20115323 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-339

By Council Member Vallone Jr.:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 40-11 30th Avenue, Queens, NY 11103, Community Board 1, Application 20115286 TCQ 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, Greenfield, Halloran, Ignizio, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Weprin, Williams, Wills, 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 subcommittee.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Health

Report for Int. No. 328-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing the fee for licensing a dog that is not spayed or neutered.

The Committee on Health, to which the annexed amended proposed local law was referred on August 25, 2010 (Minutes, page 3778), respectfully

REPORTS:

INTRODUCTION

On January 18, 2011, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a public hearing on Proposed Int. No. 328-A, a bill that would amend the Administrative Code in relation to increasing the fee for licensing a dog that is not spayed or neutered. The Committee first heard testimony on this legislation at a hearing on December 17, 2010.

BACKGROUND

New York State law requires all dog owners to license their dogs.¹ The Department of Health and Mental Hygiene (DOHMH) issues dog licenses in New York City.² Dogs in public are required to wear a dog tag license attached to their collars.³ Currently, the fee to license a dog in New York City is \$8.50 for spayed or neutered dogs or \$11.50 for dogs that are not spayed or neutered, or where proof is not provided to indicate that the dog is spayed or neutered.⁴ Dog owners must renew the dog license annually and the fee is the same as the initial registration fee.⁵ Dog owners can apply for the license for their dog online and can also renew a license online.⁶

There are multiple benefits to licensing one's dog.⁷ Licensing contributes to animal control, protects the public health, aids in reuniting lost dogs with their owners and is an invaluable tool to reunite a dog with its owner in the event of a citywide emergency.⁸ Despite these benefits, the DOHMH estimates that 400,000 dogs or 80 percent of the City's dog population are unlicensed.⁹ Violators can be subject to a fine ranging from twenty-five to two hundred dollars.¹⁰

Recently, the State passed legislation to create an animal population control program and fund.¹¹ The extra fee collected to license unaltered dogs would be directed to the animal population control fund to subsidize animal population control activities, including, but not limited to, free and low-cost spay and neuter services.¹² This program's purpose is to reduce the population of unwanted stray dogs and cats, thereby reducing threats to the public health and safety, as well as to reduce the cost of caring for these animals.¹³ The program is meant to encourage residents to have their pets spayed or neutered through providing no or low-cost spay and neutering services.¹⁴ Under the program, the DOHMH must create clinics or units where these services can be performed and formulate criteria for pet owner eligibility for such services.¹⁵ Additionally, the DOHMH Commissioner can solicit and accept funds from the animal population control fund and any other public or private source to administer this law.¹⁶

Proposed Int. No. 328-A would raise the fee for licensing a dog that is not spayed or neutered. The legislation would increase the licensing fee by \$25.50, to a total of \$34 to license an unaltered dog.¹⁷ The legislation allows for an unaltered dog to be exempted from the increased fee if 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 dog's life would be endangered by spaying or neutering. Finally, the proposed legislation would direct that the increased dog licensing fee be directed to the animal population control fund established pursuant to section 17-812 of the Administrative Code.

PROPOSED INT. NO. 328-A

Section one of Proposed Int. No. 328-A would amend chapter 8 of title 17 of the Administrative Code by adding a new section 17-813 entitled "Dog License Fee." Subdivision a of new section 17-813 would state that in addition to the fees required pursuant to chapter 115 of the laws of 1894, as amended, 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.

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¹ N.Y. City Dep't of Health & Mental Hygiene, *Veterinary Public Health Services: Dog Licensing*, <http://www.nyc.gov/html/doh/html/vet/vet-doglicense.shtml> [hereinafter *Dog Licensing*] (last visited on Dec. 13, 2010).

² 24 R.C.N.Y. §161.04 (2010).

³ *Id.*

⁴ N.Y. Lost & Strayed Animals Act, 1894 N.Y. Laws 115 §§ 1 *et seq.*

⁵ *Dog Licensing*, *supra* note 1.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ CBS News N.Y., *Health Dept.: 80% Of NYC Dogs Not Licensed*, <http://newyork.cbslocal.com/2010/09/28/health-dept-80-of-nyc-dogs-not-licensed/> (last visited on Dec. 13, 2010).

¹⁰ *Id.*

¹¹ N.Y. City Ad. Code §§ 17-811 (2010).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ N.Y. City Ad. Code §17-812(1) (2010).

¹⁷ The base fee to license an unaltered dog is \$7.40, plus a \$1.00 surcharge for the tag, plus a \$0.10 surcharge to study diseases of dogs. This comes to a total of \$8.50. There is a differential between licensing an altered and an unaltered dog to encourage spay/neuter and animal population control. This legislation sets the differential at \$25.50 and brings the total fee to license an unaltered dog to \$34.00.

Subdivision b of new section 17-813 would require that fees collected pursuant to the provisions of this section shall be directed to the animal population control fund established pursuant to section 17-812.

Section two of Proposed Int. No. 328-A would make this local law effective immediately after its enactment.

(The following is from the text of the Fiscal Impact Statement for Int. No. 328-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 11*	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$222,126	\$357,000	\$357,000
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

*Legislation would be enacted in the 7th month of the current Fiscal Year. The revenue estimate for Fiscal 2011 reflects the sum of city collections for both the prorated current fee for licensing unaltered dogs and the prorated new fee for licensing unaltered dogs.

IMPACT ON REVENUES: Following the enactment of this legislation, the Agency assumes a considerable decline, by approximately 65%, in compliance with licensing unaltered dogs with the City of New York. The City issues approximately 100,000 dog licenses annually, with about 42% of those licenses issued to owners of unaltered dogs. The magnitude of the proposed fee increase for licensing unaltered dogs will likely alter licensing behavior by either encouraging higher rates of dog spaying and neutering or discouraging some owners of unaltered dogs from compliance. Consequently, the portion of altered dog licenses issued by the City would increase, lessening the frequency with which the City would collect the \$25.50 differential. The estimated revenue collected for the newly established local animal population control fund reflects this likely decrease and shift in compliance and also assumes that the amount of overall dog licenses issued by the City per annum will remain at or slightly below 100,000. The full impact of this proposed introduction would occur in Fiscal 2012 and the outyears, and would be in the amount \$357,000.

IMPACT ON EXPENDITURES: There is no impact on expenditures in Fiscal 2011 resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

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

ESTIMATE PREPARED BY: Pamela Corbett, Legislative Financial Analyst
Latoria Mckinney, Deputy Director
City Council Finance Division

HISTORY: Int. 328 was introduced on August 25, 2010, and referred to the Committee on Health. On December 17, 2010, the Committee on Health held a hearing on Int. 328, which was laid over. On January 18, 2011, the Committee on Health will consider an amended version, Proposed Int. 328-A, and the legislation will be voted on by the Full Council on January 18, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 328-A:)

Int. No. 328-A

By Council Members Lappin, Brewer, Koppell, Sanders, Seabrook, Nelson, Rose, Rivera, James, Mark-Viverito, Mendez, Vacca, Dromm, Lander, Weprin, Gennaro, Crowley, Garodnick, Palma, Reyna, Rodriguez and Gonzalez.

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 required pursuant to chapter 115 of the laws of 1894, as amended, 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 immediately after its enactment.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, PETER F. VALLONE JR., INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, January 18, 2011.

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

Report for Int. No. 425-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting restraining animals outdoors for longer than three continuous hours in any continuous twelve-hour period

The Committee on Health, to which the annexed amended proposed local law was referred on November 17 2010 (Minutes, page 4848), respectfully

REPORTS:

INTRODUCTION

On January 18, 2011, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a public hearing on Proposed Int. No. 425-A, a bill that would amend the Administrative Code in relation to prohibiting restraining animals outdoors for longer than three continuous hours in any continuous twelve-hour period. The Committee first heard testimony on this legislation at a hearing on December 17, 2010.

BACKGROUND

As of July 2010, 20 states have laws that place restricts on the tethering of animals.¹ The tethering of animals pertains to fastening an animal to a stationary object.² Tethering causes animals to suffer physically and psychologically.³ In particular, a tethered dog's neck can become raw and covered with sores; the dog can possibly choke itself as a result of becoming entangled by the tether, and the animal is vulnerable, and often mistreated.⁴ In addition, dogs tethered outdoors are exposed to the elements with temperatures in New York City ranging from sub-zero to triple digits.

In addition to being dangerous and inhumane to the animal, tethering can also endanger the safety of humans.⁵ A tethered dog becomes very aggressive and territorial.⁶ As a result, numerous attacks by tethered dogs have been documented.⁷ This creates a significant safety risk to humans, particularly small children.⁸ The American Society for the Prevention of Cruelty to Animals indicated that a tethered dog is three times more likely to bite than a dog that is not chained or tethered.⁹ Restricting tethering, in addition to other animal control measures, can result in reducing dog attacks, dog fighting and animal cruelty.¹⁰

Proposed Int. No. 425-A would prohibit a person from tethering, leashing, fastening, securing, restraining, chaining, or tying an animal to a stationary object outdoors, or causing an animal to be restrained for longer than three continuous hours in any continuous twelve-hour period. An individual that restrains an animal for a permissible period of time would have to provide the animal with adequate food, water and shelter. Further, when tethering an animal for a permissible period of time, the individual would have to use a device having swivels at both ends that is an adequate length for the type and size of animal. The requirement for adequate food, water and shelter, would not apply when the individual is completing a task that is fifteen minutes or less.

Proposed Int. No. 425-A completely prohibits a person from tethering, leashing, fastening, chaining, tying, securing or restraining any animal for any amount of time with a device that is a choke collar or pinch collar, has weights attached or contains links that are more than one-quarter inch thick, its design or placement is likely to become entangled, is long enough to allow the animal to move outside of the owner's property, and would allow the animal to move over an object or edge that could result in strangulation or injury of such animal.

Proposed Int. No. 425-A shall be enforced by authorized officers, agents of the American Society for the Prevention of Cruelty to Animals and such other persons designated by the commissioner of the Department of Health and Mental Hygiene. In addition, the New York City Police Department has the authority to

enforce this law.¹¹ An individual who violates Proposed Int. No. 425-A, shall be guilty of a violation punishable by a fine not to exceed \$250 for a first offense. If the animal was not injured, the person would be given a written warning. For a subsequent violation, in a twelve month period, a person shall be guilty of a class B misdemeanor, punishable by a fine not to exceed \$500 or by imprisonment of three months, or both. In addition to these penalties, any person that violated Proposed Int. No. 425-A, shall be liable for a civil penalty of not less than \$250, nor more than \$500.

PROPOSED INT. NO. 425-A

Section one of Proposed Int. No. 425-A would amend chapter one of title 17 of the Administrative Code by adding a new section 17-197 entitled "Restraining Animals Outdoors." Paragraph one of subdivision a of new section 17-197 would state that no person shall tether, leash, fasten, secure, restrain, chain or tie an animal to a stationary object outdoors, or cause such animal to be so restrained, for longer than three continuous hours in any continuous twelve-hour period. Paragraph two of subdivision a of new section 17-197 would state that any person who tethers, leashes, fastens, secures, restrains, chains or ties an animal to a stationary object outdoors for a permissible period of time shall provide such animal with adequate food, water and shelter, and shall restrain the animal with a device having swivels at both ends that is of an adequate length for the type and size of animal being restrained, provided, however, that the requirement to provide adequate food, water and shelter shall not apply to a person who restrains an animal while completing a task for a period of time that is fifteen minutes or less in duration.

Subdivision b of new section 17-197 would provide that, notwithstanding the provisions of subdivision a of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any animal for any amount of time with a device that: (1) is a choke collar or pinch collar; (2) has weights attached or contains links that are more than one-quarter inch thick; (3) because of its design or placement is likely to become entangled; (4) is long enough to allow the animal to move outside of its owner's property; and (5) would allow the restrained animal to move over an object or edge that could result in the strangulation of or injury to such animal.

Subdivision c of new section 17-197 would provide that any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine not to exceed two hundred fifty dollars, provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of being restrained in violation of this section. Subdivision c of new section 17-197 would further state that for any subsequent offense within a continuous twelve-month period, such person shall be guilty of a class B misdemeanor punishable by a fine not to exceed five hundred dollars or by imprisonment of not more than three months, or both. Subdivision c of new section 17-197 would also provide that in addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars.

Subdivision d of new section 17-197 would provide that authorized officers, veterinarians and employees of the Department of Health and Mental Hygiene, agents of the American Society for the Prevention of Cruelty to Animals and any other persons designated by the commissioner shall be empowered to enforce the provisions of this section or any rule promulgated hereunder. Subdivision d of new section 17-197 would also provide that violations of this section may be supported by evidence including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.

Subdivision e of new section 17-197 would provide that the provisions of this section shall not be construed to prohibit the Department of Health and Mental Hygiene, the American Society for the Prevention of Cruelty to Animals or any law enforcement officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

Subdivision f of new section 17-197 would provide that the provisions of subdivision a of this section shall not apply to the officers or employees of any federal, state or city law enforcement agency.

Section 2 of Proposed Int. No. 425-A would make the local law effective ninety days after enactment; provided, however, that the commissioner shall take such actions, including the promulgations of rules, as are necessary for timely implementation of this local law.

¹ American Veterinarian Medical Association, *State Legislative Resources: Animal Tethering Prohibitions*, http://www.avma.org/advocacy/state/issues/sr_tethering_prohibitions.asp (last visited Dec. 10, 2010).

² Humane Society of the United States, *The Facts About Chaining and Tethering*, http://www.humanesociety.org/issues/chaining_tethering/facts/chaining_tethering_facts.html#What_is_meant_by_chaining_or_tethering_d (Dec. 10, 2010).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ American Society for the Prevention of Cruelty to Animals, *Chaining and Tethering*, <http://www.aspc.org/fight-animal-cruelty/advocacy-center/animal-laws-about-the-issues/tethering.aspx> (last visited Dec. 10, 2010).

¹⁰ *Id.*

¹¹ New York City Charter § 435(a) provides that the police shall "...enforce and prevent the violation of all laws and ordinances in force in the City."

(The following is from the text of the Fiscal Impact Statement for Int. No. 425-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: There is no fiscal impact because the fee is a penalty that will be used to enforce compliance, not to generate revenue.

IMPACT ON EXPENDITURES: There is no impact on expenditures in Fiscal 2011 resulting from the enactment of this legislation. The ASPCA will take the lead in enforcing this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

SOURCES OF INFORMATION: Department of Health and Mental Hygiene

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

HISTORY: Int. 425 was introduced on November 17, 2010, and referred to the Committee on Health. On December 17, 2010, the Committee on Health held a hearing on Int. 425, which was laid over. On January 18, 2011, the Committee on Health will consider an amended version, Proposed Int. 425-A, and the legislation will be vote on by the Full Council on January 18, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 425-A:)

Int. No. 425-A

By Council Members Vallone Jr., Brewer, Cabrera, Dromm, Ferreras, Foster, Gentile, Koppell, James, Mark-Viverito, Mendez, Vacca, Lappin, Weprin, Recchia Jr., Lander, Gennaro, Crowley, Garodnick, Palma, Reyna, Rodriguez, Sanders Jr., Halloran, Jackson and Gonzalez.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting restraining animals outdoors for longer than three continuous hours in any continuous twelve-hour period.

Be it enacted by the Council as follows:

Section 1. 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 Restraining animals outdoors. a. (1) No person shall tether, leash, fasten, secure, restrain, chain or tie an animal to a stationary object outdoors, or cause such animal to be so restrained, for longer than three continuous hours in any continuous twelve-hour period. (2) Any person who tethers, leashes, fastens, secures, restrains, chains or ties an animal to a stationary object outdoors for a permissible period of time shall provide such animal with adequate food, water and shelter, and shall restrain the animal with a device having swivels at both ends that is of an adequate length for the type and size of animal being restrained, provided, however, that the requirement to provide adequate food, water and shelter shall not apply to a person who restrains an animal while completing a task for a period of time that is fifteen minutes or less in duration.

b. Notwithstanding the provisions of subdivision a of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any animal for any amount of time with a device that:

- (1) is a choke collar or pinch collar;
- (2) has weights attached or contains links that are more than one-quarter inch thick;
- (3) because of its design or placement is likely to become entangled;
- (4) is long enough to allow the animal to move outside of its owner's property; and

(5) would allow the restrained animal to move over an object or edge that could result in the strangulation of or injury to such animal.

c. Any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine not to exceed two hundred fifty dollars, provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of being restrained in violation of this section. For any subsequent offense within a continuous twelve-month period, such person shall be guilty of a class B misdemeanor punishable by a fine not to exceed five hundred dollars or by imprisonment of not more than three months, or both. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars.

d. Authorized officers, veterinarians and employees of the department, agents of the American Society for the Prevention of Cruelty to Animals and any other persons designated by the commissioner shall be empowered to enforce the provisions of this section or any rule promulgated hereunder. Violations of this section may be supported by evidence including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.

e. The provisions of this section shall not be construed to prohibit the department, the American Society for the Prevention of Cruelty to Animals or any law enforcement officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

f. The provisions of subdivision (a) of this section shall not apply to the officers or employees of any federal, state or city law enforcement agency.

§ 2. This local law shall take effect ninety days after enactment; provided, however, that the commissioner shall take such actions, including the promulgations of rules, as are necessary for timely implementation of this local law.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, PETER F. VALLONE JR., INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, January 18, 2011.

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

Reports of the Committee on Land Use

Report for L.U. No. 267

Report of the Committee on Land Use in favor of approving Application no. N 110065 HAK, an Urban Development Action Area Designation and Project, located at 134 Wythe Avenue, Borough of Brooklyn, Council District no. 33. This matter is subject to Council Review and action pursuant to §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4961), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 N 110065 HAK

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

Pursuant to Article 16 of the General Municipal Law of New York State for:

- a. the designation of property located at 134 Wythe Avenue (Block 2309, Lot 22) as an Urban Development Action Area; and
- b. an Urban Development Action Area Project for such area;

INTENT

To facilitate the rehabilitation of an existing three-story building for community facility use.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: January 11, 2011

The Committee recommends that the Council approve the attached resolution and thereby approve the designation and project, make the findings required by Article 16 of the General Municipal Law and approve the decision of the City Planning Commission.

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

Res. No. 632

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, Non-ULURP No. N 110065 HAK, approving the designation of property located at 134 Wythe Avenue (Block 2309/Lot 22), Borough of Brooklyn, as an Urban Development Action Area, and approving the project for the area as an Urban Development Action Area Project (L.U. No. 267; N 110065 HAK).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on December 3, 2010 its decision dated December 1, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at 134 Wythe Avenue (Block 2309/Lot 22), as an Urban Development Action Area (the "Area"); and

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

to facilitate the rehabilitation of an existing three-story building for community facility use in Community District 1, Borough of Brooklyn (N 110065 HAK) (the "Application");

WHEREAS, the Application is related to ULURP No. C 070135 PPK (L.U. No. 445, Res. No. 895 of 2007);

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

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

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on November 19, 2010;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 25, 2010 (CEQR No. 10HPD023K);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on January 11, 2011;

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

RESOLVED:

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (N 110065 HAK).

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Report for L.U. No. 278

Report of the Committee on Land Use in favor of approving Application no. C 110069 ZMR submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 20d, 26c, 27a, 33c and 33d.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 8, 2010 (Minutes, page xxx), respectfully

REPORTS:**SUBJECT**

STATEN ISLAND CB's - 2 and 3

C 110069 ZMR

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 20d, 26c, 27a, 33c and 33d.

INTENT

To map commercial overlays in three residentially zoned areas so as to bring the existing uses into conformance.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: January 11, 2011

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. 633

Resolution approving the decision of the City Planning Commission on ULURP No. C 110069 ZMR, a Zoning Map amendment (L.U. No. 278).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on December 3, 2010 its decision dated December 1, 2010 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone approximately 28 blocks along the corridors of Richmond Avenue and Hylan Boulevard in Community Districts 2 and 3 which are predominately developed with commercial uses; and to map commercial overlays in three residentially zoned areas of Staten Island (ULURP No. C 110069 ZMR (the "Application");

WHEREAS, the Application is related to Application N 110070 ZRY (L.U. No. 279), a text amendment to address the issue of out of context medical offices and day care centers in lower-density residential districts in Staten Island and Community Board 10 in the Bronx and to allow appropriate residential development in certain commercial districts in Staten Island;

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 January 11, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 13, 2010 which included (E) designation (E-262) for hazardous materials, air quality and noise (CEQR No. 11DCP023Y);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110069 ZMR, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 20d, 26c, 27a, 33c and 33d:

1. eliminating from within an existing R3 -1 District a C 1-2 District bounded by Victory Boulevard, Saybrook Street, a line 150 feet southerly of Victory Boulevard, and Richmond Avenue;

2. eliminating from within an existing R3X District a C1-2 District bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 150 feet westerly of Richmond Avenue;

3. establishing within an existing R3-1 District a C1-2 District bounded by:

a. Eton Place, a westerly boundary line of Willowbrook Park and its northerly prolongation, a northerly boundary line of Willowbrook Park and its westerly prolongation, and Richmond Avenue;

b. Saxon Avenue, Steinway Avenue, a line 200 feet northeasterly of Travis Avenue, a line 100 feet southeasterly of Richmond Avenue, Travis Avenue, and Richmond Avenue;

c. Slater Boulevard, a line 150 feet southeasterly of Hylan Boulevard, a line midway between Slater Boulevard and Seaver Avenue, a line 100 feet southeasterly of Hylan Boulevard, a line 40 feet southwesterly of Seaver Avenue, and Hylan Boulevard;

d. Goodall Street, a line 100 feet southeasterly of Hylan Boulevard, Walnut Avenue, and Hylan Boulevard;

e. Armstrong Avenue, a line 100 feet southeasterly of Hylan Boulevard, Groton Street, and Hylan Boulevard;

f. Littlefield Avenue, a line 100 feet southeasterly of Hylan Boulevard, Winchester Avenue, and Hylan Boulevard; and

g. a line 40 feet northeasterly of Oceanic Avenue, a line 100 feet southeasterly of Hylan Boulevard, Oceanic Avenue, a line 175 feet southeasterly of Hylan Boulevard, Richmond Avenue, and Hylan Boulevard;

4.establishing within an existing R3-1 District a C2-2 District bounded by:

a. Victory Boulevard, Saybrook Street, a line 150 feet southerly of Victory Boulevard, a line 150 feet easterly of Richmond Avenue, a line 520 feet southerly of Victory Boulevard, and Richmond Avenue;

b. Walnut Avenue, a line 75 feet southeasterly of Hylan Boulevard, Armstrong Avenue, and Hylan Boulevard; and

c. Groton Street, a line 100 feet southeasterly of Hylan Boulevard, Littlefield Avenue, and Hylan Boulevard;

5.establishing within an existing R3-2 District a C1-2 District bounded by:

a. a southerly boundary line of Willowbrook Park and its westerly prolongation, a westerly boundary line of Willowbrook Park, a northerly boundary line of Willowbrook Park and its westerly prolongation, and Richmond Avenue;

b. a southerly boundary line of Willowbrook Park and its westerly prolongation, a westerly boundary line of Willowbrook Park, a northerly boundary line of Willowbrook Park and its westerly prolongation, Richmond Avenue, the easterly prolongation of a line 100 feet northerly of Knapp Street, a line 100 feet westerly of Richmond Avenue, Rivington Avenue, and Richmond Avenue; and

c. Travis Avenue, Richmond Avenue, and Draper Place;

6. establishing within an existing R3-2 District a C2-2 District bounded by Rockland Avenue, a line 100 feet easterly of Richmond Avenue, and Saxon Avenue, and Richmond Avenue;

7.establishing within an existing R3A District a C1-2 District bounded by:

a. William Avenue, Hylan Boulevard, Armstrong Avenue, and a line 150 feet northwesterly of Hylan Boulevard; and

b. Ridgecrest Avenue, Hylan Boulevard, Richmond Avenue, and a line 100 feet northwesterly of Hylan Boulevard;

8. establishing within an existing R3X District a C1-2 District bounded by:

a. Forest Street, Richmond Avenue, a line 75 feet southerly of Forest Street, and a line 100 feet westerly of Richmond Avenue; and

b. Draper Place, Richmond Avenue, and Travis Avenue;

9. establishing within an existing R3X District a C2-2 District bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue; and

10. establishing within an existing R5 District a C1-2 District bounded by Naughton Avenue, a line 150 feet northwesterly of Hylan Boulevard, the northwesterly centerline prolongation of Slater Boulevard, Hyland Boulevard, Seaver Avenue, and Joyce Street;

as shown on a diagram (for illustrative purposes only) dated September 13, 2010, and subject to the conditions of CEQR Declaration E-262, Community Districts 2 and 3, Borough of Staten Island.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Report for L.U. No. 279

Report of the Committee on Land Use in favor of approving Application no. C 110070 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, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations in the Borough of Staten Island

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 8, 2010 (Minutes, page 5105), respectfully

REPORTS:

SUBJECT

CITYWIDE

N 110070 ZRY

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations.

INTENT

To address the issues of out of context medical offices and day care centers in lower-density residential districts in Staten Island and Bronx, Community Board 10 and to allow appropriate residential development in certain commercial districts in Staten Island.

Report SummaryCOMMITTEE RECOMMENDATION AND ACTION

DATE: January 11, 2011

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. 634

Resolution approving the decision of the City Planning Commission on Application No. N 110070 ZRY, for an amendment of the Zoning Resolution of the City of New York, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations in the Borough of Staten Island (L.U. No. 279).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on December 3, 2010 its decision dated December 1, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations in the Borough of Staten Island to address the issue of out of context Medical Offices and Day Care Centers in lower-density residential districts in Staten Island and Community Board 10 of the Bronx and to allow appropriate residential development in certain commercial districts in Staten Island (Application No. N 110070 ZRY), Boroughs of Staten Island and the Bronx (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 11, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 13, 2010 (CEQR No. 10DCP032Y);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110070 ZRY, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

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

Article I: General Provisions

* * *

Chapter 2**Construction of Language and Definitions**

* * *

12-10**DEFINITIONS**

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

* * *

School

A "school" is:

- (a) an institution providing full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205, and 3210 of the New York State Education Law; or
- (b) a nursery school or kindergarten:
 - (1) whose annual session does not exceed the school sessions for full-time day schools prescribed in Section 3204 of the New York State Education Law; and
 - (2) which is operated by the ~~Board~~ Department of Education, or any established religious organization as part of an elementary school; or
- (c) A child care service operating under a permit issued pursuant to Section 47.03 of the New York City Health Code.

* * *

Article II: Residence District Regulations

* * *

Chapter 2**Use Regulations**

* * *

22-10**USES PERMITTED AS-OF-RIGHT**

* * *

22-14**Use Group 4**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

A. Community facilities

***Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments#, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations

below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

* * *

C. #Accessory uses#

* A #use# in Use Group 4, marked with an asterisk, is not permitted in R1 or R2 Districts as-of-right.

** Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space over Railroad or Transit Rights-of-Way or Yard).

*** Not permitted in R1 or R2 Districts, ~~and, in~~ In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, such #use# shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3A, R3X, R3-1, R4A, or R4-1 Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital or nursing home as defined in the New York State Hospital Code, such 1,500 square feet restriction shall not include #cellar# space.

* * *

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

**23-00
APPLICABILITY AND GENERAL PURPOSES**

* * *

**23-012
Lower density growth management areas**

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply ~~to all #residential developments# or #enlargements#~~. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area, and Private road)

Section 22-14 (Use Group 4 – Ambulatory diagnostic or treatment health care facilities)

Section 23-12 (Permitted Obstructions in Open Space)

Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts)

Section 23-32 (Minimum Lot Area or Lot Width for Residences)

Section 23-33 (Special Provisions for Existing Small Lots)

Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

~~Section 23-461 (Side yards for single- or two-family residences)~~

Section 23-462 (Side yards for all other residential buildings)

Section 23-532 (Required rear yard equivalents)

Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts)

Section 23-711 (Standard minimum distance between buildings)

Section 23-881 (Minimum distance between lot lines and building walls in lower density growth

management areas)

Section 24-013 (Exceptions to the bulk regulations of this Chapter)

Section 24-04 (Modification of Bulk Regulations in Certain Districts)

Section 25-028 (Applicability of regulations to certain community facility uses in lower density growth management areas)

Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 (Requirements Where Group Parking Facilities Are Provided)

Section 25-31 (General Provisions)

Section 25-331 (Exceptions to application of waiver provisions)

Section 25-62 (Size and Location of Spaces)

Section 25-621 (Location of parking spaces in certain districts)

Section 25-622 (Location of parking spaces in lower density growth management areas)

Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas)

Section 25-631 (Location and width of curb cuts in certain districts)

Section 25-632 (Driveway and curb cut regulations in lower density growth management areas)

Section 25-64 (Restrictions on Use of Open Space for Parking)

Section 25-66 (Screening)

Section 26-00 (Applicability of this Chapter)

Section 26-30 (SPECIAL REGULATIONS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND, inclusive

Section 54-313 (Single- or two-family residences with non-complying front yards or side yards)

Section 105-702 (Applicability of lower density growth management area regulations)

Section 107-412 (Special bulk regulations for certain community facility uses)

Section 107-421 (Minimum lot area and lot width for zoning lots containing certain community facility uses)

Section 107-62 (Yard, Court and Parking Regulations)

Section 107-464 (Side yards for permitted non-residential use)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article 1, Chapter 2)

* * *

23-30**LOT AREA AND LOT WIDTH REGULATIONS**

* * *

23-32**Minimum Lot Area or Lot Width for Residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

Regulations Applying in Special Situations

* * *

23-34**Special Provisions for Zoning Lots Divided by District Boundaries**

* * *

23-35**Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas**

In R1, R2, R3A, R3X, R3-1, R4A, and R4-1 districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located in the same #building#, the minimum #lot area# shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

* * *

Chapter 4**Bulk Regulations for Community Facility Buildings in Residence Districts****24-00****APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS****24-01****Applicability of this Chapter**

The #bulk# regulations of this Chapter apply to any #community facility building# or any #building# used partly for a #community facility use# on any #zoning lot# located in any #Residence District# in which such #building# is permitted. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building#, the #bulk# regulations for which are set forth in Article II, Chapter 3. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

When two or more #buildings# on a single #zoning lot# are used in any combination for #community facility uses# and #residential# or other permitted #uses#, the regulations set forth in Sections 24-11 to 24-163, inclusive, relating to

Floor Area and Lot Coverage Regulations, shall apply as if such #buildings# were a single #building# used partly for #community facility use#.

~~However, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, except for #community facility uses# that have received tax exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall apply only to a #building# that is used entirely for #community facility uses# and the #bulk# regulations of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility use# and partly for #residential use# except as otherwise permitted in Section 24-04 (Modifications of Bulk Regulations in Certain Districts).~~

* * *

24-013**Exceptions to the bulk regulations of this Chapter**

R1 R2 R3 R4 R5

- (a) #Buildings# used partly for #community facility uses#

Except as provided in paragraph (b) of this Section, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# which contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 shall apply to any #zoning lot# or portion of a #zoning lot# which contains any #building# that is used partly for #community facility use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility use# and partly for #residential use# only where:

- (1) such #community facility use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or
- (2) such #building# has received an authorization pursuant to Section 24-04 (Modifications of Bulk Regulations in Certain Districts).

- (b) #Buildings# containing certain #community facility uses# in #lower density growth management areas#

In the districts indicated, in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (2) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

In lieu thereof, the #residential bulk# regulations of Article II Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply, except that:

- (i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;
- (ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and
- (iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) of Section 12-10, definition of #floor area#, pertaining to #floor area# exclusions for the lowest story of a residential #building#, shall not apply.

* * *

24-04

Modification of Bulk Regulations in Certain Districts

R3-1 R3A R3X R4-1 R4A R4B R5B

In the districts indicated, except for #developments# subject to the provisions of paragraph (b) of Section 24-013 (Exceptions to the bulk regulations of this Chapter) the City Planning Commission may, upon application, authorize #developments# pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

- (a) the design of the #development# ensures adequate separation of #uses# and sufficient independent access to each #use#; and
- (b) the #floor area# designated for #community facility use# is designed in a manner that is consistent with such #use# and physically distinguishes such space from that designated for #residential use#.

The Commission may prescribe additional safeguards to prevent the conversion of such #community facility use# to #residential use#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

* * *

Chapter 5

Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

25-00

GENERAL PURPOSES AND DEFINITIONS

* * *

25-02

Applicability

* * *

25-028

Applicability of regulations to certain community facility uses in lower density growth management areas

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall not be subject to the following provisions:

- (1) the parking location provisions of Sections 25-622 (Location of parking spaces in lower density growth management areas) and 25-623 (Location of parking spaces for community facility uses);
- (2) the driveway and curb cut provisions of Sections 25-632 (Driveway and curb cut regulations in lower density growth management areas) and 25-634 (Curb cut regulations for community facilities);
- (3) the open space provisions of Section 25-64 (Restrictions on Use of Open Space for parking); and

- (4) the screening provisions of Section 25-66 (Screening).

In lieu thereof, all such #zoning lots# shall comply with the provisions of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas).

In addition, where the #uses# listed in paragraphs (a) and (b) of this Section result from a change of #use#, the provisions of Section 25-31 (General Provisions) shall be modified to require #accessory# off-street parking spaces for such #uses#. However, the requirements of Sections 25-31 and 25-624 may be modified for #zoning lots# containing #buildings# with such changes of #use# where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are necessary due to the location of existing #buildings# on the #zoning lot#, and such requirements have been complied with to the maximum extent feasible.

* * *

25-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NONRESIDENTIAL USES

25-31

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all new #development# after December 15, 1961 for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

* * *

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#	
Parking Spaces Required in Relation to Specified Unit of Measurement	- District

FOR COMMUNITY FACILITY USES:

* * *

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage In #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements.

- None required - R7-2 R7A R7D R7X R8 R9 R10
- 1 per 400 - R3
- 1 per 500 - R4 R5
- 1 per 800 - R6 R7-1 R7B

* * *

#Schools#

Square feet of #floor area#:

- None required - R3 R4 R5 R6 R7 R8 R9 R10
- 1 per 1,000 sq. ft. - R1 R2 R3 R4 R5 for child care services in #lower density growth management areas#
- 1 per 1,500 - R1 R2

* * *

* Requirements in the table are in addition to the area used for ambulance parking.

** Requirements in the table apply only to the #floor area# not used for storage

25-33**Waiver of Requirements for Spaces below Minimum Number**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

25-331**Exceptions to application of waiver provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

Agricultural #uses#, including greenhouses, nurseries or truck gardens;

Ambulatory diagnostic or treatment health care facilities in R3, R4A and R4-1 districts in #lower density growth management areas#. However, such waivers shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital or nursing home as defined in the New York State Hospital Code, and shall apply where such #use# is located in such areas on any #zoning lot# in an R6 or R7 District in Community District 10, Borough of the Bronx;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts, child care services in R1, R2, R3, R4A and R4-1 districts in #lower density growth management areas#. However, such waivers shall apply where child care services are located in such districts on the same #zoning lot# as a house of worship, and shall apply where child care services located in such districts on #zoning lots# that do not contain houses of worship where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

* * *

25-60**ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFFSTREET PARKING SPACES**

* * *

25-62**Size and Location of Spaces**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semidetached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are required if such #accessory# parking spaces are located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility uses#, each required parking space in a parking area not within a #building# shall be

within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (Parking Lots) shall also apply.

* * *

25-624**Special parking regulations for certain community facility uses in lower density growth management areas**

In #lower density growth management areas#, other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, and, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall comply with the following provisions:

- (1) #Accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.
- (2) The maneuverability provisions of paragraphs (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#. No tandem parking shall be permitted.
- (3) The curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#, except that, for #zoning lots# with less than 75 feet of #street# frontage, a minimum distance of four feet from other curb cuts on adjacent #zoning lots# shall be maintained.
- (4) For #zoning lots# in R1, R2, R3A, R3X, R3-1, R4A and R4-1 Districts with #buildings# containing child care services, a driveway shall be required for drop-off and pick-up of users of the child care facility. Such driveway shall have a minimum width of 15 feet and a maximum width of 18 feet and shall serve one-way traffic. Such driveway shall include a designated area for the drop-off and pick-up of users of the facility with a minimum length of 25 feet and a minimum width of 10 feet. Such drop-off and pick-up area shall abut a sidewalk with a minimum width of four feet that connects to the child care facility entrance and all public sidewalks. No parking spaces shall be located within such driveway. Where the width of the #street# frontage of the #zoning lot# accessing such driveway is 75 feet or less, the minimum percentage of #front yard# required to be planted pursuant to Section 23-451 (Planting requirement) shall be reduced to 25 percent.
- (5) For any #zoning lot# containing child care services, driveways and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #buildings#. For #zoning lots# containing ambulatory diagnostic or treatment health care facilities, driveways and open #accessory# off-street parking spaces may occupy no more than 66 percent of the #lot area# not covered by #buildings#.
- (6) All parking areas not within a #building# shall be screened from adjoining #zoning lots# and #streets# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

- (7) Any lighting provided in off-street parking areas shall be directed away from #residences#.

25-625

Special certification to modify the parking regulations for certain community facility uses

in lower density growth management areas

In #lower density growth management areas#, other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #enlargements#, alterations and conversions on #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, and, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the special parking regulations of paragraphs (3), (4), and (5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), where a site plan provided by the applicant demonstrates to the Chairperson of the City Planning Commission that the manner in which an existing #building# is placed upon the site restricts the ability to comply with such requirements, and where the Chairperson certifies to the Department of Buildings to the maximum extent feasible, the #enlargement#, alteration or conversion complies with such requirements.

* * *

Article III: Commercial District Regulations

* * *

**Chapter 2
Use Regulations**

* * *

**32-11
Use Groups 1 and 2**

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Section 22-11 and Section 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#-or #two-family detached# or #zero lot line residences#.

In #lower density growth management areas# in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed buildings#. ~~except that in C4-1 Districts that occupy at least four acres within a #block#, and in other C4-1 Districts for #zoning lots# that, on December 21, 2005, were greater than 20,000 square feet, #residences# shall be allowed only by special permit of the City Planning Commission, pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island).~~ However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island):

- (a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#, or
- (b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

* * *

**32-40
SUPPLEMENTARY USE REGULATIONS**

* * *

**32-43
Ground Floor Use in Certain Locations**

* * *

**32-433
Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island**

C1 C2 C4

In all C1, C2 and C4 Districts in the Borough of Staten Island, #uses# on the ground floor of a #building# shall be limited to non #residential uses#. The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

Non #residential uses# shall have a depth of at least 30 feet from the #street wall# of the #building# and extend along the entire width of the #building# except for lobbies and entrances to #accessory# parking spaces, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#. Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

In all C1, C2 and C4 Districts in the Borough of Staten Island, ground floor #uses# shall conform with the provisions of this Section 32-433.

- (a) Ground floor level #use# requirements

All #uses# on the ground floor of a #building# shall be limited to non-#residential uses# and have a depth of at least 30 feet from the #street wall# of the #building#, except that:

- (1) #Residential# lobbies, and an associated vertical circulation core, as well as entrances to #accessory# parking spaces shall be permitted on the ground floor, provided such lobbies and entrances conform to the frontage requirements of paragraph (b) of this Section;
- (2) Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted on the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#; and
- (3) Where a #commercial district# is mapped along an entire #block# front, and a #zoning lot# includes #street# frontage along such #block# front, and also includes #street frontage along a #block# front that is not mapped as a #commercial district# in its entirety, non-#residential uses# shall only be required only within 30 feet of the #street wall# facing the #block# front mapped in its entirety as a #commercial district#.

The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

- (b) Ground floor frontage requirements

Non-#residential uses# shall extend along the entire width of the ground floor of the #building#, except as follows:

- (1) In C1 and C2 Districts mapped within R1, R2 and R3 Districts, and in C4 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#; and
- (2) In C1 and C2 Districts mapped within R4, R5 and R6 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided that:
 - (i) For #zoning lots# with a #street# frontage of less than 60 feet, such lobbies and entrances do not occupy more than 50 percent of the #street wall# width along such frontage, or 20 feet, whichever is less. In addition, an entrance to #accessory# parking spaces shall not exceed a width of 15 feet; and

- (ii) For #zoning lots# with a #street# frontage equal to or greater than 60 feet, such lobbies and entrances do not occupy more than 25 percent of the #aggregate width of street wall# of the #building#.

(c) Non-conforming buildings

#Buildings# containing #non-conforming residential uses# on the ground floor shall be permitted to #enlarge# without regard to the #use# regulations of this Section 32-433 provided that such #enlargement# complies with the provisions of the #residential yard# regulations set forth in Section 23-40 (YARD REGULATIONS).

* * *

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-04
Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area, and Private road)

Section 22-14 (Use Group 4 – Ambulatory diagnostic or treatment health care facilities)

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 33-121 (In districts with bulk governed by Residence District bulk regulations)

Section 33-431 (In districts with bulk governed by surrounding Residence District)

Section 36-21 (General provisions)

Section 36-231 (In districts with high, medium or low parking requirements)

Section 36-27 (Waiver for Certain Small Zoning Lots)

Section 36-521 (Size of Spaces)

Section 36-581 Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND, inclusive

Section 73-125 (Ambulatory diagnostic or treatment health care facilities)

Section 107-412 (Special bulk regulations for certain community facility uses in lower density growth management areas)

Section 107-62 (Yard, Court and Parking Regulations)

Section 107-464 (Side yards for permitted non-residential use)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article 1, Chapter 2)

33-10
FLOOR AREA REGULATIONS

* * *

33-121
In districts with bulk governed by Residence District bulk regulations
 C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	For #Commercial Buildings#	For #Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00	1.60	1.60
R4 R5	1.00	2.00	2.00
R5D R6B	2.00	2.00	2.00

* * *

* In R8B Districts, within the boundaries of Community ~~Board~~ District 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10.

In addition, the following provisions shall apply:

- (a) In #buildings# used for both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #commercial buildings#.
- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility uses# in a #building# used for both #commercial uses# and for #community facility uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-901 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)
- (c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS) shall be 1.2.
- (d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for #community facility uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 unless modified pursuant to Section 74-902.
- (e) The maximum #floor area ratio# for any #building# used partly for #commercial uses# and partly for nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations shall not exceed the amount permitted for a #commercial building# by the applicable district regulations. However, for the districts in which the allowable #floor area#,

as set forth in paragraph (b) of Section 24-111, exceeds the amount permitted for a #commercial building#, the provisions of paragraph (b) of Section 24-111 shall be used to compute the maximum #floor area# permissible for the #building# unless modified pursuant to Section 74-902.

33-431

In C1 or C2 Districts with bulk governed by surrounding Residence District

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

- (a) In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building# within the #initial Setback Distance#	Height above the #Street Line# (in feet)	#Sky Exposure Plane#			
				Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
On #Narrow Street#	On #Wide Street#			On #Narrow Street#		On #Wide Street#	
				Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within R1, R2, R3, R4, R5 R5A or R5B Districts							
20	15	30 feet or two #stories#, whichever is less	30	1 to 1		1 to 1	
Within R6 or R7 Districts							
20	15	60 feet or four #stories#, whichever is less	60	2.7 to 1		5.6 to 1	

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility use# and #commercial use#, when mapped within R4, R5, R5A or R5B Districts, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

In C1 or C2 Districts mapped within R1, R2 or R3 Districts in the Borough of Staten Island or in Community District 10 in the Bronx, for #buildings# containing ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), the maximum height of a front wall or other portion of a #building# within the #initial setback distance# shall be 35 feet, or three #stories#, whichever is less. However, such increased height shall only be permitted beyond 20 feet of a #Residence District# boundary or beyond 20 feet of any portion of a #building# containing a #residential use# located in a #Commercial District#.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

- (b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not

apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

Chapter 6

Accessory Off-Street Parking and Loading Regulations

36-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

36-21

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

The requirements of this Section shall be waived in the following situations:

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally-Oriented Houses of Worship); or
- (d) for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or a child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), pursuant to Section 36-27 (Waiver for small zoning lots containing certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx).

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required in Relation

to Specified Unit of Measurement - Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A C4-5X
C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-4 C2-4 C4-4 C4-5D C8-3

1 per 400 square feet of #floor area# when located above the first #story# ceiling - C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts

1 per 400 square feet of #floor area# and #cellar# space, except #cellar# space used for storage, when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses# - C1-1, C1-2, C2-1, and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx and C4-1 and C4-2 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS),

in #lower density growth management areas#

Square feet of #floor area#:

1 per 1000 square feet when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses# - C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx and C4-1 and C4-2 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx.

36-231

In districts with high, medium, or low parking requirements

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and except as otherwise provided in Section 36-27 (Waiver for Certain Small Zoning Lots), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	C1-1 C2-1 C3 C4-1
15	C1-2 C2-2 C4-2 C8-1
25	C1-3 C2-3 C4-2A C4-3 C7 C8-2

36-27

Waiver for Certain Small Zoning Lots

C1-1 C1-2 C2-1 C2-2 C4-1 C4-2

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, and in C4-1 and C4-2 Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a #lot area# of 4,000 square feet or less with #buildings# containing either ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or a child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on (effective date of amendment) and on the date of application for a building permit.

36-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

WHEN PERMITTED IN COMMERCIAL DISTRICTS

36-33

Requirements Where Group Parking Facilities Are Provided

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for #residences developed# under single ownership or control where

#group parking facilities# are provided, the number of required #accessory# off-street parking

spaces is as set forth in this Section.

36-34

Modification of Requirements for Small Zoning Lots

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided), shall be modified in accordance

with the provisions set forth in this Section.

36-345

Waiver of requirements for small zoning lots in certain districts in the Borough of Staten

Island

C1 C2

In the districts indicated mapped within R4, R5 and R6 Districts in the Borough of Staten Island, for #zoning lots# with a #lot area# of 4,000 square feet or less, no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on (effective date of amendment) and on the date of application for a building permit.

36-52

Size and Location of Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and

location provisions of this Section.

36-521

Size of spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and eight feet, six inches wide.

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #commercial# or #community facility uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58

(Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, nonrequired parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (Parking Lots) shall also apply.

* * *

36-522

Location of parking spaces in certain districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D

C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

* * *

36-56

Screening

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

* * *

36-58

Parking Lot Maneuverability and Curb Cut Regulations

C1 C2 C3 C4 C5 C6 C7 C8

* * *

36-581

Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

C1 C2 C4

In C1, C2 and C4 Districts in the Borough of Staten Island or in Community District 10 in the Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall comply with the following provisions:

- (1) Notwithstanding the applicability provisions of paragraph (a) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), the maneuverability provisions of paragraph (b) and the curb cut provisions of paragraph (c) of such Section shall apply to all #group parking facilities#, open or enclosed. No tandem parking or attended parking shall be permitted.
- (2) In addition to the screening requirements for open parking areas in Section 36-56 (Screening) any parking area covered by a roof shall be screened from adjoining #zoning lots# in #Residence Districts# and from adjacent #streets# in accordance with the following provisions:
 - (i) Screening shall consist of a wall or barrier or uniformly painted fence of fire resistant material at least six feet high above finished grade and may be interrupted by normal entrances or exits;
 - (ii) Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the surface is

open. No chain link fencing shall be permitted. Such screening shall be maintained in good condition at all times;

- (iii) Where the exterior wall of a parking facility facing a #street# has an opaque area with a width greater than 40 feet and a height greater than six feet, such area shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be applied to a minimum height of 15 feet above adjoining grade or the height of the wall, whichever is less;

- (iv) For parking areas covered by a roof, where at least half of the surface area of such roof serves as children's play space for #buildings# containing child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), such covered parking area shall not be considered an "open parking area" for the purposes of Section 37-90 (PARKING LOTS), inclusive, and shall therefore not require perimeter or interior landscaping pursuant to such Section. In lieu thereof, such covered parking area shall be screened in accordance with paragraph (2) of this Section 36-581.

* * *

Article VII: Administration

* * *

Chapter 3

Special Permits by the Board of Standards and Appeals

* * *

73-10

SPECIAL PERMIT USES

* * *

73-125

Ambulatory diagnostic or treatment health care facilities

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, excluding #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

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

73-126

Certain community facility uses in lower density growth management areas

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts in #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas).

In addition, for #buildings# in R3, R4, and R5 Districts in #lower density growth management areas# subject to the provisions of paragraph (b) of Section 24-013 (Exceptions to the bulk regulations of this Chapter) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts).

In order to grant such special permit, the Board shall find that:

- (a) the amount and type of open area and its distribution on the #zoning lot# is compatible with the character of the neighborhood;
- (b) the distribution of #bulk# on the #zoning lot# will not unduly obstruct access of light and air to adjoining properties or #streets#; and

- (c) the scale and placement of the #building# on the #zoning lot# relates harmoniously with surrounding #buildings#.

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

74-49

Residential Use in C4-1 Districts in Staten Island

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that, ~~on December 21, 2005, were greater than 20,000 square feet, had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date,~~ the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or, for #mixed buildings#, Article III, Chapter 5.

74-901

Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# other than domiciliary care facilities for adults or those for which a permit is required by the Board of Standards and Appeals pursuant to Sections 73-12 (Community Facility Uses in R1 or R2 Districts) or 73-13 (Open Uses in R1 or R2 Districts), the City Planning Commission may permit the allowable community facility #floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

- (a) that the distribution of the #bulk# of the total #development# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and surrounding #developments#;
- (c) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;
- (c) that the proposed #development# will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street

parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

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

Article X: Special Purpose Districts

Chapter 7

Special South Richmond Development District

107-40

SPECIAL USE, BULK AND PARKING REGULATIONS

107-412

Special bulk regulations for certain community facility uses in lower density growth management areas

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

107-42

Minimum Lot Area and Lot Width for Residences

107-421

Minimum lot area and lot width for zoning lots containing certain community facility uses

In R1, R2, R3A, R3X, R3-1, R4A, and R4-1 Districts the provisions of this Section shall apply to

#zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:
 - (1) such #zoning lot# contains #buildings# used for houses of worship; or
 - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot# width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care serves, or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

Article XI - Special Purpose Districts

**Chapter 3
Special Ocean Parkway District**

**113-50
THE SUB-DISTRICT**

**113-503
Special bulk regulations**

For #single-# and #two-family detached# and #semi-detached residences#, certain underlying district #bulk# regulations set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) are superseded by those set forth in Sections 113-51 through 113-55. The regulations applicable to a #predominantly built-up area# shall not apply in the subdistrict.

For #community facility buildings#, certain underlying district #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-52 (Density Regulations), 113-542 (Minimum required front yards), 113-543

(Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter), paragraph (a) of Section 24-013 (Exceptions to the bulk regulations of this Chapter), and 24-04 (Modification of Bulk Regulations in Certain Districts) pertaining to R4-1 Districts shall not apply in the subdistrict.

**Chapter 9
Special Hillside Preservation District**

**119-02
General Provisions**

Those portions of a #zoning lot# having #areas of no disturbance#, however, may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio# or maximum number of #dwelling units# or #rooming units#.

The following #uses#, including #enlargements# to such #uses#, shall not be permitted within the #Special Hillside Preservation District# unless an authorization is granted by the City Planning Commission pursuant to Section 119-30: #commercial uses#, #community facility uses# within a #Residence District#, #group parking facilities# of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the #Special Hillside Preservation District# is designated on a #public park#, or portion thereof, #site alterations#, the construction of new park-related facilities such as, but not limited

to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadia, and improvements to existing park-related

facilities, shall not be subject to the provisions of Sections 119-10 or 119-20 but shall require an authorization from the City Planning Commission, pursuant to Section 119-31 (Authorizations).

**119-06
Special requirements for certain properties within Special Hillside Preservation District**

The following sites, Block 24, Lot 1; Block 23, Lots 17, 42; Block 23, Lots 1, 4, 13; Block 115, Lots 61, 62, 63; and Block 47, Lots 7, 10, 107 shall be subject to the procedures of Section 11-15 (Environmental Requirements) governing (E) designations, provided that the (E) designations shall not be shown on the zoning

maps. The CEQR Declarations for these sites shall be listed in the City Environmental Quality Review (CEQR) Requirements Declarations which is appended to the zoning maps. Section 11-15 (b) shall not apply to such CEQR Declarations.

119-21

Tier II Requirements for Development

119-211

Lot coverage, floor area and density regulations

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable requirements of Sections 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) as modified by this Section, and Sections 23-21 (Required Floor Area per Dwelling Unit or Floor Area per Rooming Unit) and

33-10 (FLOOR AREA REGULATIONS). For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I
PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND
RESIDENCE TYPE

#Average Percent of Slope#	#Residence District#*						
							R6
	R1	R2	R3	R4	R5	1-2 Family	Other
10-14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15-19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20-24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 119-311, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II
PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
OR PORTION OF A ZONING LOT WITH A STEEP SLOPE,
BY ZONING DISTRICT AND RESIDENCE TYPE

	#Residence District#*						
							R6
	R1	R2	R3	R4	R5	1-2 Family	Other
	12.5	12.5	12.5	20.0	25.0	27.0	18.0

~~* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#~~

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the Special Hillside Preservation District) and is located in a #Commercial District#.

* * *

**119-30
SPECIAL REVIEW PROVISIONS**

* * *

**119-31
Authorizations**

* * *

**119-312
Authorization of certain uses within the Special Hillside Preservation District**

~~The City Planning Commission may grant authorizations for #commercial uses#, #community facility uses#, #group parking facilities# of 30 cars or more and for #enlargements# to any such #uses# and facilities.~~

Any #group parking facility# with 30 cars or more, and, in #residence districts#, any #community facility use# or #enlargement# thereof shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of ~~the~~ a site plan, shall find that:

- (a) the proposed #development#, #enlargement# or #site alteration# will not ~~disturb~~ adversely affect the drainage pattern and soil conditions of the area;
- (b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;
- (d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;
- (e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby #residential# areas; and
- (f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such #development# to and from such arterial.

The City Planning Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities# if such modifications preserve vegetation and natural topography.

* * *

**119-317
Modification of requirements for private roads and driveways**

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II zoning lot# as set forth in Section 119-214 (Tier II requirements for driveways and private roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (d) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e) such modification will enhance the quality of the design of the #development#, #enlargement# or site alteration#.

* * *

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Report for L.U. No. 281

Report of the Committee on Land Use in favor of approving Application no. 20115289 HKQ (N 110135 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2386) by the Landmarks Preservation Commission of The Jamaica Chamber of Commerce Building, located at 89-31 161st Street (Block 9760, Lot 27) as a historic landmark, Council District no. 24.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 5, 2011 (Minutes, page 33), respectfully

REPORTS:

SUBJECT

QUEENS CB - 12 20115289 HKQ (N 110135 HKQ)

Designation by the Landmarks Preservation Commission (List No. 434/LP No. 2386) pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Jamaica Chamber of Commerce Building located at 89-31 161st Street (Block 9760, Lot 27), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 11, 2011

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. 635

Resolution affirming the designation by the Landmarks Preservation Commission of the Jamaica Chamber of Commerce Building located at 89-31 161st Street (Tax Map Block 9760, Lot 27), Borough of Queens, Designation List No. 434, LP-2386 (L.U. No. 281; 20115289 HKQ; N 110135 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 4, 2010 a copy of its designation dated October 26, 2010 (the "Designation"), of the Jamaica Chamber of Commerce Building located at 89-31 161st Street, Community District 12, Borough of Queens as a landmark, and Tax Map Block 9760, Lot 27, 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 December 21, 2010 its report on the Designation dated December 15, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 11, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Report for L.U. No. 282

Report of the Committee on Land Use in favor of approving Application no. 20115290 HKQ (N 110136 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2393) by the Landmarks Preservation Commission of the Jamaica Savings Bank, located at 146-21 Jamaica Avenue (Block 9676, Lot 37) as a historic landmark, Council District no. 24.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 5, 2011 (Minutes, page 34), respectfully

REPORTS:

SUBJECT

QUEENS CB - 12 20115290 HKQ (N 110136 HKQ)

Designation by the Landmarks Preservation Commission (List No. 434/LP No. 2393), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of Jamaica Savings Bank located at 146-21 Jamaica Avenue (Tax Map Block 9676, Lot 37), as a historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 11, 2011

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. 636

Resolution affirming the designation by the Landmarks Preservation Commission of Jamaica Savings Bank located at 146-21 Jamaica Avenue (aka 146-19 to 146-21 Jamaica Avenue, 90-32 to 90-44 Sutphin Boulevard) (Tax Map Block 9676, Lot 37), Borough of Queens, Designation List No. 434, LP-2393 (L.U. No. 282; 20115290 HKQ; N 110136 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 4, 2010 a copy of its designation dated October 26, 2010 (the "Designation"), of Jamaica Savings Bank located at 146-21 Jamaica Avenue (aka 146-19 to 146-21 Jamaica Avenue, 90-32 to 90-44 Sutphin Boulevard), Community District 12, Borough of Queens as a landmark, and Tax Map Block 9676, Lot 37, 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 December 21, 2010 its report on the Designation dated December 15, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 11, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Report for L.U. No. 283

Report of the Committee on Land Use in favor of approving Application no. 20115291 HKQ (N 110137 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2404) by the Landmarks Preservation Commission of The Queens General Court House, located at 88-11 Sutphin Boulevard (Block 9691, Lot 1) as a historic landmark, Council District no. 24.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 5, 2011 (Minutes, page 34), respectfully

REPORTS:

SUBJECT

QUEENS CB - 12 20115291 HKQ (N 110137 HKQ)

Designation by the Landmarks Preservation Commission (List No. 434/LP-2404), pursuant to Section 3020 of the New York City Charter regarding the

landmark designation of the Queens General Court House located at 88-11 Sutphin Boulevard (aka 88-01 to 88-33 Sutphin Boulevard, 147-02 to 147-28 88th Avenue, 147-01 89th Avenue, 88-02 to 88-34 148th Street) (Block 9691, Lot 1), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 11, 2011

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. 637

Resolution affirming the designation by the Landmarks Preservation Commission of the Queens General Court House located at 88-11 Sutphin Boulevard (Block 9691, Lot 1), Borough of Queens, Designation List No. 434, LP-2404 (L.U. No. 283; 20115291 HKQ; N 110137 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 4, 2010 a copy of its designation dated October 26, 2010 (the "Designation"), of the Queens General Court House located at 88-11 Sutphin Boulevard (aka 88-01 to 88-33 Sutphin Boulevard, 147-02 to 147-28 88th Avenue, 147-01 89th Avenue, 88-02 to 88-34 148th Street), Community District 12, Borough of Queens as a landmark, and Tax Map Block 9691, Lot 1, 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 December 21, 2010 its report on the Designation dated December 15, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 11, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Report for L.U. No. 284

Report of the Committee on Land Use in favor of disapproving Application no. 20115293 HKQ (N 110138 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2394) by the Landmarks Preservation Commission of Grace Episcopal Church, located at 155-24 90th Avenue (Block 9754, Lot 7) as a historic landmark, Council District no. 24.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 5, 2011 (Minutes, page 34), respectfully

REPORTS:

SUBJECT

QUEENS CB - 12 20115293 HKQ (N 110138 HKQ)

Designation by the Landmarks Preservation Commission (List No. 434/LP-2394), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of Grace Episcopal Church Memorial Hall located at 155-24 90th Avenue (Block 9754, Lot 7), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 11, 2011

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

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

Res. No. 638

Resolution disapproving the designation by the Landmarks Preservation Commission of the Grace Episcopal Church Memorial Hall located at 155-24 90th Avenue (Block 9754, Lot 7), Borough of Queens, Designation List No. 434, LP-2394 (L.U. No. 284; 20115293 HKQ; N 110138 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 4, 2010 a copy of its designation dated October 26, 2010 (the "Designation"), of the Grace Episcopal Church Memorial Hall located at 155-24 90th Avenue, Community District 12, Borough of Queens as a landmark, and Tax Map Block 9754, Lot 7, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on December 21, 2010 its report on the Designation dated December 15, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 11, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

Coupled for Disapproval.

Report for L.U. No. 285

Report of the Committee on Land Use in favor of approving Application no. 20115292 HKQ (N 110139 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2348) by the Landmarks Preservation Commission of the Ridgewood South Historic District, Council District no. 34.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 5, 2011 (Minutes, page 35), respectfully

REPORTS:

SUBJECT

QUEENS CB - 5 20115292 HKQ (N 110139 HKQ)

Designation by the Landmarks Preservation Commission (List No. 434/LP-2348), pursuant to Section 3020 of the New York City Charter of the landmark designation of the Ridgewood South Historic District, as a historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 11, 2011

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. 639

Resolution affirming the designation by the Landmarks Preservation Commission of the Ridgewood South Historic District, Borough of Queens, Designation List No. 434, LP-2348; (L.U. No. 285; 20115292 HKQ; N 110139 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 4, 2010 a copy of its designation dated October 26, 2010 (the "Designation"), of the Ridgewood South Historic District. The Ridgewood South Historic District consists of the property bounded by a line beginning at the southwest corner of Woodward and Catalpa Avenues, extending south along the western curblines of Catalpa Avenue across Onderdonk Avenue to the southern curblines of Onderdonk Avenue, easterly across Catalpa Avenue and the southern curblines of Onderdonk Avenue to a line extending northerly from the eastern (rear) property line of 57-34 Catalpa Avenue, southerly along said line and the eastern (rear) property lines of 57-34 through 57-14 Catalpa Avenue, westerly along the southern property line of 57-14 Catalpa Avenue to the eastern curblines of Catalpa Avenue, northerly along said eastern curblines of Catalpa Avenue to a line extending easterly across Catalpa Avenue from the southern property line of 57-17 Catalpa Avenue, westerly along said line and the southern property lines of 57-17 Catalpa Avenue and 18-20 Cornelia Street to the western curblines of Cornelia Street, southerly along said western curblines of Cornelia Street to a line extending easterly from the southern property line of 18-11 Cornelia Street, westerly along said line and the southern property line of 18-11 Cornelia Street to the western (rear) property line of 18-11 Cornelia Street, northerly along said western (rear) property line of 18-11 Cornelia Street and the western (rear) property lines of 18-11 through 18-15 Cornelia Street to the southern property line of 18-20 Putnam Avenue, westerly along said southern property line of 18-20 Putnam Avenue and the southern property lines of 18-19 Putnam Avenue, 18-20 and 18-19 Madison Street, and 18-20 Woodbine Street to the western curblines of Woodbine Street, southerly along said western curblines of Woodbine Street to a line extending easterly from the southern property line of 18-13 Woodbine Street, westerly along said line and the southern property line of 18-13 Woodbine Street, northerly along the western (rear) property line of 18-13 Woodbine Street and the western (rear) property lines of 18-15 through 18-29 Woodbine Street to the southern curblines of Onderdonk Avenue, easterly along said southern curblines of Onderdonk Avenue to the eastern curblines of Woodbine Street, northerly across Onderdonk Avenue and along the eastern curblines of Woodbine Street to a line extending westerly from the northern property line of 18-66 Woodbine Street, easterly along said line and the northern property line of 18-66 Woodbine Street to the western (rear) property line of 18-67 Madison Street, northerly along said western (rear) property line of 18-67 Madison Street and the western (rear) property lines of 18-69 through 18-77 Madison Street, northeasterly along the western property lines of 18-79 through 18-85 Madison Street (aka 768 Woodward Avenue) to the southern curblines of Woodward Avenue, and easterly along the southern curblines of Woodward Avenue, to the point or place of beginning, as a historic district (List No. 434, LP No. 2348),

Community District 5, Borough of Queens, 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 December 21, 2010 its report on the Designation dated December 15, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 11, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Report for L.U. No. 286

Report of the Committee on Land Use in favor of approving Application no. C 080293 ZMQ submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a, eliminating within an existing R6B District a C1-2 District and establishing within an R6B District a C2-2 District, Council District no. 19.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 5, 2011 (Minutes, page 35), respectfully

REPORTS:

SUBJECT

QUEENS CB - 11

C 080293 ZMQ

City Planning Commission decision approving an application submitted by LRHC Bayside N.Y. Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a:

1. eliminating from within an existing R6B District a C1-2 District bounded by Bell Boulevard, the southerly boundary line of the Long Island Railroad right-of-way (Northside Division), a line 100 feet easterly of Bell Boulevard, and 42nd Avenue; and
2. establishing within an existing R6B District a C2-2 District bounded by Bell Boulevard, the southerly boundary line of the Long Island Railroad right-of-way (Northside Division), a line 100 feet easterly of Bell Boulevard, and 42nd Avenue;

as shown on a diagram (for illustrative purposes only) dated July 26, 2010.

INTENT

To allow an existing physical culture establishment to seek a special permit from the Board of Standards and Appeals as to legalize the existing use.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION**DATE:** January 11, 2011

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. 640

Resolution approving the decision of the City Planning Commission on ULURP No. C 080293 ZMQ, a Zoning Map amendment (L.U. No. 286).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on December 21, 2010 its decision dated December 15, 2010 (the "Decision"), on the application submitted by LRHC Bayside N.Y. Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone a portion of one block along Bell Boulevard, between 42nd Avenue and the Long Island Railroad right-of-way, from a C1-2 to a C2-2 commercial district, within an existing R6B District, in the Bayside neighborhood of Queens (ULURP No. C 080293 ZMQ (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 11, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on July 26, 2010 (CEQR No. 08DCP044Q);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 080293 ZMQ, 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 11a:

- eliminating from within an existing R6B District a C1-2 District bounded by Bell Boulevard, the southerly boundary line of the Long Island Railroad right-of-way (Northside Division), a line 100 feet easterly of Bell Boulevard, and 42nd Avenue; and
- establishing within an existing R6B District a C2-2 District bounded by Bell Boulevard, the southerly boundary line of the Long Island Railroad right-of-way (Northside Division), a line 100 feet easterly of Bell Boulevard, and 42nd Avenue;

as shown on a diagram (for illustrative purposes only) dated July 26, 2010, Community District 11, Borough of Queens.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

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

Report for L.U. No. 287

Report of the Committee on Land Use in favor of approving Application no. 20115310 HAX, an Urban Development Action Area Project located 2069 Bathgate 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 an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011, respectfully

REPORTS:**SUBJECT**

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
2069 Bathgate Avenue Bronx	3046/42	20115310 HAX	287	Asset Control Area

INTENT

HPD requests that the Council:

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

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** January 11, 2011

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. 641

Resolution approving an Urban Development Action Area Project located at 2069 Bathgate Avenue (Block 3046, Lot 42), 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. 287; 20115310 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on December 14, 2010 its request dated December 6, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 2069 Bathgate Avenue (Block 3046, Lot 42), Community District 6, 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 January 11, 2011;

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

RESOLVED:

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

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

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

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

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

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

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years, during the last five years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1st or July 1st (whichever shall first occur) after the 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.

ATTACHMENT:

20115310 HAX
Page 1 of 1
L.U. No. 287

PROJECT SUMMARY

1. PROGRAM:	ACA PROGRAM
2. PROJECT:	2069 Bathgate Avenue
3. LOCATION:	
a. BOROUGH:	Bronx
b. COMMUNITY DISTRICT:	6
c. COUNCIL DISTRICT:	15
d. DISPOSITION AREA:	<u>BLOCKS</u> <u>LOT</u> <u>ADDRESS</u>
	3046 42 2069 Bathgate Avenue
4. BASIS OF DISPOSITION PRICE:	Not Applicable
5. TYPE OF PROJECT:	Moderate to Substantial Rehabilitation
6. APPROXIMATE NUMBER OF BUILDINGS:	1
7. APPROXIMATE NUMBER OF UNITS:	1
8. HOUSING TYPE:	1-4 Family Homes.
9. ESTIMATE OF INITIAL PRICE:	Affordable to individuals and families whose income does not exceed 115% of the area median income (AMI) for New York City. Purchasers must also repay any HUD and/or HPD subsidy attributable to their homes by delivering cash and/or notes and appropriate security instruments to HUD, and/or HPD. A portion of the HPD subsidy may be forgiven or unsecured based on the home's post-rehabilitation appraised value.
10. INCOME TARGETS:	Up to 115% of AMI
11. PROPOSED FACILITIES:	None
12. PROPOSED CODES/ORDINANCES:	None
13. ENVIRONMENTAL STATUS:	Type II
14. PROPOSED TIME SCHEDULE:	Approximately 18 months from closing to completion of construction

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VFINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 18, 2011.

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

Reports of the Committee on Rules, Privileges and Elections

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

Report for M-340

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment and designation by the Council, in conjunction with the Mayor, of Herbert Berman as a member and chair of the New York City Lobbying Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on January 18, 2011, respectfully

REPORTS:

New York City Lobbying Commission – (Candidates Being Considered for Appointment and Designation)

- **Herbert E. Berman [Preconsidered M-340]**
- **Jamila Ponton Bragg [Preconsidered M-341]**
- **Lesley Horton [Preconsidered M-342]**
- **Margaret Morton [Preconsidered M-343]**

New York City Administrative Code §3-212(e) provides for the establishment of a Lobbying Commission (“the Commission”). The Commission consists of five

members, jointly appointed by the Mayor and the New York City Council (“City Council”). Also, the Mayor and the City Council jointly designate a chair from among the Commission members. The Commission members and the chair are appointed to undefined terms and serve without compensation.

As enumerated in the *New York City Administrative Code* §3-212(e), the Commission serves as an advisory body to review and evaluate the activities and performance of the New York City Clerk in implementing the provisions of the City’s Lobbying Laws. Within six months of the appointment of the Commission members, the Commission shall report to the Mayor and the New York City Council on its review and evaluation of the City Clerk’s activities and performance. The Commission’s report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of the City’s Lobbying Laws, as well as whether the dollar threshold for the filing of a Statement of Registration should be raised.

If appointed and designated, in conjunction with the Mayor, Mr. Berman will serve an undefined term as a Commission member and as chair. Copies of Mr. Berman’s résumé and report/resolution are annexed to this briefing paper.

If appointed, in conjunction with the Mayor, Ms. Ponton Bragg will serve an undefined term as a Commission member. Copies of Ms. Ponton Bragg’s résumé and report/resolution are annexed to this briefing paper.

If appointed, in conjunction with the Mayor, Ms. Horton will serve an undefined term as a Commission member. Copies of Ms. Horton’s résumé and report/resolution are annexed to this briefing paper.

If appointed, in conjunction with the Mayor, Ms. Morton will serve an undefined term as a Commission member. Copies of Ms. Morton’s résumé and report/resolution are annexed to this briefing paper.

After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointments of the nominees. For nominees Jamila Ponton Bragg, Lesley Horton, and Margaret Morton, please see the Report of the Rules, Privileges and Elections for, respectively, M-341, M-342, and M-343. For nominee Herbert Berman, please see immediately below:

The Committee on Rules, Privileges and Elections, which was referred to on January 18, 2011, respectfully reports:

Pursuant to §3-212(e) of the New York City Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment and designation by the Council, in conjunction with the Mayor, of Herbert Berman, as a member and chair of the New York City Lobbying Commission to serve for an undefined term.

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

Res. No. 642

Resolution approving the appointment and designation by the Council, in conjunction with the Mayor, of Herbert Berman as a member and chair of the New York City Lobbying Commission.

By Council Member Rivera

RESOLVED, that pursuant to §3-212(e) of the New York Administrative Code, the Council, in conjunction with the Mayor, hereby approves the appointment and designation of Herbert Berman as a member and as chair of the New York City Lobbying Commission to serve for an undefined term.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, January 18, 2011.

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

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

Report for M-341

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Council, in conjunction with the Mayor, of Jamila Ponton Bragg as a member of the New York City Lobbying Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on January 18, 2011, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-340 printed in these Minutes)

Pursuant to §3-212(e) of the New York City Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council, in conjunction with the Mayor, of Jamila Ponton Bragg, as a member of the New York City Lobbying Commission to serve for an undefined term.

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

Res. No. 643

Resolution approving the appointment by the Council, in conjunction with the Mayor, of Jamila Ponton Bragg as a member of the New York City Lobbying Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §3-212(e) of the New York Administrative Code, the Council, in conjunction with the Mayor, hereby approves the appointment of Jamila Ponton Bragg as a member of the New York City Lobbying Commission to serve for an undefined term.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, January 18, 2011.

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

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

Report for M-342

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Council, in conjunction with the Mayor, of Lesley Horton as a member of the New York City Lobbying Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on January 18, 2011, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-340 printed in these Minutes)

Pursuant to §3-212(e) of the New York City Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council, in conjunction with the Mayor, of Lesley Horton, as a member of the New York City Lobbying Commission to serve for an undefined term.

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

Res. No. 644

Resolution approving the appointment by the Council, in conjunction with the Mayor, of Lesley Horton as a member of the New York City Lobbying Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §3-212(e) of the New York Administrative Code, the Council, in conjunction with the Mayor, hereby approves the appointment of Lesley Horton as a member of the New York City Lobbying Commission to serve for an undefined term.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, January 18, 2011.

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

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

Report for M-343

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Council, in conjunction with the Mayor, of Margaret Morton as a member of the New York City Lobbying Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on January 18, 2011, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-340 printed in these Minutes)

Pursuant to §3-212(e) of the New York City Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council, in conjunction with the Mayor, of Margaret Morton, as a member of the New York City Lobbying Commission to serve for an undefined term.

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

Res. No. 645

Resolution approving the appointment by the Council, in conjunction with the Mayor, of Margaret Morton as a member of the New York City Lobbying Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §3-212(e) of the New York Administrative Code, the Council, in conjunction with the Mayor, hereby approves the appointment of Margaret Morton as a member of the New York City Lobbying Commission to serve for an undefined term.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO,

CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, January 18, 2011.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of February 2, 2011).

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY

(Items Coupled on General Order Calendar)

- (1) **M 340 & Res 642 --** Herbert Berman - As a member and chair of the New York City Lobbying Commission
- (2) **M 341 & Res 643 --** Jamila Ponton Bragg - As a member of the New York City Lobbying Commission
- (3) **M 342 & Res 644 --** Lesley Horton - As a member of the New York City Lobbying Commission
- (4) **M 343 & Res 645 --** Margaret Morton - As a member of the New York City Lobbying Commission
- (5) **Int 328-A --** Increasing the fee for licensing a dog that is not spayed or neutered.
- (6) **Int 425-A --** Prohibiting restraining animals outdoors for longer than three continuous hours in any continuous twelve-hour period (**with Message of Necessity from the Mayor requiring affirmative vote of at least two-thirds of the Council for passage**).
- (7) **L.U. 267 & Res 632 --** App. N **110065 HAK**, UDAADP, 134 Wythe Avenue, Borough of Brooklyn, Council District no. 33.
- (8) **L.U. 278 & Res 633 --** App. C **110069 ZMR** amendment of the Zoning Map, Section Nos. 20d, 26c, 27a, 33c and 33d.
- (9) **L.U. 279 & Res 634 --** App. C **110070 ZRY** Staten Island and Bronx Community Board 10, and commercial regulations in the Staten Island.
- (10) **L.U. 281 & Res 635 --** App. **20115289 HKQ** (N 110135 HKQ), 89-31 161st Street (Block 9760, Lot 27) as a historic landmark, Council District no. 24.
- (11) **L.U. 282 & Res 636 --** App. **20115290 HKQ** Jamaica Avenue (Block 9676, Lot 37) as a historic landmark, Council District no. 24.
- (12) **L.U. 283 & Res 637 --** App. **20115291 HKQ** 88-11 Sutphin Boulevard (Block 9691, Lot 1) as a historic landmark, Council District no. 24.
- (13) **L.U. 284 & Res 638 --** App. **20115293 HKQ** 155-24 90th Avenue (Block 9754, Lot 7) as a historic landmark, Council District no. 24 (**Coupled for Disapproval**).
- (14) **L.U. 285 & Res 639 --** App. **20115292 HKQ** Preservation Commission of the Ridgewood South

- (15) **L.U. 286 & Res 640 --** Historic District, Council District no. 34. App. C **080293 ZMQ** C1-2 District and establishing within an R6B District a C2-2 District, Council District no. 19.
- (16) **L.U. 287 & Res 641 --** App. **20115310 HAX**, UDAAP, 2069 Bathgate Avenue, Council District no. 15, Borough of the Bronx.

(17) 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, Greenfield, Halloran, Ignizio, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Wills, 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. 328-A**:

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

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

The following was the vote recorded for **Int No. 425-A** (with Message of Necessity from the Mayor):

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

Negative – Barron – **1**.

The following was the vote recorded for **LU No. 267 & Res No. 632**:

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

Abstention – Lander - **1**.

The following was the vote recorded for **LU No. 282 & Res No. 636**:

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

Negative – Ignizio- 1.

The following was the vote recorded for **LU No. 284 & Res No. 638**:

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

Negative – Mendez - 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 328-A and 425-A passed under a Message of Necessity from the Mayor):

INTRODUCTION AND READING OF BILLS

Int. No. 452

By Council Members Brewer, Cabrera, Foster, James, Lander, Palma, Rodriguez, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the purchase of New York state food.

Be it enacted by the Council as follows:

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

§ 6-130. *New York state food purchased by city agencies.* a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:

(1) "Agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury;

(2) "City chief procurement officer" shall mean the person to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement;

(3) "New York state food" shall mean food products whose essential components are grown, produced or harvested in New York State or food products that are processed in facilities located within New York state.

b. The city chief procurement officer shall encourage agencies to make best efforts to purchase New York state food by:

(1) within six months of the enactment of this local law, developing guidelines for agencies that will assist in maximizing the purchase of New York state food, pursuant to the process set forth in New York state General Municipal Law section 103 (8-a);

(2) publishing such New York state food purchasing guidelines on the mayor's office of contracts services web site and training agency contracting personnel on implementing such guidelines;

(3) monitoring agency implementation of such guidelines; and

(4) submitting an annual report to the speaker of the city council by October 1 of each year detailing each agency's efforts in the preceding fiscal year to implement such New York state food purchasing guidelines. The report shall also include the percentage of the overall quantity and dollar amount of food each agency purchased in the preceding fiscal year that was New York state food.

c. The guidelines established pursuant to this section shall be implemented only to the extent that they do not result in an increase in expenditure for agencies and shall not apply to: (i) emergency procurements pursuant to section 315 of the charter and (ii) small purchases pursuant to section three hundred fourteen of the charter.

d. Nothing in this section shall be construed to limit the city's authority to enter into, cancel or terminate a contract, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification, or otherwise deny a contractor city business.

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

Referred to the Committee on Contracts

Int. No. 453

By Council Members Chin, Brewer, Cabrera, Ferreras, Fidler, Gentile, James, Koppell, Lander, Nelson, Palma, Seabrook, Williams and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the cleaning of liquid on a sidewalk, flagging or curbstone generated by trash placed curbside for collection and allowing the use of a hose to conduct such cleaning during times otherwise proscribed by such code.

Be it enacted by the Council as follows:

Section 1. Subdivision 2 of section 16-118 of the administrative code of the city of New York is amended by adding a new paragraph c to read as follows:

(c)(1) Every owner, lessee, tenant, occupant or person in charge of any food or beverage service establishment shall properly clean any liquid found on any sidewalk, flagging or curbstone resulting from the placement of garbage bags or waste receptacles for collection at or near any such location by any such person. Where collection of waste for any such establishment is scheduled to occur during such establishment's regular hours of operation, the owner, lessee, tenant, occupant or person in charge of such establishment shall properly clean any such liquid within one hour of waste collection. Where collection of waste for any such establishment is not scheduled to occur during such establishment's regular hours of operation, the following cleaning requirements shall apply: (i) where such collection is scheduled to occur before midnight, the owner, lessee, tenant, occupant or person in charge of such establishment shall properly clean any such liquid on the next day of business by the later of 7:00 a.m. or two hours before the time at which such establishment reopens for business; (ii) where such collection is scheduled to occur after midnight, the owner, lessee, tenant, occupant or person in charge of such establishment shall properly clean any such liquid by the later of 7:00 a.m. on the day that collection is scheduled to occur or two hours before the time at which such establishment reopens for business on such day. If the food or beverage service establishment is not open for business on such day, the cleaning requirements of subparagraph i of this paragraph shall apply.

(2) For purposes of this subdivision, "food or beverage service establishment" shall mean any establishment that serves food or beverages that is required to be permitted pursuant to articles 85, 87, 88, or 89 of the New York city health code or any beverage service establishment required to be licensed pursuant to section 100 of the New York state alcoholic beverage control law that sells beverages for on-premises consumption.

§ 2. Subdivision 9 of section 16-118 of the administrative code of the city of New York is amended, subdivisions 10 and 11 of such section are renumbered as subdivisions 11 and 12, respectively, and as renumbered, subdivision 11 is amended, and a new subdivision 10 is added to read as follows:

9. Except for any violation of paragraph c of subdivision two of this section, any violation of subparagraph one of paragraph b or paragraph c of subdivision seven of this section by a person using or operating a motor vehicle, [or] any violation of subparagraph two of paragraph b of subdivision seven of this section, or any violation of paragraph d of subdivision seven of this section, any person violating the provisions of this section shall be liable for a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars, except that for a second violation of subdivision one, three, four, or six of this section within any twelve-month period, such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars and for a third or subsequent violation of subdivision one, three, four or six of this section within any twelve-month period such person shall be liable for a civil penalty of not less than three hundred fifty dollars nor more than four hundred fifty dollars.

10. Any person who violates paragraph c of subdivision 2 of this section shall be liable for a civil penalty of not less than one hundred dollars nor more than five hundred dollars, except that for a second violation of such subdivision within any twelve-month period, such person shall be liable for a civil penalty of not less than five hundred nor more than six hundred dollars and for a third or subsequent violation of such subdivision within any twelve-month period such person shall be liable for a civil penalty of not less than seven hundred dollars nor more than nine hundred dollars.

[10]11. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties hereinabove provided in [subdivision]subdivisions nine and ten of this section.

§ 3. Section 24-332 of title 24 of the administrative code of the city of New York is amended to read as follows:

§ 24-332 Use of water through hose. [It]Except for the purposes of cleaning liquids by an owner, lessee, tenant, occupant or person in charge of a food or beverage service establishment as provided in paragraph c of subdivision 2 of section 16-118 of this code, it shall be unlawful for any person to wash any street, sidewalk, areaway, steps, building or other place in the city by means of a hose or piping, or to use water through a hose or sprinkler for watering lawns or gardens, or to operate any outside shower where the water runs upon a street, sidewalk, or other public place between the first day of November and the last day of March following.

§ 4. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 454

By Council Members Chin, Cabrera, Fidler, Foster, Gentile, James, Koppell, Lander, Mendez, Palma, Rose, Seabrook, Williams and Koo

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to issue an annual report regarding hepatitis B and hepatitis C.

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 **Hepatitis B and hepatitis C data compilation and reporting.** *a. On or before December first of two thousand eleven and each year thereafter, the department shall submit an annual report to the council and the mayor detailing the department's efforts to identify and prevent the spread of hepatitis B and hepatitis C during the preceding fiscal year. Such annual report shall, at minimum, provide separate data on hepatitis B and hepatitis C including (i) infection rates, including numbers of acute and chronic infections; (ii) any identified causes of new incidents of hepatitis B and hepatitis C infections; (iii) the demographics of persons infected with hepatitis B and persons infected with hepatitis C; (iv) the number of deaths caused by hepatitis B and the number of deaths caused by hepatitis C; (v) the number of new liver cancers diagnosed; (vi) the percentage of known cases of hepatitis B and of hepatitis C receiving care and the percentage of cases of hepatitis B and of hepatitis C referred to care; (vi) the number of vaccinations commenced and completed for hepatitis B; (vii) the number of patients resistant to hepatitis B vaccinations; (viii) the number of pregnant women with hepatitis B and the number of pregnant women with hepatitis C; (ix) funding for the previous fiscal year allocated and used on hepatitis B and hepatitis C related programs; and (xi) community outreach efforts targeting hepatitis B and hepatitis C.*

b. In addition to any other data the department may deem relevant, such report shall include a summation about the effectiveness of any prenatal and other hepatitis B and hepatitis C prevention programs.

c. The annual reports required pursuant to this section shall be made available on the department's website and to any member of the public upon request.

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

Referred to the Committee on Health.

Int. No. 455

By Council Members Ferreras, Chin, Dromm, Foster, James, Lander, Mendez, Palma, Rose, Sanders, Seabrook, Van Bramer, Williams, Nelson and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to requiring all pedestrian crossings with countdown signals to be equipped with an audible pedestrian signal.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-183 to read as follows:

§19-183 **Audible pedestrian signals.** *a. The department shall equip all pedestrian signals that utilize countdown signals with an audible pedestrian signal.*

b. The audible indication that it is safe for pedestrians to cross the street shall be by tone or voice. The tone shall consist of multiple frequencies with a dominant component at 880 Hz with a duration of 0.15 seconds and shall repeat at intervals of 0.15 seconds. The tone or voice volume shall be measured at a distance of thirty-six inches from the pedestrian signal device and shall be 2 dB minimum and 5 dB maximum above the ambient noise level and shall be responsive to ambient noise level changes.

c. Where a countdown signal had already been installed as of the effective date of the local law that added this section, the department shall install an audible pedestrian signal no later than one year following such effective date.

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

Referred to the Committee on Transportation.

Int. No. 456

By Council Members Ferreras, Cabrera, Foster, James, Mendez, Palma, Van Bramer and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the reuse of tableware at consumer self-service operations.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-197 to read as follows:

§17-197 **Clean tableware for consumer self-service operations.** *a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

1. "Consumer self-service operation" shall mean any display unit that provides ready-to-eat food to the consumer for self-service. Such term shall include, but not be limited to, salad bars and buffets.

2. "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

b. A food service establishment shall:

1. provide clean tableware at all consumer self-service operations;

2. ensure that an employee who holds a certificate from the department in food protection monitors consumer self-service operations; and

3. provide notice, the size and style of which shall be determined by the commissioner, to consumers that clean tableware is to be used when they return to self-service areas.

§2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this section prior to its effective date.

Referred to the Committee on Health.

Int. No. 457

By Council Members Garodnick, Brewer, Cabrera, Ferreras, Fidler, Gennaro, Gentile, James, Mendez, Palma, Rodriguez, Seabrook, Williams, Koo and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to the publication of information regarding street fairs.

Be it enacted by the Council as follows:

Section 1. Section 22-205 of Chapter 2 of title 22 of the administrative code of the city of New York is hereby amended and renumbered as §22-275 and a new section 22-276 is hereby added to read as follows:

§22-205] §22-275 **Permits for movie-making, telecasting, and photography in public places; violations; penalties.** *a. The [executive director] commissioner of the [office for economic development] Mayor's Office of Film, Theatre, and Broadcasting shall not issue to any applicant any permit for [any activity subject to the provisions of subdivision thirteen of section thirteen hundred of the charter] the taking of motion pictures, and for the taking of photographs and for the use or operation of television cameras and/or any other transmitting television equipment in or about city property, or in or about any street, park, marginal street, pier, wharf, dock, bridge, or tunnel within the jurisdiction of any city department or agency or involving the use of any city owned or maintained facilities or equipment, unless and until (1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the [executive director] commissioner, in the name and in behalf of the applicant, from the agency or agencies having jurisdiction and (2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant.*

b. It shall be unlawful for any person to conduct, without a permit from such [executive director] commissioner, any activity with respect to which such [executive director] commissioner is authorized to issue a permit under [the provisions of the charter referred to in] subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

§22-276 **Street event information, website.** *a. For the purposes of this section, the following terms shall have the following meanings:*

(1) "Commissioner" shall mean the commissioner of small business services of the city of New York.

(2) "Department" shall mean the department of small business services of the city of New York.

(3) "Street event" means any street fair or festival on a public street, but shall not include street activities where no licensed vendor participates.

b. The commissioner shall make available on the department's website information including:

(1) a list of all city approved street events;

(2) the process for obtaining temporary street fair vendor permits; and

(3) the process for obtaining a temporary food service establishment permit.
 §2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Technology.

Int. No. 458

By Council Members Garodnick, Brewer, Cabrera, Ferreras, Fidler, Gennaro, Gentile, James, Mealy, Mendez, Nelson, Palma, Rodriguez, Williams, Koo and Mark-Viverito.

A Local Law to amend the New York City charter, in relation to requiring the Department of Information Technology and Telecommunications to post certain information regarding street activities on the internet.

Be it enacted by the Council as follows:

Section 1. Section 1072 of Chapter 48 of the New York City charter is amended by adding a new subdivision q to read as follows:

q. Information regarding street activities to be posted on the internet. In addition to information available online on the citywide events calendar, the department shall also list the sponsor of each event, if one exists. The department shall also provide to the public at no charge on the city's website an interactive map, updated as often as practicable but not less than once per week, displaying all anticipated street closures to vehicular traffic as a result of each event. Such map shall be searchable and sortable by time, date and borough. All information required by this subdivision shall be available on the city's website as soon as practicable but in no case less than one week prior to each event. For the purposes of this subdivision, street event shall mean any street fair, block party or festival on a public street(s) where such activity may interfere with or obstruct the normal use by vehicular traffic of such street(s). For purposes of this chapter, sponsor shall include any person or entity which provides, organizes or manages a street event, or any representative of such person or entity.

§ 2. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Technology.

Int. No. 459

By Council Members Garodnick, Mark-Viverito, Chin, Brewer, Cabrera, Dromm, Fidler, Foster, Gennaro, James, Lander, Mendez, Palma, Rodriguez, Rose, Seabrook, Van Bramer, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to the registration of landlords of multiple 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 and email 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 and email addresses of the officers. 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 addresses and email addresses of such partnership together with the names [and], business addresses and email 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 and email 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. Paragraph 3 of subdivision a of section 27-2098 of the administrative code of the city of New York is amended to read as follows:

(3) If the dwelling is a multiple dwelling, the name [and], address and email address of a managing agent designated by the owner to be in control of and responsible for the maintenance and operation of such dwelling and to authorize, on behalf of the owner, the correction of any emergency conditions or the making of any emergency repairs for which the owner is responsible under the provisions of the multiple dwelling law or this code. To qualify for such designation, an agent shall be a natural person over the age of twenty-one years and shall reside within the city or customarily and regularly attend a business office maintained within the city.

An owner or corporate officer who meets such qualifications may be designated to serve and registered as the managing agent.

§ 3. Section 27-2098 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. A copy of the owner's name, business address and email address, or, if the owner is a corporation, the name and address of such corporation together with the names, business addresses and email addresses of the officers, or, if the owner is a partnership, the name, business address and email address of such partnership with the names, business addresses and email address of all general partners, or the name, address and email address of a managing agent designated by the owner to be in control of and responsible for the maintenance and operation of a dwelling and to authorize, on behalf of the owner, the correction of any emergency conditions or the making of any emergency repairs for which the owner is responsible under the provisions of the multiple dwelling law or this code, shall be included with every lease, or lease renewal for every dwelling unit covered by this article.

§ 4. Section 27-2100 of the administrative code of the city of New York is amended to read as follows:

§27-2100 Registration statement; change of address. An owner who is required to register under this article shall inform the department and shall amend his or her registration statement within five days if there is a change of address or email address of the owner, a change in the list of officers of the owner corporation, [or] a change of address or email address of any of such listed officers, or a change in address or email address of any general partner, or a change in address or email address of any limited partner whose share of ownership of the partnership exceeds twenty-five percent. No new filing fee shall be required for the amended registration statement.

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

Referred to the Committee on Housing and Buildings.

Int. No. 460

By Council Members Lander, Fidler, Brewer, Cabrera, Chin, Dromm, James, Mealy and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to clarifying the applicability of the noise control code.

Be it enacted by the Council as follows:

Section 1. Section 24-217 of the administrative code of the city of New York is amended to read as follows:

§24-217 Exemptions. The provisions of this code shall not apply to the operation or use of any organ, bell, chimes, sound device or apparatus or other similar instrument from on or within any church, synagogue, mosque, or other house of worship, except that no sound emanating from such church, synagogue, mosque or other house of worship may exceed 70 dB(A) when measured at a distance of fifty feet or more from the sound source on a public right-of-way or any point within a receiving property lawfully occupied as a dwelling or dwelling unit.

§2. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Environmental Protection.

Res. No. 626

Resolution calling upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

By Council Members Mark-Viverito, Arroyo, Brewer, Cabrera, Dromm, James, Koppell, Lander, Mendez, Palma, Rose, Sanders, Seabrook, Williams, Levin, Gonzalez, Foster, Van Bramer, Rivera and Rodriguez.

Whereas, Puerto Rico is a commonwealth of the United States and became a United States sovereignty in 1898; and

Whereas, Puerto Ricans have been United States citizens since 1917; and

Whereas, According to the most recent data released by the U.S. Census Bureau for 2007, there are nearly four million people of Puerto Rican descent living in the United States, which represents nine percent of the entire U.S. Hispanic population; and

Whereas, Over one million people of Puerto Rican descent live in New York State, of whom approximately 786,000 live in New York City; and

Whereas, People of Puerto Rican descent comprise thirty-five percent of all Hispanics living in New York State, as well as thirty-five percent of all Hispanics living in New York City, representing the largest group of Hispanics living in both the City and State; and

Whereas, Puerto Ricans living in Puerto Rico serve in the United States armed forces, use the United States postal service and United States currency; and

Whereas, Puerto Ricans who live in Puerto Rico cannot vote for the President of the United States; and

Whereas, Unlike residents of the fifty states, Puerto Ricans lack any representation in Congress, other than through the honorary position of Resident Commissioner in the House of Representatives; and

Whereas, On January 5, 2011, the one hundred and twelfth United States Congress passed House Resolution number five, a package of proposed rules; and

Whereas, House Resolution number five includes a provision to prevent six house delegates from presiding over, or voting as part of the Committee of the Whole; and

Whereas, The Committee of the Whole is used to expedite the adoption of legislation by turning the entire House of Representatives chamber into one large committee; and

Whereas, This action affects the voting rights of delegates from the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands and the Resident Commissioner of Puerto Rico;

Whereas, Delegates first received these voting rights in 1993; and

Whereas, In 1994, a federal Court of Appeals upheld the decision that Congress has the constitutional authority to allow delegate voting in the Committee of the Whole; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations

Int. No. 461

By Council Members Palma, Brewer, Cabrera, Chin, Foster, Gentile, James, Koppell, Rose, Williams, Nelson and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to establishing packaging reduction guidelines for contractors with city agencies.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

Subchapter 7: Packaging Reduction

§ 6-317. *Packaging reduction guidelines for city agencies. a. The director of citywide environmental purchasing in conjunction with the mayor's office of long term planning and sustainability shall establish packaging reduction guidelines for all contracts entered into by city agencies for the purchase of goods.*

b. Such guidelines shall include but not be limited to the following agency requests: (i) elimination of packaging whenever possible or use of the minimum amount necessary for product protection; (ii) use of packaging that is reusable, recyclable or compostable; and (iii) contractor reuse of pallets and packaging materials whenever possible.

c. The director of citywide environmental purchasing shall make such guidelines available to all city agencies and publish such guidelines on the city's website.

d. All city agencies shall publish the guidelines established pursuant to this section in conjunction with any request for bids issued by such agency for the purchase of goods.

e. The director of citywide environmental purchasing in conjunction with the office of long term planning and sustainability shall establish a program through the city website, and any other relevant means of media or communication, to identify and recognize city agency contractors that consistently comply with the packaging reduction guidelines established pursuant to this section as well as those that fail to comply.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Contracts

Res. No. 627

Resolution calling upon the New York State Legislature to amend the General Municipal Law to allow New York City to institute procurement preferences for the purchase of food originating within the New York region.

By Council Members Rose, Arroyo, Brewer, Cabrera, Chin, Dromm, Fidler, Foster, Gentile, James, Lander, Mendez, Palma, Rodriguez, Seabrook, Williams, Koslowitz, Gonzalez, Weprin and Mark-Viverito.

Whereas, New York City agencies purchase millions of dollars of food each year; and

Whereas, Most of the food that New York City agencies purchase can originate in places far outside the City and be transported by the use of different forms of transportation including trucks and airplanes; and

Whereas, Transporting such food to the City results in air pollution that contributes to climate change; and

Whereas, Food processors located in areas far from the City use large amounts of paper and plastic packaging to keep fresh food from spoiling as it is transported and stored for long periods of time; and

Whereas, Such packaging is generally not reused or recycled and therefore contributes to environmental pollution; and

Whereas, The purchase of food from smaller, local farmers aids the environment as they keep their land in agricultural use and preserve natural habitats by maintaining forest and wetlands; and

Whereas, The New York State General Municipal Law section 103(8-a) allows political subdivisions to give a preference for the purchase of certain food that is grown, produced, harvested or processed in New York State; and

Whereas, Such a preference is currently limited to food originating or processed in New York State and should be expanded to include food that is not processed in New York State but that originates in other states within the New York region, including but not limited to New Jersey, Connecticut, Massachusetts, Vermont and New Hampshire in order to promote New York City's purchase of regional food; and

Whereas, Allowing the City to give a preference for regional food will be better for the environment and will support the regional economy by increasing the ability of regional farmers and producers to bring their products to larger markets; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the General Municipal Law to allow New York City to institute procurement preferences for the purchase of food originating within the New York region.

Referred to the Committee on Contracts.

Res. No. 628

Resolution calling upon the New York State Legislature to pass and the Governor to enact legislation that regulates the amount and type of packaging used to encase goods procured by the State and all localities.

By Council Members Sanders, Brewer, Cabrera, Gentile, James, Koppell, Palma, Seabrook, Williams and Mark-Viverito.

Whereas, New York City agencies purchase millions of dollars of goods each year; and

Whereas, The packaging used to protect such goods during transport and delivery produces large amounts of solid waste that enters the waste stream; and

Whereas, Many vendors are not eco-friendly in that they: (i) use non-recyclable materials; (ii) use toxic materials that could be replaced with less-toxic alternatives; (iii) fail to use materials that contain a significant percentage of recycled content; or (iv) unnecessarily over-package the goods; and

Whereas, The solid waste resulting from such packaging ultimately contributes to pollution that costs the City millions of dollars in disposal fees each year; and

Whereas, the same conditions with regard to solid waste resulting from packaging occur in all jurisdictions throughout the State; and

Whereas, In order to decrease the amount of solid waste generated by the packaging used to encase the goods purchased by the City, State and other localities, the State Legislature would need to enact legislation to regulate the type and amount of packaging used in public procurement; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to enact legislation that regulates the amount and type of packaging used to encase goods procured by the State and all localities.

Referred to the Committee on Contracts.

Int. No. 462

By Council Members Vallone Jr., Cabrera, Fidler, Gennaro, Gentile, James, Nelson, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to the purchase and use of etching pens.

Be it enacted by the Council as follows:

Section 1. Subdivisions b, c, d and e of section 117 of title 10 of the Administrative Code of the city of New York are amended to read as follows:

b. No person shall possess an aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid with the intent to violate the provisions of subdivision a of this section.

c. No person shall sell or offer to sell an aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid to any person under twenty-one years of age.

c-1. No person under twenty-one years of age shall possess an aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid in or on the property of another. This subdivision shall not be deemed to prohibit the possession of an aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid where such item is contained in a manufacturer-sealed package or completely enclosed in a locked container, which shall include bags, backpacks, briefcases and other containers that can be closed and secured with a key or combination lock.

c-2. This section shall not apply to any person possessing an aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid while in or on the property of another in violation of subdivision c-1 of this section, where:

(1) the owner, operator or other person having control of the property, building or facility consented in writing to the use or possession of the aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid; or

(2) such person uses or possesses the aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid under the supervision of the owner or person in control of such property; or

(3) such person is at his or her place of employment and the aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid was, will be or is being used during the course of such employment and used only with written permission from, or under the supervision of his or her employer or such employer's agent; or

(4) such person is at an educational facility and uses or will use the aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid at the educational facility, where he or she is enrolled, and is participating in a class at the educational facility that requires the use or possession of such items; or

(5) such person is on the property of another and uses or will use the aerosol spray paint can, broad tipped indelible marker, *etching pen* or etching acid in or on the property of another if such use or possession is necessary to participate in a government-sponsored function or in other circumstances where a government agency gives its consent to such use or possession.

d. All persons who sell or offer for sale aerosol spray paint cans, broad tipped indelible markers, *etching pens* or etching acid shall not place such cans, markers or etching acid on display and may display only facsimiles of such cans, markers or etching acid containing no paint, ink or etching acid.

e. For the purpose of this section, the term "broad tipped indelible marker" shall mean any felt tip marker or similar implement containing a fluid that is not water soluble and which has a flat or angled writing surface one-half inch or greater. For the purpose of this section, the term "etching acid" shall mean any liquid, cream, paste or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change or impair the physical integrity of glass or metal. *For the purposes of this section, the term "etching pen" shall mean any implement with a carbide, diamond, or other hard tip designed to etch, draw, carve, sketch, engrave or otherwise alter, change or impair the physical integrity of glass or metal.*

§2. Section 20-611 of title 20 of the Administrative Code of the city of New York is amended to read as follows:

§20-611. Definitions

Whenever used in this subchapter, the following terms shall have the following meanings:

1. "Dealer of etching acid *and/or etching pens*" shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid *and/or etching pens*.

2. "Dispense" shall mean to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

3. "Etching acid" shall have the same meaning set forth in subdivision e of section 10-117.

4. "*Etching pen*" shall have the same meaning set forth in subdivision e of section 10-117.

[4] 5. "Personal information" shall mean data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information shall be limited to the purchaser's name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.

[5] 6. "Purchasing records" shall mean all written or electronically recorded personal information about a purchaser of etching acid *and/or an etching pen or pens* gathered at the time of purchase by a dealer of etching acid *and/or etching pens* as required by this subchapter.

§3. Section 20-612 of title 20 of the Administrative Code of the city of New

York is amended to read as follows:

§ 20-612 Requirements for purchase or sale.

1. Every dealer of etching acid *and/or etching pens* shall request valid photo identification from each purchaser of etching acid *and/or etching pens* at the time of such purchase and contemporaneously record in writing or electronically such purchaser's personal information.

2. No person shall purchase etching acid *and/or an etching pen or pens* without first providing his or her personal information to the dealer of etching acid *and/or etching pens* pursuant to this subchapter. It shall be an affirmative defense to a violation of this subdivision that the dealer failed to request personal information from the purchaser of etching acid *and/or an etching pen or pens*.

3. It shall be unlawful for any person to dispense etching acid *and/or an etching pen or pens* to any person without recording such purchaser's personal information.

§4. Section 20-613 of title 20 of the Administrative Code of the city of New York is amended to read as follows:

§ 20-613 Posting notice. Every dealer of etching acid *and/or etching pens* shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid *and/or etching pens* shall be required to provide valid photo identification and their personal information and such information shall be recorded by the dealer of etching acid *and/or etching pens* prior to purchase.

§5. Section 20-614 of title 20 of the Administrative Code of the city of New York is amended to read as follows:

§ 20-614 Records of purchase. 1. Purchasing records shall be kept in a secure location and made available only to the commissioner and his or her designee, or a police officer, and shall be used solely for the purposes of enforcement of this subchapter and of state and local anti-graffiti laws and rules.

2. a. Purchasing records shall be kept by dealers of etching acid *and/or etching pens* for one year.

b. All purchasing records and any other information pertaining to the purchase or sale of etching acid *and/or etching pens* shall be disposed of by the following methods only:

i. shredding the records before the disposal of the records; or

ii. destroying the personal information contained in the records; or

iii. modifying the records to make the personal information unreadable; or

iv. taking actions consistent with commonly accepted industry practices reasonably believed to ensure that no unauthorized person will have access to the personal information contained in the records.

§6. This local law shall take effect ninety days after it shall have become law.

Referred to the Committee on Public Safety.

Int. No. 463

By Council Members Vallone Jr., Cabrera, Crowley, Foster, Williams and Halloran

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

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-197 to read as follows:

§17-197 Prohibiting the addition of fluoride to the water supply. a. Definitions.

1. "Added" shall mean any artificial augmentation above naturally occurring levels.

2. "Fluoride compound" shall mean any substance that supplies fluoride ions upon dissolution in water, for purposes of maintaining a set concentration of fluoride.

3. "Water supply" shall mean any water source under the control of the city of New York that supplies water as a publicly available utility to residents of the city of New York.

b. No fluoride compound shall be added to the water supply of the city of New York.

§2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Res. No. 629

Resolution calling upon the New York State Legislature to increase the punishment for endangering the welfare of a child by designating this crime as a felony.

By Council Members Vallone Jr., Arroyo, Cabrera, Ferreras, Fidler, Foster, Gennaro, Gentile, Palma and Koo.

Whereas, A central tenet of a just society is the care and protection of those who are least able to take care of themselves; and

Whereas, In keeping with this principle, there are numerous state laws protecting children and the elderly; and

Whereas, The punishments given for abusing these vulnerable populations vary greatly; and

Whereas, Pursuant to Penal Law §§ 260.32 and 260.34, a caregiver who injures a vulnerable elderly person may be charged with a felony and punished by up to seven years of imprisonment; and

Whereas, In contrast, pursuant to Penal Law § 260.10, a person found guilty of endangering the welfare of a child may be charged with just a Class A misdemeanor, which carries a penalty of up to one year of imprisonment and a fine; and

Whereas, A person is guilty of endangering a child if he or she “acts in a manner that is likely to be injurious to the physical, mental, or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his life or health,” or, if one is a parent, guardian or custodian of a minor, if “he or she fails or refuses to exercise some reasonable diligence in the control of such child to prevent him from becoming an ‘abused child,’ a ‘neglected child,’ a ‘juvenile delinquent’ or ‘a person in need of supervision;’” and

Whereas, As the horrific case of Nixmary Brown made clear, the law must allow law enforcement to take action to protect children who are being harmed before they suffer serious injury or death; and

Whereas, Currently, prosecutors and police often see cases in which minor injuries are inflicted upon a child, sometimes over and over again for months or years, and yet they are unable to bring felony charges unless they can prove the deliberate infliction of “serious physical injury” or the use of a dangerous weapon; and

Whereas, As stated by Queens District Attorney Richard Brown in the aftermath of the Nixmary Brown tragedy, “New York needs to do more to provide these children with the chance to grow into adulthood-and not become grim statistics...[prosecutors] need felony sanctions for such patterns of abuse and cruel maltreatment to punish and deter such conduct”; and

Whereas, Several bills are pending in the New York State Legislature that would address this issue, including A.4534 (Mayersohn), which would redesignate the current crime of endangering the welfare of a child as endangering the welfare of a child in the second degree, a misdemeanor penalty, and create the new crime of endangering the welfare of a child in the first degree, which would be categorized as a class D violent felony with a punishment of up to seven years in prison; and

Whereas, Under A.4534, a person is guilty of endangering the welfare of a child in the first degree if he “commits the crime of endangering the welfare of a child in the second degree upon a child less than 11 or which results in physical injury to a child less than 17,” or if he has either been previously found guilty of endangering the welfare of a child in either the first or second degree or acts “in a manner that creates a risk of serious physical injury or prolonged impairment of the mental or emotional condition of a child less than seventeen years old;” and

Whereas, Abusing a child is a horrible crime that should be treated as a felony with the potential for more than one year of imprisonment; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to increase the punishment for endangering the welfare of a child by designating this crime as a felony.

Referred to the Committee on Public Safety.

Res. No. 630

Resolution calling upon the New York State Legislature to amend the Penal Law to make serial acts of public lewdness a class A misdemeanor offense, and to amend the Correction Law to include public lewdness as a registerable sex offense.

By Council Members Vallone Jr., Foster, Gentile, James and Sanders.

Whereas, According to the New York State Penal Law, “a person is guilty of public lewdness when he intentionally exposes the private or intimate parts of his body in a lewd manner or commits any other lewd act (a) in a public place, or (b) in private premises under circumstances in which he may readily be observed from either a public place or from other private premises, and with intent that he be so observed;” and

Whereas, Public lewdness is a problem throughout New York City, particularly when directed at women and young children; and

Whereas, Currently, public lewdness is only a class B misdemeanor, punishable by probation from one to three years, imprisonment up to three months, and/or a fine

of up to five hundred dollars, all of which is minimal punishment for a criminal who is responsible for such enduring trauma; and

Whereas, Categorizing serial acts of public lewdness as a class A misdemeanor would make the crime punishable by probation for three years, imprisonment up to one year, and/or a fine of up to one thousand dollars; and

Whereas, Under the New York State Sex Offender Registration Act, offenders who have been convicted numerous times for public lewdness do not have to register as a sex offender; and

Whereas, Several bills pending in the New York State Legislature address the problem of public lewdness, including A.6864, sponsored by Assemblywoman Dede Scozzafava which would increase the penalty for a second commission of public lewdness in a ten-year period to a class A misdemeanor and raise the penalty for any subsequent commission within the same ten-year period to a class E felony; and

Whereas, A.6864 would also require that a person convicted of public lewdness register with the New York State Sex Offender Registry unless a trial court determines that this punishment is disproportionate to the crime committed and/or the character of the guilty party; and

Whereas, If passed, A.6864 would bring the State in line with and even strengthen the public lewdness law in New York City, where the penalty for two or more such acts in a three-year period is already a class A misdemeanor; and

Whereas, Considering that perpetrators of public lewdness often reoffend by committing further acts of public lewdness or other serious sex offenses, it is imperative that the State Legislature take steps to protect New Yorkers from this unwelcome menace; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Penal Law to make serial acts of public lewdness a class A misdemeanor offense, and to amend the Correction Law to include public lewdness as a registerable sex offense.

Referred to the Committee on Public Safety.

Res. No. 631

Resolution calling upon the New York State Legislature to reintroduce and pass legislation that would require ex-felons to be fully informed of their voting rights.

By Council Members Williams, Cabrera, Dromm, Foster, James, Lander, Mendez, Rodriguez, Rose, Sanders, Seabrook, Palma and Mark-Viverito.

Whereas, The right to vote in open and free elections is one of our country’s greatest gifts of citizenship, a privilege that is protected in the U.S. Constitution; and

Whereas, In the United States, every state with the exceptions of Maine and Vermont bars incarcerated individuals from voting while in prison; and

Whereas, In New York State, parolees are also banned from voting until they have completed their parole; and

Whereas, There are currently over 122,000 New Yorkers barred from voting because they are either in prison or are on parole; and

Whereas, Although an individual regains the right to vote upon completion of his or her sentence, it is the responsibility of the newly-freed individual to re-register to vote; and

Whereas, Unfortunately, a significant number of incarcerated individuals are misinformed about their voting rights; and

Whereas, According to the Sentencing Project, a criminal justice advocacy group, over 40 percent of prisoners believe that incarceration results in the permanent revocation of voting rights and over 60 percent believe that probation results in the suspension of voting rights; and

Whereas, Such misinformation is particularly alarming in light of the fact that over 80 percent of incarcerated individuals in New York are persons of color; and

Whereas, In order to avoid unnecessary disenfranchisement, it is imperative that individuals who have served out their sentences be informed of their right to vote in New York State; and

Whereas, In the 2009-2010 session of the New York State Legislature, Assemblyman Keith Wright and Senator Velmanette Montgomery introduced A.2266A/S.1266A which, if passed, would have addressed this issue by requiring the Department of Correctional Services or the Division of Parole to inform recently released felons and/or parolees of their reinstated voting rights and to provide them with a form with which to re-register to vote; and

Whereas, A.3375A/S.1264A, also known as the Voting Rights Notification and Registration Act, would have also required those who plead guilty and those who are sentenced to prison to be informed of the fact that they are ineligible to vote for the duration of their term; and

Whereas, To prevent any confusion among election workers and others involved in the elections process about a former felon’s eligibility to register and vote, A.3375A/S.1264A would have required the state Board of Elections to inform local Boards of Elections of specific individuals’ re-enfranchisement, and to educate all parties involved in the elections process about the voting rights of ex-felons; and

Whereas, A.3375A/S.1264A would have also directed local correctional facilities to notify eligible inmates of their right to vote and to assist them in the registration and absentee voting processes; and

Whereas, Voting in elections is a key ingredient of civil participation, and one that must be encouraged among all eligible New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to reintroduce and pass legislation that would require ex-felons to be fully informed of their voting rights.

Referred to the Committee on Fire and Criminal Justice Services.

L.U. No. 287

By Council Member Comrie:

Application no. 20115310 HAX, an Urban Development Action Area Project located 2069 Bathgate 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 an exemption from real property taxes.

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

L.U. No. 288

By Council Member Comrie:

Application no. 20115241 TCM pursuant to Section 20-226(g) of the New York City Administrative Code, concerning the petition of C & O Coffee Shop Inc. to continue to maintain and operate an unenclosed sidewalk café at 28 Eighth 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 11.20(b) of the Council and Section 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. 289

By Council Member Comrie:

Application no. 20105632 TCM pursuant to Section 20-226(g) of the Administrative Code, concerning the petition of Sonny Lou Inc. to establish, maintain and operate an unenclosed sidewalk café at 253 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 11.20(b) of the Council and Section 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. 290

By Council Member Comrie:

Application no. 20115286 TCQ pursuant to Section 20-226(g) of the Administrative Code concerning the petition of Canz Suffolk 1 Inc. to establish, maintain and operate an unenclosed sidewalk café at 40-11 30th Avenue, 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 11.20 (b) of the Council and Section 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. 291

By Council Member Comrie:

Application no. 20115311 HKM, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2411) by the Landmarks Preservation Commission of the 190 Grand Street House located at 190 Grand Street, Council District no.1, Borough of Manhattan.

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

L.U. No. 292

By Council Member Comrie:

Application no. 20115312 HKM, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2412) by the Landmarks Preservation Commission of the 192 Grand Street House located at 190 Grand Street, Council District no.1, Borough of Manhattan.

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

L.U. No. 293

By Council Member Comrie:

Application no. 20115313 HKM, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2390) by the Landmarks Preservation Commission of the Paul Rudolph Penthouse and Apartments located at 23 Beekman Place, Council District no. 5, Borough of Manhattan.

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

L.U. No. 294

By Council Member Comrie:

Application no. 20115314 HKX, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2401) by the Landmarks Preservation Commission of the Union Reformed Church located at 1272 Ogden Avenue, Council District no.16, Borough of the Bronx.

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

L.U. No. 295

By Council Member Comrie: .

Uniform land use review procedure application no. C 110091 HAX, an Urban Development Action Area Designation and Project, located at 2311 Tiebout Avenue, and the disposition of such property, Borough of the Bronx, Council District no. 15. 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. 296

By Council Member Comrie:

Uniform land use review procedure application no. C 110095 HAK, an Urban Development Action Area Designation and Project, located at 37-39 Maujer Street; 33 and 38 Ten Eyck Street; 354-358 Bedford Avenue; 121 South 4th Street, and the disposition of such property, Borough of Brooklyn, Council District no. 34. 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. 297

By Council Member Comrie:

Uniform land use review procedure application no. C 110096 HAM, an Urban Development Action Area Designation and Project, located at 145-1957 Park Avenue, and the disposition of such property, Borough of Manhattan, Council District no. 9. 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. 298

By Council Member Comrie:

Uniform land use review procedure application no. C 110097 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 6a, Borough of Manhattan, Council District no. 9

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

L.U. No. 299

By Council Member Comrie:

Uniform land use review procedure application no. C 110101 HAX, an Urban Development Action Area Designation and Project, located at 1157-1167 East 178th Street and 1160 Lebanon Street, and the disposition of such property, Borough of the Bronx, Council District no. 15. 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. 300

By Council Member Comrie:

Uniform land use review procedure application no. C 110100 ZSX, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of the Bronx, Council District no. 15 to facilitate a mixed-use development. 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. 301

By Council Member Comrie:

Uniform land use review procedure application no. C 110103 ZSX, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of the Bronx, Council District no. 15 to facilitate a mixed-use development. 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. 302

By Council Member Comrie:

Zoning resolution amendment application no. N 110090 (A) ZRY, pursuant to Sections 197-d and 201 of the New York City Charter, for an amendment pertaining to the clarification of key terms including “development” and “building” and the clarification of other regulations throughout the Zoning Resolution.

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

L.U. No. 303

By Council Member Comrie:

Application no. 20115323 TCM, pursuant to Section 20-226(g) of the Administrative Code of the City of New York, concerning the petition of Harlem Apple, LLC d.b.a Applebee’s Neighborhood Grill & Bar to establish, maintain and operate an unenclosed sidewalk café located at 1 West 125th Street, Borough of Manhattan, Council District no. 9. 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 Section 20-226(g) of the New York City Administrative Code

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

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

ANNOUNCEMENTS:

Tuesday, January 18, 2011

★ Addition (Continuation of Recessed Meeting)

Committee on SANITATION AND SOLID WASTE MANAGEMENT jointly with the Committee on FIRE AND CRIMINAL JUSTICE SERVICES and Committee on PUBLIC SAFETY and Committee on OVERSIGHT AND INVESTIGATIONS..... 7:30 P.M.

Oversight – The December Blizzard of 2010: Evaluating the City’s response

Location: The Michael J. Petrides School
715 Ocean Terrace

Staten Island, NY 10301 Letitia James, Chairperson

..... Elizabeth Crowley, Chairperson

..... Peter Vallone, Chairperson

..... Jumaane Williams, Chairperson

Wednesday, January 19, 2011

★ Deferred

~~Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.~~

~~..... Agenda – 1:30 p.m.~~

~~Location..... Emigrant Savings Bank – 49-51 Chambers Street.....~~

★ Addition (Continuation of Recessed Meeting)

Committee on SANITATION AND SOLID WASTE MANAGEMENT jointly with the

Committee on FIRE AND CRIMINAL JUSTICE SERVICES and

Committee on PUBLIC SAFETY and

Committee on **OVERSIGHT AND INVESTIGATIONS** **6:00 P.M.**

Oversight – The December Blizzard of 2010: Evaluating the City’s response

Location:

Brooklyn Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Details Attached..... Letitia James, Chairperson
..... Elizabeth Crowley, Chairperson
..... Peter Vallone, Chairperson
..... Jumaane Williams, Chairperson

Thursday, January 20, 2011

★Deferred

Committee on **GENERAL WELFARE**.....**10:00 A.M.**

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor Annabel Palma, Chairperson

★Note Time Change

Committee on **CULTURAL AFFAIRS, LIBRARIES &**

INTERNATIONAL INTERGROUP RELATIONS..... **★ 10:30 A.M.**

Oversight - The 'Percent For The Arts' Program

Committee Room – 250 Broadway, 14th Floor

..... James Van Bramer, Chairperson

Committee on **IMMIGRATION** jointly with the

Committee on **GOVERNMENTAL OPERATIONS** **1:00 P.M.**

Oversight - Monitoring the Implementation of the City’s Language Access Policies

Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

..... Gale Brewer, Chairperson

★Deferred

Committee on **TECHNOLOGY**.....**1:00 P.M.**

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor

..... Fernando Cabrera, Chairperson

Committee on **HIGHER EDUCATION** **1:00 P.M.**

Oversight - How will CUNY’s 2011 tuition increases affect educational quality and access for students?

Hearing Room – 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson

★Addition (Continuation of Recessed Meeting)

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** jointly with the

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** and

Committee on **PUBLIC SAFETY** and

Committee on **OVERSIGHT AND INVESTIGATIONS** **6:00 P.M.**

Oversight – The December Blizzard of 2010: Evaluating the City’s response

Location: Adam Clayton Powell *State Office Building*

163 W 125th St, Room 8ABC

New York, NY 10027..... Letitia James, Chairperson

..... Elizabeth Crowley, Chairperson

..... Peter Vallone, Chairperson

..... Jumaane Williams, Chairperson

Friday, January 21, 2011

★Committee Addition

Committee on **VETERANS** jointly with the

★Committee on WOMEN’S ISSUES**10:00 A.M.**

Oversight - Plans to renovate and utilize the existing St. Albans Community Living Center

Res 422 - By Council Members Sanders, Barron, Chin, Dromm, Gentile, James, Lander, Nelson, Palma, Williams and Halloran - **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.

Committee Room – 250 Broadway, 14th Floor Mathieu Eugene, Chairperson

..... **★Julissa Ferreras, Chairperson**

★Addition (Continuation of Recessed Meeting)

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** jointly with the

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** and

Committee on **PUBLIC SAFETY** and

Committee on **OVERSIGHT AND INVESTIGATIONS** **12:00 P.M.**

Oversight – The December Blizzard of 2010: Evaluating the City’s response

Location: Queens Borough Hall

120-55 Queens Boulevard

Kew Gardens, NY 11424..... Letitia James, Chairperson

..... Elizabeth Crowley, Chairperson

..... Peter Vallone, Chairperson

..... Jumaane Williams, Chairperson

Monday, January 24, 2011

★Addition

Committee on **YOUTH SERVICES****10:00 A.M.**

Oversight - Young Fatherhood Initiatives

Committee Room – 250 Broadway, 14th Floor Lewis A. Fidler, Chairperson

★Addition

Committee on **AGING** **1:00 P.M.**

Oversight - Culturally Competent Services and Care for LGBT Seniors

Committee Room – 250 Broadway, 16th Floor Jessica Lappin, Chairperson

★Deferred

Committee on **GOVERNMENTAL OPERATIONS****1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

★Addition

Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 16th Floor James Sanders, Chairperson

★Addition (Continuation of Recessed Meeting)

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** jointly with the

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** and

Committee on **PUBLIC SAFETY** and

Committee on **OVERSIGHT AND INVESTIGATIONS** **6:00 P.M.**

Oversight – The December Blizzard of 2010: Evaluating the City’s response

Location:Eugenio Maria de Hostos Community College, CUNY / Savoy Building D
120 East 149th Street

Bronx, New York 10451..... Letitia James, Chairperson

..... Elizabeth Crowley, Chairperson

..... Peter Vallone, Chairperson

..... Jumaane Williams, Chairperson

Tuesday, January 25, 2011

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**

See Land Use Calendar Available Thursday, January 20, 2011

Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

★Deferred

Committee on **PUBLIC SAFETY****10:00 A.M.**

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Peter Vallone, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING &**

MARITIME USES.....**11:00 A.M.**

See Land Use Calendar Available Thursday, January 20, 2011

Committee Room— 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
See Land Use Calendar Available Thursday, January 20, 2011
 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Committee on **EDUCATION** **1:00 P.M.**
Oversight - The Department of Education’s Monitoring of Students at Closing Schools

Int 354 - By Council Members Jackson, Barron, Brewer, Cabrera, Chin, Dickens, Dromm, Eugene, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Mealy, Nelson, Palma, Rose, Sanders Jr., Seabrook, Williams, Koslowitz, Lappin, Rodriguez, Vann, Crowley, Foster, Halloran and Ulrich - **A Local Law** to amend the New York city charter, in relation to requiring the department of education to provide data regarding student discharges.

Int 364 - By Council Members Fidler, Brewer, Cabrera, Comrie, Dromm, Ferreras, Gentile, Gonzalez, James, Lander, Mealy, Palma, Recchia, Rose, Sanders Jr., Vacca, Vann, Williams, Mendez, Koslowitz and Halloran - **A Local Law** to amend the New York city charter, in relation to requiring the department of education to provide data regarding students who were transferred to an alternate school as a result of a school closure.

Committee Room – 250 Broadway, 14th Floor Robert Jackson, Chairperson

★ Deferred
 Committee on **PARKS AND RECREATION** **1:00 P.M.**
 Agenda to be announced
 Hearing Room— 250 Broadway, 16th Floor
 Melissa Mark-Viverito, Chairperson

★ Addition
 Committee on **WATERFRONTS** **1:00 P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson

Wednesday, January 26, 2011

★ Addition
 Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES**..... **9:30 A.M.**
Oversight – The Department of Health and Mental Hygiene’s Current and Future Role in Providing Direct Mental Health Services
 Hearing Room – 250 Broadway, 16th Floor G. Oliver Koppell, Chairperson

Committee on **JUVENILE JUSTICE** jointly with the
 Committee on **GENERAL WELFARE**..... **10:00 A.M.**
Oversight - The Mayor’s Proposal to Overhaul the New York State Juvenile Justice System
 Committee Room – 250 Broadway, 14th Floor Sara Gonzalez, Chairperson
 Annabel Palma, Chairperson

★ Addition
 Committee on **TECHNOLOGY** jointly with the
 Committee on **PARKS AND RECREATION** **11:00 A.M.**
Oversight - Wireless Internet Access in New York City’s Public Parks
 Committee Room – 250 Broadway, 16th Floor Fernando Cabrera, Chairperson
Melissa Mark-Viverito, Chairperson

Committee on **CIVIL RIGHTS**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

★ Deferred
 Committee on **WATERFRONTS** **1:00 P.M.**
 Agenda to be announced
 Committee Room— 250 Broadway, 16th Floor Michael Nelson, Chairperson

★ Note Time Change
 Committee on **PUBLIC HOUSING**..... **★ 1:00 P.M.**
Oversight – NYCHA’s Disposition of Land
 Committee Room – 250 Broadway, 16th Floor Rosie Mendez, Chairperson

★ Addition (Continuation of Recessed Meeting)
 Committee on **SANITATION AND SOLID WASTE MANAGEMENT** jointly with the Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** and Committee on **PUBLIC SAFETY** and Committee on **OVERSIGHT AND INVESTIGATIONS** **6:00 P.M.**
Oversight – The December Blizzard of 2010: Evaluating the City’s response
Location:
 Marine Park Intermediate School 278
 1925 Stuart Street
 Brooklyn, New York 11229 Letitia James, Chairperson
 Elizabeth Crowley, Chairperson
 Peter Vallone, Chairperson
 Jumaane Williams, Chairperson

Thursday, January 27, 2011

Committee on **LAND USE**..... **10:00 A.M.**
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

★ Deferred
 Committee on **SANITATION AND SOLID WASTE MANAGEMENT** **10:00 A.M.**
 Agenda to be announced
 Committee Room— 250 Broadway, 14th Floor Letitia James, Chairperson

Committee on **LOWER MANHATTAN REDEVELOPMENT** **10:00 A.M.**
Oversight - Update on the Deconstruction of 130 Liberty Street and the Future of the Site
 Hearing Room – 250 Broadway, 16th Floor Margaret Chin, Chairperson

Committee on **HEALTH**..... **1:00 P.M.**
Oversight - HIV/AIDS-Hepatitis Co-Infection: Education, Prevention and Treatment
 Committee Room – 250 Broadway, 14th Floor
 Maria del Carmen Arroyo, Chairperson

★ Deferred
 Committee on **WOMEN’S ISSUES** **1:00 P.M.**
 Agenda to be announced
 Committee Room— 250 Broadway, 16th Floor Julissa Ferreras, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
Oversight - New York City's Hydropower Capacity: Present and Future Opportunities
 Hearing Room – 250 Broadway, 16th Floor James F. Gennaro, Chairperson

Monday, January 31, 2011

★ Addition
 Committee on **ECONOMIC DEVELOPMENT**..... **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Karen Koslowitz, Chairperson

★ Addition
 Committee on **HOUSING AND BUILDINGS**..... **10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Erik Martin-Dilan, Chairperson

★ Addition
 Committee on **CONTRACTS**..... **1:00 P.M.**
Oversight - Preferred Source Vendors
 Committee Room – 250 Broadway, 16th Floor Darlene Mealy, Chairperson

★ Addition
 Committee on **COMMUNITY DEVELOPMENT** **1:00 P.M.**

Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Albert Vann, Chairperson

★ *Addition*

Committee on **SMALL BUSINESS** **1:00 P.M.**

Oversight - A Review of New York City Government Programs to Help Small Businesses

Hearing Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson

Tuesday, February 1, 2011

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the
Committee on **PUBLIC SAFETY** and
Committee on **TECHNOLOGY**.....**10:00 A.M.**

Oversight – Update on FDNY/NYPD Unified Call Taker System

Committee Room – 250 Broadway, 14th Floor Elizabeth Crowley, Chairperson

..... Peter Vallone, Chairperson

..... Fernando Cabrera, Chairperson

Wednesday, February 2, 2011

Committee on **FINANCE** **10:00 A.M.**

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor

..... Domenic M. Recchia, Chairperson

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 for the Stated Meeting on Wednesday, February 2, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: *Int Nos. 437 and 442, adopted at the December 20, 2010 Stated Council Meeting, were signed by the Mayor into law on January 6 2011, with the final assigned Local Law numbers as, respectively, Local Law Nos. 5 and 6 of 2011 . Int Nos. 436-A and 451, adopted at the January 5, 2011 Charter Meeting, were signed by the Mayor into law on January 13, 2011, respectively, as Local Law Nos. 7 and 8 of 2011.*

