

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
WEDNESDAY, MARCH 23, 2011

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## THE COUNCIL

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*Minutes of the  
STATED MEETING  
of*

Wednesday, March 23, 2011, 2:45 p.m.

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

### Council Members

Christine C. Quinn, Speaker

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

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

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

*There were 51 Council Members present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.*

### INVOCATION

The Invocation was delivered by Pastor Kendra Horn Manigault, Cities of Refuge Alliance Worldwide, Greater Fellowship Ministries, 106-01 Guy R. Brewer Blvd. Jamaica, N.Y. 11433.

Good afternoon.

I acknowledge the entire body of Council Members; ladies and gentlemen, let's pray.

Most gracious Father,  
we seek blessings on the tasks before the Council.  
Bless their efforts with clear insight,  
Their deliberations with wisdom,  
their work with clarity and accuracy,  
and decisions with impartiality.  
In commemoration of Women's History Month,  
we acknowledge these 18 women on the Council  
which includes Speaker Quinn, the first female Speaker,  
and Council Member Inez Dickens,  
as the first African American woman  
in leadership on the Council.  
We honor them amongst women  
who are paving the way,  
who are demanding change  
and have made changes,  
those who have broke through  
barriers with oppositions,  
but they never gave up.  
We're so grateful they didn't  
until women were seen in high places,  
needed places, and secure places.  
Let's pray for New York's finest,  
women who are in boldness, in braveness,  
those on the front line.  
And finally I pray for every woman  
in the Greater New York City Area who will be healed  
from past and current abuses, failures,  
disappointments, depression, barrenness, grievance,  
separation, divorces, emptiness, loneliness,  
that they will find security and refuge in prayer, in meditations.  
Peace be unto you. Amen.

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

### Moment of Silence

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

NYPD Officer Alain Schaberger, 42, of Cortland Manor, N.Y. was pushed to his death on March 13, 2011 while responding to a domestic dispute. Officer Schaberger, joined the Navy in 1991, entered the Police Academy in July 2001, and was eventually assigned to the 84<sup>th</sup> Precinct in Brooklyn, N.Y. While in the Academy, he was sent to the 9/11 Ground Zero checkpoint where he spent countless days comforting grieving families. The Speaker (Council Member Quinn) thanked Council Member Levin for joining her at the funeral. Officer Schaberger is survived by his parents, Paul and Mary, his fiancé Shoshone, her two children, and countless fellow officers, friends and citizens of New York City.

Lucy Cecere, 87, a tireless advocate for four decades who dedicated her life to advocating and assisting her neighbors in Lower Manhattan, died on March 19, 2011 in 1973. Ms. Cecere co-founded the Caring Community, a social services organization, committed to serving the frail and elderly in a manner that fostered independence, dignity, and respect. She is survived by her husband, Lenny, her children Francine and Lenny, Jr., her granddaughter Claire, her sisters Betty and Flora, her four nieces and countless friends and admirers.

At this point, the Speaker (Council Member Quinn) sent our heartfelt condolences and thoughts and prayers to the people of Japan in the wake of the March 11, 2011 earthquake and tsunami as well as to the families of the fifteen victims killed in the March 12, 2011 I-95/ New England Thruway Bronx bus crash. The Speaker (Council Member Quinn) also noted that Friday, March 25, 2011 marks the 100th anniversary of the Triangle Shirtwaist Factory Fire which killed 146 people. The Triangle Fire tragedy led to many of the sweeping child labor laws, minimum wage, length of work week, and fire safety regulations adopted in New York and throughout the country in subsequent years.

In conclusion, the Speaker (Council Member Quinn) noted the March 23, 2011 death of Elizabeth Taylor, 79. Ms. Taylor was one of the first celebrities to speak out against the AIDS epidemic and was a founder of the amfAR Group that is leading the way towards treatments and eventual cure for HIV and AIDS.

#### ADOPTION OF MINUTES

Council Member Reyna moved that the Minutes of the Stated Meetings of February 16, 2011 and March 2, 2011 be adopted as printed.

#### MESSAGES & PAPERS FROM THE MAYOR

M-411

**Communication from the Mayor – Submitting the name of Charles McFaul to the City Council for its advice and consent regarding his appointment as a member of the New York City Civil Service Commission, pursuant to Sections 31 and 813 of the City Charter.**

March 16, 2011

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 813 of the City Charter, I am pleased to present the name of Charles D. McFaul to the City Council for advice and consent concerning his appointment to the New York City Civil Service Commission.

Mr. McFaul is the former Deputy Chief Administrative Law Judge and Counsel in the Office of Administrative Trials and Hearings. He is a graduate of Hofstra University and the School of Law at the State University of New York at Buffalo. Mr. McFaul will fill a vacancy on the Commission and serve for a six-year term expiring March 21, 2017.

Thank you for reviewing the appointment of Charles McFaul.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

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

M-412

**Communication from the Department of Housing Preservation and Development - Submitting Third Party Transfer Program Bronx, In Rem Action No. 50 & 51, Community Districts No. 2, 3, 4, 5, 6, 7, 9, 12, Council Districts No. 12, 14, 15, 16, 17, 18.**

(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 Housing and Buildings.

M-413

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

March 15, 2011

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

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

Dear Speaker Quinn:

Please be advised that on March 10, 2011 the Taxi & Limousine Commission voted to approve the following for-hire-vehicle base license applications:

NEW (3):	LICENSE #	COUNCIL DISTRICT
Amore Car & Limousine Inc.	B02428	8
Canarsie Car Service, Inc.	B02446	46
Monarca Car & Limousine Service Corp.	B02427	34
RENEWALS (16):	LICENSE #	COUNCIL DISTRICT
510 Car Service Corp.	B00948	37
2020 Car Service Inc.	B02145	37
Bay Express Corp.	B01336	47
Cooperative Clbna De Con Inc.	B01124	21
Evelyn Car Service Inc.	B01148	35
Glory Car & Limo. Service Inc.	B02032	16
Ivoire Car Service Inc.	B01811	9
La Nueva Quisqueya Car Service Inc.	B01626	24
New Daynight Car Service Inc.	B01672	7
N.J.M. Inc. D/b/a Mid Island Car Service	B00972	51
Nortena Express Car Service, Inc.	B01930	40
Pak-Eagle Inc. D/b/a Jewel Car Service	B01128	24
PJ Car Service	B00984	23
Plaza Executive Inc. D/b/a Song Car & Limousine Service	B02066	34
R & N Car Service Inc.	B01600	27
Uniworld Brothers Enterprises Inc.	B01478	19
RENEWAL & OWNERSHIP CHANGE (1):	LICENSE #	COUNCIL DISTRICT
GDR Car & Limo. Inc. D/b/a Seaside Car Service	B01482	48

The complete application package compiled for each of the above bases is available for your review upon request.

If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697.

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

Very truly yours,

Georgia Steele  
Assistant Commissioner  
Licensing & Standards  
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-414

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-415

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-416

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 510 Car Service Corp., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-417

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 2020 Car Service Inc., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-418

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-419

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-420

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-421

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-422

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ivoire Car Service Inc., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-423

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license La Nueva Quisqueya Car Service Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-424

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Daynight Car Service Inc., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-425

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license N.J.M. Inc. D/b/a Mid Island Car Service, Council District 51, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-426

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-427

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station Pak-Eagle Inc. D/b/a Jewel Car Service, Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-428

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license PJ Car Service, Council District 23, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-429

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-430

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license R & N Car Service Inc., Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-431

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

M-432

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

(For text of the TLC letter, please see M-413 printed above in this Communications from City, County and Borough Offices section)

Referred to the Committee on Transportation.

#### LAND USE CALL UPS

M-433

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 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 683 9<sup>th</sup> Ave., Community Board 4, Application 20105725 TCM-shall be subject to review by the Council.

Coupled on Call-Up Vote

M-434

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 110100 ZSX and C 110103 ZSX, special permits, shall be subject to Council review. These applications are related to application no. C 110101 HAX that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call-Up Vote

M-435

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 110141 PQM, an acquisition, shall be subject to Council review. This application is related to applications no. N 110165 ZRM-and C 110140 HAM-that are subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call-Up Vote

M-436

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application no. C 100228 MMQ, an amendment to the City Map, shall be subject to Council review. This application is related to application no. C 100229 HAQ that is subject to Council review pursuant to Section 197-d of the New York City Charter.

FISCAL YEAR 2012

THE OPERATING BUDGET

Coupled on Call-Up Vote

OF THE COUNCIL OF THE CITY OF NEW YORK

M-437

By Council Member Gentile:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 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 510 80<sup>th</sup> Street, Community Board 10, Application 20115006. TCK shall be subject to review by the Council.

Submitted pursuant to

Section 243 of the

Charter of the City of New York

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** –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 50.

(Present but Not Voting – Arroyo)

March 23, 2011

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.

TO: Honorable Christine C. Quinn  
Speaker  
Honorable Domenic Recchia  
Chairman, Finance Committee

FROM: Charles E. Meara Chief of Staff  
Marcello Testa Fiscal Officer

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

**SUBJECT: THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

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

**Precon. (M-438 ) The Operating Budget of the Council of The City of New York**

Report for M-438

**Report of the Committee on Finance in favor of approving The Operating Budget of the Council of The City of New York - Fiscal Year 2012.**

**Precon. (M-439 ) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York**

The Committee on Finance, to which the annexed communication was referred on March 23, 2011, respectfully

**INITIATION:** Pursuant to section 243 of the New York City Charter, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included are a budget for Council contractual services, and a resolution for the approval of a lump-sum OTPS unit of appropriation.

REPORTS:

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

Res. No. 726

**RESOLUTION APPROVING THE FISCAL YEAR 2012 OPERATING BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

By Council Member Recchia.

**Resolved,** By the Council of the City of New York, pursuant to the provisions of section 243 of the New York City Charter, that the following amounts shall be submitted to the Mayor, for inclusion in the executive budget for the operating budget for the Council of the City of New York.

**ATTACHMENT:**

Summary:

Under the City Charter, the City Council is authorized to structure its own budget. This budget must be presented to the Mayor, for inclusion in the Executive Budget, after the Council approves it.

The Council's staff is described through divisions within three units of appropriation: Council Members and their aides, Committee Staffing, and Council Services. These and the standing committees each have a U/A for PS. OTPS is divided into two categories, one for members, one for central staff (see Appendix A) and one for each standing committee. A separate resolution approving the central staffs lump sum unit of appropriation is attached for Council approval pursuant to Section 100 (c) of the Charter.

Council Member office budgets are funded in U/A 001 object 021 (PS) and U/A 100 objects 400 and 414 (OTPS). Funds allocated for member budget total \$292,336, with Committee Chairs receiving \$332,336.

Staff from the Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, Human Services, and Policy & Investigations divisions are specifically assigned to each committee, subcommittee, select committee and task force. These analysts and attorneys in turn are supported by the Administrative Services Division, which functions as the central administration. (Please refer to the statements of programmatic objectives).

Staff from the following Divisions are assigned to these Committees,

Subcommittees and Select Committees:

- |  |  |
|--|--|
| <b>General Counsel</b>   | Alcoholism, Drug Abuse & Disability Services                     |
| Rules, Privileges and Elections                                  | Drug Abuse ( <i>Subcommittee</i> )                               |
| Standards & Ethics   | Small Business   |
| State & Federal Legislation                                      | Transportation   |
|  | Veterans   |
| <b>Governmental Affairs</b>                                      | Women's Issues   |
| Civil Rights   | Youth Services   |
| Consumer Affairs   |  |
| Contracts  | <b>Infrastructure</b>  |
| Fire & Criminal Justice Services                                 | Community Development  |
| General Welfare  | Economic Development   |
| Governmental Operations  | Environmental Protection   |
| Immigration  | Housing & Buildings  |
| Juvenile Justice   | Lower Manhattan Redevelopment                                    |
| Oversight & Investigation  | Parks & Recreation   |
| Public Safety  | Public Housing   |
|  | Sanitation & Waste Management                                    |
| <b>Finance</b>   | Technology   |
| Finance  | Waterfronts  |
|  | <b>Land Use</b>  |
| <b>Human Services</b>  | Land Use   |
| Aging  | Landmarks, Public Siting & Maritime Uses ( <i>Subcommittee</i> ) |
| Senior Centers ( <i>Subcommittee</i> )                           | Planning, Dispositions & Concessions ( <i>Subcommittee</i> )     |
| Civil Services and Labor   | Zoning & Franchises ( <i>Subcommittee</i> )                      |
| Cultural Affairs, Libraries & International Intergroup Relations |  |
| Libraries ( <i>Select Committee</i> )                            |  |
| Education  |  |
| Health   |  |
| Higher Education   |  |
| Mental Health, Mental Retardation                                |  |

**CITY COUNCIL BUDGET**

Function:

The New York City Council is the legislative branch of city government. Council members are elected every four years and each represents a district of approximately 157,000 people.

The Council is an equal partner with the Mayor in the governing of New York City. The Council monitors the operation and performance of city agencies. It has sole responsibility for analyzing and approving the city's budget which sets spending priorities and has decision-making powers over major land use issues. It is the city's lawmaking body.

		FISCAL 2011		FISCAL 2011		FISCAL 2012		CHANGE BETWEEN FISCAL 2011 ADOPTED		FISCAL 2012 PROPOSED BUDGET		%	
		ADOPTED BUDGET	UPDATED	ADOPTED BUDGET	UPDATED	ADOPTED BUDGET	UPDATED	ADOPTED BUDGET	UPDATED	ADOPTED BUDGET	UPDATED	ADOPTED BUDGET	UPDATED
		POS.	\$ AMOUNT	POS.	\$ AMOUNT	POS.	\$ AMOUNT	POS.	\$ AMOUNT	POS.	\$ AMOUNT	POS.	\$ AMOUNT
<b>PERSONAL SERVICES</b>		51	\$18,880,941	51	\$18,880,941	51	\$19,011,068	0	\$130,127	0	\$130,127	0	0.7%
U/A 001		116	\$8,791,281	116	\$8,791,281	117	\$8,980,000	1	\$188,719	(1)	(\$188,719)	(1)	-1.1%
U/A 002		102	\$11,074,337	102	\$11,074,337	102	\$10,555,337	(519,000)	(\$538,999)	(1)	(\$538,999)	(1)	-4.7%
U/A 005		0	0	0	0	0	0	0	0	0	0	0	0%
PS TOTALS			\$38,653,255		\$38,653,255		\$38,426,105		(\$227,150)		(\$227,150)		-0.6%
<b>OTHER THAN PERSONAL SERVICES</b>													
U/A 100			\$5,139,811		\$5,139,811		\$4,989,684		(\$150,127)		(\$150,127)		-2.9%
COMMITTEES (U/A 800-900)			\$9,079,886		\$9,079,886		\$9,673,898		\$593,912		\$593,912		6.5%
OTPS TOTALS			\$14,219,714		\$14,219,714		\$13,663,619		(\$556,095)		(\$556,095)		-3.9%
<b>COUNCIL BUDGET</b>		<b>329</b>	<b>\$52,882,969</b>	<b>329</b>	<b>\$52,882,969</b>	<b>329</b>	<b>\$52,089,724</b>	<b>0</b>	<b>(\$793,245)</b>	<b>0</b>	<b>(\$793,245)</b>	<b>0</b>	<b>-1.5%</b>

**CITY COUNCIL BUDGET  
FISCAL YEAR 2012**

DESCRIPTION	FISCAL 2011 ADOPTED BUDGET		FISCAL 2011 COUNCIL BUDGET		FISCAL 2012 ADOPTED BUDGET		FISCAL 2012 COUNCIL BUDGET		CHANGE	
	POS.	\$ AMOUNT	POS.	\$ AMOUNT	POS.	\$ AMOUNT	POS.	\$ AMOUNT	POS.	\$ AMOUNT
COMMITTEE STAFFING	001	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	002	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	003	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	004	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	005	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	006	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	007	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	008	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	009	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	010	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	011	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	012	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	013	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	014	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	015	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	016	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	017	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	018	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	019	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	020	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	021	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	022	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	023	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	024	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	025	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	026	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	027	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	028	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	029	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	030	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	031	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	032	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	033	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	034	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	035	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	036	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	037	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	038	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	039	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	040	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	041	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	042	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	043	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	044	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	045	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	046	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	047	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	048	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	049	0	0	0	0	0	0	0	0	0
COMMITTEE STAFFING	050	0	0	0	0	0	0	0	0	0
TOTAL	329	\$52,882,969	329	\$52,882,969	329	\$52,089,724	0	(\$793,245)	0	(\$793,245)

PS DETAIL

U/A 001 PS (COUNCIL MEMBERS)			FY 2012	FY 2012
BUDGET CODE	OBJ. CODE	DESCRIPTION	POSITIONS	COUNCIL BUDGET
0101	001	Council Members	51	\$5,755,500
	021	Councilmanic Aides		\$12,768,068
	041	Stipend		\$487,500
Total: 0101				\$19,011,068
U/A TOTAL			51	\$19,011,068
U/A 002 PS (COMMITTEE STAFFING)			FY 2012	FY 2012
BUDGET CODE	OBJ. CODE	DESCRIPTION	POSITIONS	COUNCIL BUDGET
0102	001	Policy & Investigations	6	\$410,315
Total: 0102				\$410,315
1102	001	Finance Division	35	\$2,499,471
	031			\$25,000
Total: 1102				\$2,524,471
2102	001	Land Use	12	\$1,116,464
Total: 2102				\$1,116,464
3102	001	Office of the General Council	13	\$1,160,054
Total: 3102				\$1,160,054
4102	001	Governmental Affairs	20	\$1,598,443
Total: 4102				\$1,598,443
5102	001	Human Services	17	\$1,173,095
Total: 5102				\$1,173,095
7102	001	Infrastructure	14	\$877,158
Total: 7102				\$877,158
U/A TOTAL			117	\$8,860,000
U/A 005 PS (COUNCIL SERVICE DIVISION)			FY 2012	FY 2012
BUDGET CODE	OBJ. CODE	DESCRIPTION	POSITIONS	COUNCIL BUDGET
0105	001	Administrative Services	65	\$3,424,463
	021			\$100,000
	031			\$300,000
Total: 0105				\$3,824,463
1005	001	Correspondence Services	7	\$375,831
Total: 1005				\$375,831
2105	001	Information Technology	11	\$729,923
Total: 2105				\$729,923
3105	001	Legislative Documents	6	\$344,112
Total: 3105				\$344,112
4105	001	Sergeants-At-Arms	9	\$461,601
Total: 4105				\$461,601
5105	001	Speaker's Office	25	\$2,211,577
Total: 5105				\$2,211,577
6105	001	Minority Leader's Office	5	\$335,892
Total: 6105				\$335,892
7105	001	Communications	11	\$622,165
Total: 7105				\$622,165
8105	001	Community Outreach	16	\$1,286,385
Total: 8105				\$1,286,385
9105	001	Event & Production Services	6	\$363,051
Total: 9105				\$363,051
U/A TOTAL			161	\$10,555,000
PS TOTALS			329	\$38,426,068

Footnotes appear on the following page

Committees, Subcommittees, Select Committees and Task Forces Assigned to Divisions

- Policy & Investigations  
Oversight & Investigations
- Finance  
Finance
- Land Use  
Landmarks, Public Siting & Maritime Uses (Subcommittee)  
Planning, Dispositions & Concessions (Subcommittee)  
Zoning & Franchises (Subcommittee)
- General Counsel  
Rules, Privileges and Elections  
Standards & Ethics  
State & Federal Legislation
- Governmental Affairs  
Civil Rights  
Consumer Affairs  
Contracts  
Fire & Criminal Justice Services  
General Welfare  
Governmental Operations  
Immigration  
Juvenile Justice  
Public Safety
- Human Services  
Aging  
Senior Centers (Subcommittee)  
Civil Services and Labor  
Cultural Affairs, Libraries & International Intergroup Relations  
Libraries (Select Committee)  
Education  
Health  
Hospital Closings (Task Force)  
Higher Education  
Mental Health, Mental Retardation, Alcoholism,  
Drug Abuse & Disability Services  
Drug Abuse (Subcommittee)  
Small Business  
Transportation  
Veterans  
Women's Issues  
Youth Services
- Infrastructure  
Community Development  
Economic Development  
Environmental Protection  
Housing & Buildings  
Public Housing  
Operations and Improvement of the Department  
of Buildings (Task Force)  
Lower Manhattan Redevelopment  
Parks & Recreation  
Sanitation & Waste Management  
Technology  
Waterfronts

CITY COUNCIL BUDGET  
FISCAL YEAR 2012  
OTHER THAN PERSONAL SERVICES

DESCRIPTION	U/A	FISCAL 2011 ADOPTED BUDGET	FISCAL 2011 COUNCIL UPDATED BUDGET	FISCAL 2012 COUNCIL BUDGET	CHANGE FROM ADOPTED
COUNCIL MEMBERS	100	\$5,755,500	\$5,755,500	\$5,755,500	\$0
CENTRAL STAFF	200	\$8,079,468	\$8,079,468	\$8,079,468	\$0
COMMITTEE ON THE AGING	800	\$1	\$1	\$1	\$0
CIVIL RIGHTS	801	\$1	\$1	\$1	\$0
CIVIL SERVICE & LABOR	802	\$1	\$1	\$1	\$0
COMMUNITY DEVELOPMENT	803	\$1	\$1	\$1	\$0
CONSUMER AFFAIRS	804	\$1	\$1	\$1	\$0
CONTRACTS	805	\$1	\$1	\$1	\$0
CULTURAL AFFAIRS, LIBRARIES & INTL INTERGROUP RELATIONS	806	\$1	\$1	\$1	\$0
ECONOMIC DEVELOPMENT	807	\$1	\$1	\$1	\$0
ENVIRONMENTAL PROTECTION	808	\$1	\$1	\$1	\$0
FINANCE	809	\$1	\$1	\$1	\$0
FIRE & CRIMINAL JUSTICE SERVICES	810	\$1	\$1	\$1	\$0
GENERAL WELFARE	811	\$1	\$1	\$1	\$0
GOVERNMENTAL OPERATIONS	812	\$1	\$1	\$1	\$0
HEALTH	813	\$1	\$1	\$1	\$0
HIGHER EDUCATION	814	\$1	\$1	\$1	\$0
HOUSING & BUILDINGS	815	\$1	\$1	\$1	\$0
JUVENILE JUSTICE	816	\$1	\$1	\$1	\$0
LAND USE	817	\$1	\$1	\$1	\$0
LOWER MANHATTAN REDEVELOPMENT	818	\$1	\$1	\$1	\$0
MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	819	\$1	\$1	\$1	\$0
OVERSIGHT AND INVESTIGATIONS	820	\$1	\$1	\$1	\$0
PARKS & RECREATION	821	\$1	\$1	\$1	\$0
PUBLIC SAFETY	822	\$1	\$1	\$1	\$0
PUBLIC UTILITIES AND ELECTIONS	823	\$1	\$1	\$1	\$0
SANITATION & SOLID WASTE MANAGEMENT	824	\$1	\$1	\$1	\$0
SMALL BUSINESS	825	\$1	\$1	\$1	\$0
STATE & FEDERAL LEGISLATION	826	\$1	\$1	\$1	\$0
STANDARDS & ETHICS	827	\$1	\$1	\$1	\$0
TECHNOLOGY	828	\$1	\$1	\$1	\$0
TRANSPORTATION	829	\$1	\$1	\$1	\$0
VETERANS	830	\$1	\$1	\$1	\$0
WATERFRONTS	831	\$1	\$1	\$1	\$0
WOMEN'S ISSUES	832	\$1	\$1	\$1	\$0
YOUTH SERVICES	833	\$1	\$1	\$1	\$0
TOTAL		\$14,219,714	\$14,219,714	\$14,219,714	\$0

OTPS DETAIL

U/A 100 COUNCIL MEMBERS		
DESCRIPTION	OBJ CODE	FY 2012 COUNCIL BUDGET
Newsletter (Printing)	101	\$890,000
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$1,745,180
Rent	414	\$1,954,504
TOTAL U/A 100		\$4,989,684

U/A 200 CENTRAL STAFF		
DESCRIPTION	OBJ CODE	FY 2012 COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$108,000
Printing Supplies	101	\$20,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$50,000
Computer Supplies	199	\$300,000
Equipment - General	300	\$21,100
Telecommunications Equipment	302	\$5,000
Office Furniture	314	\$11,000
Office Equipment	315	\$5,000
Purchase DP Equipment	332	\$35,000
Books - Other	337	\$279,906
Library Books	338	\$30,000
Telephones - Data	40B	\$420,000
Maintenance Repairs Auto	40G	\$25,000
Contractual Services - Intra-City	40X	\$10,000
Contractual Services - General	400	\$25,000
Telephone & Other Comm.	402	\$100,000
Office Services	403	\$18,000
Rentals of Misc. Equip.	412	\$125,000
Rent	414	\$6,056,392
Advertising	417	\$3,000
Local Travel - General	451	\$12,000
Local Travel - Special	452	\$2,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$3,000
Contractual Services - General	600	\$45,000
Telecommunications Maint.	602	\$65,000
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$40,000
Office Equipment Maint.	612	\$75,000
DP Equipment	613	\$60,000
Printing Contracts	615	\$200,000
Temporary Services	622	\$100,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$30,000
Economic Development	660	\$32,500
Training City Employees	671	\$5,000
Prof. Svces. - Accounting	681	\$10,000
Prof. Svces. - Legal	682	\$100,000
Prof. Svces. - Computer Services	684	\$90,000
Prof. Svces. - Other	686	\$90,000
DCAS Training	79D	\$2,000
TOTAL U/A 200		\$8,673,898
OTPS TOTALS		\$13,663,582

**600 Committee on the Aging** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department for the Aging and all federal, state and municipal programs pertinent to senior citizens. The committee has a subcommittee on Senior Centers.

**602 Committee on Civil Rights** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to incidences of discrimination, the Human Rights Commission and Equal Employment Practices Commission.

**605 Committee on Civil Service and Labor** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal officers and employees, the Office of Labor Relations, Office of Collective Bargaining, municipal pensions, retirement systems and worker rights.

**607 Committee on Community Development** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to poverty and its reduction within the City, especially in low-income neighborhoods.

**610 Committee on Consumer Affairs** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Consumer Affairs and the Business Integrity Commission.

**615 Committee on Contracts** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting oversight on matters related generally to City procurement and specifically to the activities of the Mayor's Office of Contracts, the Procurement Policy Board, City Procurement policies and procedures and specific city contracts.

**616 Committee on Cultural Affairs, Libraries & International Intergroup Relations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Cultural Affairs, libraries, museums, the Art Commission, the New York City Commission for the United Nations, Consular Corps and Protocol, the Mayor's Office of Special Projects and Community Events and encouraging harmony among the citizens of New York City, promoting the image of New York City and enhancing the relationship of its citizens with the international community. There is a Select Committee on Libraries.

**620 Committee on Economic Development** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Economic Development Corporation and Department of Small Business Services.

**625 Committee on Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Education and the School Construction Authority.

**630 Committee on Environmental Protection** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Environmental Protection.

**632 Committee on Finance** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to budget review and budget modifications, the Banking Commission, the Comptroller's Office, Department of Design and Construction, the Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

**633 Committee on Fire and Criminal Justice Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the Fire Department/Emergency Medical Service, Departments of Correction and Probation and Legal Aid.

**635 Committee on General Welfare** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Human Resources Administration/Department of Social Services,

Administration for Children's Services, Department of Homeless Services and charitable institutions.

**640 Committee on Governmental Operations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal governmental structure and organization, the Department of Citywide Administrative Services, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and the Law Department.

**645 Committee on Health** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Health and Mental Hygiene, Emergency Medical Services (health related issues), the Health and Hospitals Corporation and the Office of the Chief Medical Examiner.

**647 Committee on Higher Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the City University of New York and issues related to Higher Education.

**650 Committee on Housing and Buildings** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Housing Preservation and Development, Department of Buildings, NYC Housing Authority and rent regulation.

**652 Committee on Immigration** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on issues affecting immigrants in New York City and conducting legislative oversight on matters in relation to the Mayor's Office on Immigrant Affairs.

**653 Committee on Juvenile Justice** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to Juvenile Justice.

**654 Committee on Land Use** - To ensure responsible use of City property, this committee considers and proposes to the full Council resolutions for adoption, prepares committee reports and conducts legislative oversight on matters in relation to the City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications (land use related issues), Landmarks Preservation Commission and Land Use and Landmarks Review. The committee has three subcommittees: Zoning and Franchises; Landmarks, Public Siting and Maritime Uses; and, Planning, Dispositions and Concessions.

**655 Committee on Lower Manhattan Redevelopment** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the physical, economic, social and cultural redevelopment of Lower Manhattan, including, but not restricted to, the World Trade Center site.

**656 Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mental health, mental retardation, alcoholism services, drug abuse, disability services, the Department of Health and Mental Hygiene and the Mayor's Office for People with Disabilities. The committee has a subcommittee on Drug Abuse.

**657 Committee on Oversight and Investigations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Investigation, and to investigate any matters within the jurisdiction of the Council relating to property, affairs or government of New York City.

**660 Committee on Parks and Recreation** - This committee is responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Parks and Recreation.

**665 Committee on Public Safety** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Police Department, Courts, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, Criminal Justice Coordinator and the Department of Emergency Management.



**667 Committee on Public Housing** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the New York City Housing Authority.

**670 Committee on Rules, Privileges and Elections** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on matters in relation to Council structure and organization and appointments.

**671 Committee on Sanitation & Solid. Waste Management** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Sanitation.

**673 Committee on Small Business** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters that affect the creation and operation of retail businesses and emerging industries throughout the City.

**675 Committee on Standards and Ethics** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Conflicts of Interest Board and for Council ethics.

**680 Committee on State and Federal Legislation** - Responsible for considering and proposing to the full Council legislation, state legislative requests and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to state and federal legislation and home rule requests.

**681 Committee on Technology** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of technology for the management and dissemination of public information and the non land use-related activities of the Department of Information Technology and Telecommunications.

**682 Committee on Transportation** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mass transportation issues, agencies and facilities, the New York City Transit Authority, Department of Transportation and the Taxi and Limousine Commission.

**683 Committee on Veterans** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of veterans and the Mayor's Office of Veterans Affairs.

**685 Committee on Waterfronts** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of the City's waterfront and waterfront-related activities.

**687 Committee on Women's Issues** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of women, domestic violence, the Office to Combat Domestic Violence and Agency for Child Development.

**690 Committee on Youth Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Youth Board, the Department of Youth and Community Development, the Interagency Coordinating Council, and youth-related programs.

FISCAL YEAR 2012  
CITY COUNCIL CONTRACT BUDGET

OBJECT CODE	DESCRIPTION	#	AMOUNT
600	Contractual Services General	5	\$45,000
602	Telecommunications Maintenance	2	\$60,000
607	Maint. & Repair Motor Vehicle Equip.	1	\$2,000
608	Maintenance & Repair General	6	\$40,000
612	Office Equipment Maintenance	8	\$70,000
613	Data Processing Equipment	5	\$60,000
615	Printing Contracts	4	\$200,000
622	Temporary Services	2	\$100,000
624	Cleaning Services	1	\$12,000
633	Transportation Expenditures	1	\$30,000
660	Economic Development	5	\$32,500
671	Training Program For City Employees	2	\$5,000
681	Prof. Svcs. - Accounting & Auditing	1	\$10,000
682	Professional Services - Legal	6	\$100,000
684	Prof. Svces. - Computer Services	4	\$90,000
686	Professional Services - Other	3	\$90,000
		56	\$946,500

APPENDIX A  
COUNCIL OTPS DETAIL

The following details the two OTPS units of appropriation:

U/A 100		COUNCIL MEMBERS
DESCRIPTION	OBJ CODE	FY 2012 COUNCIL BUDGET
Newsletter (Printing)	101	\$890,000
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$1,745,180
Rent	414	\$1,954,504
<b>TOTAL U/A 100</b>		<b>\$4,989,684</b>

U/A 200		CENTRAL STAFF
DESCRIPTION	OBJ CODE	FY 2012 COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$108,000
Printing Supplies	101	\$20,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$50,000
Computer Supplies	199	\$300,000
Equipment - General	300	\$21,100
Telecommunications Equipment	302	\$5,000
Office Furniture	314	\$11,000
Office Equipment	315	\$5,000
Purchase DP Equipment	332	\$35,000
Books - Other	337	\$279,906
Library Books	338	\$30,000
Telephones - Data	40B	\$420,000
Maintenance Repairs Auto	40G	\$25,000
Contractual Services - Intra-City	40X	\$10,000
Contractual Services - General	400	\$25,000
Telephone & Other Comm.	402	\$100,000
Office Services	403	\$18,000
Rentals of Misc. Equip.	412	\$125,000
Rent	414	\$6,056,392
Advertising	417	\$3,000
Local Travel - General	451	\$12,000
Local Travel - Special	452	\$2,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$3,000
Contractual Services - General	600	\$45,000
Telecommunications Maint.	602	\$65,000
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$40,000
Office Equipment Maint.	612	\$75,000
DP Equipment	613	\$60,000
Printing Contracts	615	\$200,000
Temporary Services	622	\$100,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$30,000
Economic Development	660	\$32,500
Training City Employees	671	\$5,000
Prof. Svces. - Accounting	681	\$10,000
Prof. Svces. - Legal	682	\$100,000
Prof. Svces. - Computer Services	684	\$90,000
Prof. Svces. - Other	686	\$90,000
DCAS Training	79D	\$2,000
<b>TOTAL U/A 200</b>		<b>\$8,673,898</b>

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 2011.

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

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

Report for M-439

**Report of the Committee on Finance in favor of approving, and adopting, Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.**

The Committee on Finance, to which the annexed communication was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of Memo, please see the Report of the Committee on Finance for M-438 and related Res No. 726:)**

Accordingly, this Committee recommends its adoption.

In connection herewith Council Member Recchia offered the following resolution:

Res. No. 727

**RESOLUTION APPROVING FOR FISCAL YEAR 2012 THE SCHEDULE DETAILING THE LUMP SUM OTHER THAN PERSONAL SERVICES UNIT OF APPROPRIATION OF THE OPERATING BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

By Council Member Recchia.

Resolved by the Council, pursuant to the provisions of section 100 © of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

**COUNCIL BUDGET**

PS U/A	DESCRIPTION	MEMO OTPS*
002	COMMITTEE STAFFING	\$3,617,046
005	COUNCIL SERVICES	\$5,056,966
	<b>TOTAL OTPS</b>	<b>\$8,673,898</b>

\* Set forth for informational purposes only in accordance with Charter Section 100(c)

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 2011.

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

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

Report for L.U. No. 340

**Report of the Committee on Finance in favor of approving Section 202 Supportive Housing Program for the Elderly, Markham Gardens Manor Senior Housing, 1440 Richmond Terrace, Block: 169 Lot: Part of 35, Staten Island, Council District No. 49.**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 23, 2011, respectfully

**REPORTS:**

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

March 23, 2011

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of March 23, 2011-Resolution approving tax exemptions for six preconsidered Land Use Items (Council District's 9,15,16, and 49).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: 300 Manhattan Avenue and 315 West 113<sup>th</sup> Street in Councilmember Dicken's District, Bryant Avenue Apartments and Fordham Towers in Councilmember Rivera's District, The Robert Fulton Terrace in Councilmember Foster's District, and the Markham Gardens Manor Senior Housing in Councilmember Rose's District.

300 Manhattan Avenue contains one building that provides 33 units of rental housing for persons of low income. The sponsor, 300 Manhattan Avenue Housing Development Fund Company, will finance the acquisition of this property with a private bank loan. The sponsor will also enter into a 30-year regulatory agreement with HPD that stipulates affordability levels for all units. This property currently receives a tax exemption which will be terminated once the sponsor has acquired the property. In order to keep the project financially viable and provide affordable housing, HPD is requesting a new exemption that is coterminous with the 30-year term of new HPD regulatory agreement.

315 Manhattan Avenue contains one building that provides 28 units of rental housing for persons of low income. The sponsor, 315 West 113<sup>th</sup> Street Housing Development Fund Company, will finance the acquisition of this property with a private bank loan. The sponsor will also enter into a 30-year regulatory agreement with HPD that stipulates affordability levels for all units. This property currently receives a tax exemption which will be terminated once the sponsor has acquired the property. In order to keep the project financially viable and provide affordable housing, HPD is requesting a new exemption that is coterminous with the 30-year term of new HPD regulatory agreement.

Fordham Towers contains one building that will provide 168 units of rental housing for low income families. The sponsor, NYC Partnership Housing Development Fund Company, will finance the acquisition and rehabilitation of the property with loans from the New York City Acquisition Fund and HPD. In order to keep the project financially viable and provide affordable housing to low-income families, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law.

The Bryant Avenue Apartments contains two buildings that provides 99 units of rental housing for low income families. The sponsor, Bryant Avenue Apartments LLC, will finance the rehabilitation of the property and the refinancing with loans from the New York City Housing Development Corporation (HDC) and HPD as well as Low Income Housing Tax Credits. In order to keep the project financially viable and provide affordable housing to low-income families, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law.

The Robert Fulton Terrace contains one building that provides 320 units of rental housing for low income families. The sponsor, NYC Partnership Housing Development Fund Company, will finance the acquisition and rehabilitation of the property with loans from the New York City Acquisition Fund and HPD. In order to keep the project financially viable and provide affordable housing to low-

income families, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law.

The Markham Gardens Manor Senior Housing Residence will be a new construction project consisting of a building that will provide 79 units of rental housing for elderly persons of low income. The sponsor, Markham Gardens Manor Housing Development Fund Company, will develop the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 422 of the Private Housing Finance Law.

These items have the approval of Council Members' Dickens, Rivera, Foster, and Rose.

Accordingly, this Committee recommends the adoption of LU Nos. 340, 341, 342, 343, 344, and 345 (for coupled resolutions for LU Nos. 341 to 345, please see the Reports of the Committee on Finance, respectively, for LU Nos. 341 through 345 printed in these Minutes; for coupled resolution for LU No. 340, please see immediately below:)

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

Res. No. 728

**Resolution approving a partial exemption from real property taxes for property located at 1440 Richmond Terrace (Block 169, Lot Part of 35) Staten Island, pursuant to Section 422 of the Real Property Tax Law (Preconsidered L.U. No. 340).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 7, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at 1440 Richmond Terrace (Block 169, Lot, Part of 35) Staten Island, ("Exemption Area"):

Approve a partial exemption of the Project from real property taxes pursuant to Section 422 of the Real Property Tax Law (the "Tax Exemption");

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

**WHEREAS**, the Council held a hearing on the Project on March 23, 2011;

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

**RESOLVED:**

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

1. All of the value of the property in the Exemption Area, including both the land and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project;
2. All of the value of the property in the Exemption Area, including both the land and improvements, (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date ("Expiration Date"); provided, however, that the

Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date;

3. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$58,468, which is ten percent (10%) of the annual shelter rent for the housing project, as determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation; and
4. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 2011.

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

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

Report for L.U. No. 341

**Report of the Committee on Finance in favor of approving Robert Fulton Terrace, Block 2610, Lot 12 Bronx, Council District No. 16.**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 340 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

Res. No. 729

**Resolution approving an exemption from real property taxes for property located at (Block 2610, Lot 12) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No.3 41).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 21, 2011 that the Council take the following action regarding a housing project to be located at (Block 2610, Lot 12) the Bronx ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 23, 2011;

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

**RESOLVED:**

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

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

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

- (a) "Company" shall mean 169 Propco LLC, a limited liability company controlled by the HDFC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2610, Lot 12 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDFC" shall mean HP Fulton Housing Development Fund Company, Inc., a housing development fund company formed by the New York City Partnership Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Owner" shall mean, collectively, the HDFC and the Company.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
- (k) "Shelter Rent Tax" shall mean an amount equal to five percent (5 %) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property

taxation provided by an existing or future local, state, or federal law, rule, or regulation.

4. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 2011.

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

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

Report for L.U. No. 342

**Report of the Committee on Finance in favor of approving Bryant Avenue Apartments, Block 2996, Lot 27, Block 3001, Lot 20, Bronx, Council District No. 15.**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 340 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 730

**Resolution approving an exemption from real property taxes for property located at (Block 2996, Lots 27, Block 3001, Lot 20) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 342).**

By Council Member Recchia

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 7, 2011 that the Council take the following action regarding a housing project to be located at (Block 2996, Lots 27, Block 3001, Lot 20) the Bronx ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 23, 2011;

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

**RESOLVED:**

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

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

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

- (a) "Company" shall mean Bryant Avenue Apartments LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2996, Lot 27 and Block 3001, Lot 20 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean REO Housing Development Fund Corp.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "Owner" shall mean, collectively, the Company and the HDFC.
- (g) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area that did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- 4. In consideration of the Exemption, the Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 2011.

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

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

Report for L.U. No. 343

**Report of the Committee on Finance in favor of approving Fordham Towers, Block 3057, Lot 11, Bronx, Council District No. 15..**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 340 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 731

**Resolution approving an exemption from real property taxes for property located at (Block 3057, Lot 11) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 343).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 21, 2011

that the Council take the following action regarding a housing project to be located at (Block 3057, Lot 11) the Bronx ("Exemption Area "):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 23, 2011;

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

**RESOLVED:**

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

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

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

- (a) "Company" shall mean 188 Propco LLC, a limited liability company controlled by the HDFC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3057, Lot 11 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDFC" shall mean HP Fordham Housing Development Fund Company, Inc., a housing development fund company formed by the New York City Partnership Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Owner" shall mean, collectively, the HDFC and the Company.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (k) "Shelter Rent Tax" shall mean an amount equal to five percent (5 %) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

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

4. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 2011.

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

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

Report for L.U. No. 344

**Report of the Committee on Finance in favor of approving 300 Manhattan Avenue, Block 1847, Lot 39, Manhattan, Council District No. 9..**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 340 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 732

**Resolution approving an exemption from real property taxes for property located at 300 Manhattan Avenue (Block 1847, Lot 39) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 344).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 7, 2011 that the Council take the following action regarding a housing project to be located at 300 Manhattan Avenue (Block 1847, Lot 39) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 23, 2011;

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

**RESOLVED:**

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

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

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

- (a) "Company" shall mean 300 Manhattan Avenue LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1847, Lot 39 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDFC" shall mean 300 Manhattan Avenue Housing Development Fund Corporation.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Owner" shall mean, collectively, the HDFC and the Company.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

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

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

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

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 2011.

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

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



**Report of the Committee on Finance in favor of approving 315 West 113th Street, Block 1847, Lot 46, Manhattan, Council District No. 9..**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 340 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 733

**Resolution approving an exemption from real property taxes for property located at 315 West 113<sup>th</sup> Street (Block 1847, Lot 46) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 345).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 7, 2011 that the Council take the following action regarding a housing project to be located at 315 West 113<sup>th</sup> Street (Block 1847, Lot 46) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 23, 2011;

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

**RESOLVED:**

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

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

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

- (a) "Company" shall mean 315 West 113<sup>th</sup> Street LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1847, Lot 46 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- (f) "HDFC" shall mean 315 West 113<sup>th</sup> Street Housing Development Fund Corporation.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Owner" shall mean, collectively, the HDFC and the Company.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) "Shelter Rent" shall mean the total rents received from residential and commercial occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (k) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

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

DOMENIC M. RECCHIA JR, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 23, 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. 295

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

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 166), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 5**

**C 110091 HAX**

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

1. Pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 2311 Tiebout Avenue (Block 3146, Lot 67) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such an area;
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD.

**INTENT**

To facilitate development of a seven-story building with approximately 20 dwelling units.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the disposition, 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 Favor:**

Levin  
Barron  
Gonzalez  
Dickens  
Koo

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Seabrook  
Vann  
Gonzalez  
Palma  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Vacca

**Against:**

None

**Abstain:**

None

**Cont'd**

Lander  
Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 734

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 110091 HAX, approving the designation of property located at 2311 Tiebout Avenue (Block 3146, Lot 67), Borough of the Bronx, as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 295; C 110091 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 2311 Tiebout Avenue (Block 3146, Lot 67), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a seven-story building with 20 dwelling units to be developed under HPD's Low Income Rental Program (the "Disposition"), Community District 5, Borough of the Bronx (ULURP No. C 110091 HAX) (the "Application");

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

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

WHEREAS, by letter dated March 7, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

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

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 10, 2010 (CEQR No. 11HPD003X);

**RESOLVED:**

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 110091 HAX).

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 320

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review procedure application no. C 110114 HUX pursuant to §197-c and §197-d of the Charter of the City of New York and §505 of the General Municipal Law concerning the approval of the second amendment to the Melrose Commons Urban Renewal Plan, Borough of the Bronx, Council District no. 16.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 420), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB – 3**

**C 110114 HUX**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the Second amendment to the Melrose Commons Urban Renewal Plan for the Melrose Commons Urban Renewal Area.

**INTENT**

To facilitate the construction of a mixed-use development.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the Plan, Area Designation and decision of the City Planning Commission.

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
<b><u>Cont'd</u></b>		
Lander		
Levin		
Weprin		
Ignizio		
Koo		

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

Res. No. 735

**Resolution approving the Second Amended Melrose Commons Urban Renewal Plan for the Melrose Commons Urban Renewal Area, approving the designation of the area and approving the decision of the City Planning Commission on ULURP No. C 110114 HUX (L.U. No. 320).**

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on February 18, 2011 its decision and report dated February 16, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD"), pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter,

regarding the proposed Second Amended Melrose Commons Urban Renewal Plan (the "Plan") for the Melrose Commons Urban Renewal Area (the "Area"). The proposed plan would include the following changes:

1. The minimum required setback of the street wall along E 163<sup>rd</sup> Street between Courtlandt Avenue and Melrose Avenue is proposed to be changed from 5' to 3'6".
2. The height restrictions for buildings on Melrose Commons Urban Site 64 are proposed to be changed to allow buildings to exceed 45' in R7A district and 85' in the R8/C1-4 district.
3. The restriction on curb cuts on E 163<sup>rd</sup> St between Courtlandt Avenue and Melrose Avenue is proposed to be lifted.

In addition, time schedule for the effectuation of the plan is proposed to be updated, (ULURP No. C 110114 HUX), Community District 3, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to Applications C 110115 ZMX (L.U. No. 321), an amendment to the Zoning Map of a portion of a block bounded by 162<sup>nd</sup> Street, Melrose Avenue, 163<sup>rd</sup> Street and Courtlandt Avenue from R7-2 to R7A and R8/C1-2; and C 110116 HAX (L.U. No. 322), an urban development action area project designation, project approval and disposition of city-owned properties;

**WHEREAS**, the City Planning Commission has certified that the Plan for the Area complies with the provisions of Section 502 of the General Municipal Law, conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives, and that the Plan is in conformity with the findings and designation of the Area;

**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 Area Designation is subject to review and action by the Council pursuant to Section 504 of the General Municipal Law;

**WHEREAS**, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

**WHEREAS**, the New York City Department of Housing Preservation and Development submitted to the Council its recommendations regarding the Application on February 17, 2011;

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Technical Memorandum dated October 7, 2010 that determined the proposed project would not result in any new or different impacts than those identified in the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on April 27, 2007 (CEQR 06HPD008X);

**RESOLVED:**

The Council finds that the action described herein will not result in environmental impacts substantially different from or greater than those described in the 2007 FEIS and having considered such materials and the 2007 FEIS for which a Notice of Completion was issued on April 27, 2007, which states that the requirements of the New York State Environmental Quality Review Act and regulations promulgated pursuant thereto have been met.

Pursuant to Section 504 of the General Municipal Law, the Council approves the Designation of the Area.

Pursuant to Section 505(4) of the General Municipal Law, the Council finds that:

1. The Area is a substandard or insanitary area or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
2. The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;

3. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;

4. The Plan conforms to a comprehensive community plan for the development of the municipality as a whole;

5. There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment; and

6. The undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area.

Pursuant to Section 505 of the General Municipal Law, the Council approves the Second Amended Melrose Commons Urban Renewal Plan for the Melrose Commons Urban Renewal Area, dated October, 2010.

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 110114 HUX, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 321

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review procedure application no. C 110115 ZMX 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 the Bronx, Council District no. 16**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 421), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 3**

**C 110115 ZMX**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 6a:

1. changing from an R7-2 District to an R7A District property bounded by East 163rd Street, a line 100 feet northwesterly of Melrose Avenue, East 162nd Street, and Courtlandt Avenue;
2. changing from an R7-2 District to an R8 District property bounded by East 163rd Street, Melrose Avenue, East 162nd Street and a line 100 feet northwesterly of Melrose Avenue,
3. establishing within the proposed R8 District a C1-4 District bounded by East 163rd Street, Melrose Avenue, East 162nd Street, and a line 100 feet northwesterly of Melrose Avenue;

as shown on a diagram (for illustrative purpose only) dated October 25, 2010.

**INTENT**

To facilitate construction of a mixed use development.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Two  
None  
**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie Rivera Reyna Barron Jackson Sanders, Jr. Seabrook Vann Gonzalez Palma Arroyo	None	None

**Cont'd**

Dickens  
Garodnick  
Lappin  
Mendez  
Vacca  
Lander  
Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 736

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110115 ZMX, a Zoning Map amendment (L.U. No. 321).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City

Charter, for an amendment to the Zoning Map to facilitate development of the construction for a mixed-use development, known as Courtlandt Crescent, within the Melrose Commons Urban Renewal Area in Community District 3 (ULURP No. C 110115 ZMX), Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to Applications C 110114 HUX (L.U. No. 320), Second amendment to the Melrose Commons Urban Renewal Plan; and C 110116 HAX (L.U. No. 322), an urban development action area project designation, project approval and disposition of city-owned properties;

**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 March 15, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Technical Memorandum dated October 7, 2010 that determined the proposed project would not result in any new or different impacts than those identified in the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on April 27, 2007 (CEQR 06HPD008X);

**RESOLVED:**

The Council finds that the action described herein will not result in environmental impacts substantially different from or greater than those described in the 2007 FEIS and having considered such materials and the 2007 FEIS for which a Notice of Completion was issued on April 27, 2007, which states that the requirements of the New York State Environmental Quality Review Act and regulations promulgated pursuant thereto have been met.

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 110115 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a:

1. changing from an R7-2 District to an R7A District property bounded by East 163rd Street, a line 100 feet northwesterly of Melrose Avenue, East 162nd Street, and Courtlandt Avenue;
2. changing from an R7-2 District to an R8 District property bounded by East 163rd Street, Melrose Avenue, East 162nd Street and a line 100 feet northwesterly of Melrose Avenue,
3. establishing within the proposed R8 District a C1-4 District bounded by East 163rd Street, Melrose Avenue, East 162nd Street, and a line 100 feet northwesterly of Melrose Avenue;

as shown on a diagram (for illustrative purpose only) dated October 25, 2010, Community District 3, Borough of the Bronx.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 322

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review procedure application no. C 110116 HAX, an Urban Development Action Area Designation and Project located at Block 2408/Lots 35, 41, 43-**

**45,49, 50-53 and the disposition of such property, Borough of the Bronx, Council District no. 16.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 421), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 3 C 110116 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 912 Courtlandt Avenue (Block 2408, Lots 35, 41, 43, 44, 45, 46, 49, 51, 52 and 53) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

**INTENT**

To facilitate development of a ten-story building with approximately 217 dwelling units and approximately 10,135 square feet of community facility space.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Two  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		

Jackson  
Sanders, Jr.  
Seabrook

**Cont'd**

Vann  
Gonzalez  
Palma  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Vacca  
Lander  
Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 737

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 110116 HAX, approving the designation of property located at 912 Courtlandt Avenue (Block 2408, Lots 35, 41, 43, 44, 45, 46, 49, 51, 52 and 53), Borough of the Bronx, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 322; C 110116 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 912 Courtlandt Avenue (Block 2408, Lots 35, 41, 43, 44, 45, 46, 49, 51, 52 and 53), as an Urban Development Action Area (the "Area");
- c) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a ten-story building with approximately 217 dwelling units and approximately 10,135 square feet of community facility space (the "Disposition"), Community District 3, Borough of the Bronx (ULURP No. C 110116 HAX) (the "Application");

**WHEREAS**, the Application is related to ULURP Applications C 110114 HUX (L.U. No. 320), Second amendment to the Melrose Commons Urban Renewal Plan; and C 110115 ZMX (L.U. 321), an amendment of the Zoning Map of a portion of a block bounded by 162<sup>nd</sup> Street, Melrose Avenue, 163<sup>rd</sup> Street and Courtlandt Avenue from R7-2 to R7A and R8/C1-4;

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

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

**WHEREAS**, by letter dated February 7, 2011, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

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

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

WHEREAS, the Council has considered the relevant environmental issues and the Technical Memorandum dated October 7, 2010 that determined the proposed project would not result in any new or different impacts than those identified in the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on April 27, 2007 (CEQR 06HPD008X);

**RESOLVED:**

The Council finds that the action described herein will not result in environmental impacts substantially different from or greater than those described in the 2007 FEIS and having considered such materials and the 2007 FEIS for which a Notice of Completion was issued on April 27, 2007, which states that the requirements of the New York State Environmental Quality Review Act and regulations promulgated pursuant thereto have been met.

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 110116 HAX).

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 323

**Report of the Committee on Land Use in favor of approving Application no. 20115336 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sympatoch Café, Inc d.b.a Dandana to continue to maintain and operate an unenclosed sidewalk café located at 42-21 Broadway, Borough of Queens, Council District no. 22.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 421), respectfully

**REPORTS:**

**SUBJECT**

**Queens CB - 1**

**20115336 TCQ**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Sympatoch Café Inc., d/b/a Dandana, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 42-21 Broadway.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
<b><u>Cont'd</u></b>		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Ignizio		
Koo		

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

Res. No. 738

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 42-21 Broadway, Borough of Queens (20115336 TCQ; L.U. No. 323).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on February 4, 2011 its approval dated February 3, 2011 of the petition of Sympatoch Café Inc., d/b/a Dandana, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 42-21 Broadway, Community District 1, Borough of Queens (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

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

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 324

**Report of the Committee on Land Use in favor of approving Application no. 20115344 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Salvatores of Soho, Inc. d.b.a Salvatores of Soho to establish, maintain and operate an unenclosed sidewalk café located at 3738 Riverdale Avenue, Borough of the Bronx, Council District no. 11.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 422), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 4** **20115344**  
**TCX**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Salvatores of Soho, Inc., d/b/a/ Salvatores of Soho, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3738 Riverdale Avenue.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		

**Cont'd**

Mendez  
Vacca  
Lander  
Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 739

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 3738 Riverdale Avenue, Borough of the Bronx (20115344 TCX; L.U. No. 324).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on February 4, 2011 its approval dated February 3, 2011 of the petition of Salvatores of Soho, Inc., d/b/a/ Salvatores of Soho, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3738 Riverdale Avenue, Community District 8, Borough of the Bronx (the "Petition"), pursuant to

Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

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

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 325

**Report of the Committee on Land Use in favor of approving Application no. C 110085 ZMX submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 1d and 3c, Council Districts 11 and 12.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 422), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB's - 7 and 12** **C 110085 ZMX**

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. 1d and 3c.

**INTENT**

To rezone a portion of Webster Avenue, Bedford Park and the Norwood section of the Bronx.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Four **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 23, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 23, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
<b><u>Cont'd</u></b>		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 740

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110085 ZMX, a Zoning Map amendment (L.U. No. 325).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, to rezone portions of 80 blocks in Community District 7 and portions of two lots in Community District 12 in the Bronx that would promote mid-density residential and commercial uses on Webster Avenue and preserve the existing character of the adjacent residential areas. In addition, the text amendment is proposed to make the Inclusionary Housing Program applicable in certain zoning districts within the rezoning area to incentivize the development of affordable housing, Community Districts 7 and 12, Borough of the Bronx (ULURP No. C 110085 ZMX (the "Application");

**WHEREAS**, the Application is related to Application N 110086 ZRX (L.U. No. 326), a zoning text amendment to modify Appendix F in the Zoning Resolution of the City of New York to make the Inclusionary Housing Program applicable in the proposed R7D and C4-5D district;



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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 4, 2011 (CEQR No. 10DCP035X);

**RESOLVED:**

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

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110085 ZMX, 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. 3c and 1d:

1. eliminating from within an existing R7-1 District a C1-3 District bounded by:
  - a. a line 100 feet southwesterly of East Gun Hill Road, Reservoir Place, a line 150 feet southwesterly of East Gun Hill Road, and Putnam Place;
  - b. a line 100 feet southerly of East Gun Hill Road, a line midway between Decatur Avenue and Webster Avenue, a line 150 feet southerly of East Gun Hill Road, and Perry Avenue;
  - c. East 207<sup>th</sup> Street-Msgr. John C. McCarthy Place and its westerly centerline prolongation, a line 150 feet easterly of Bainbridge Avenue, East 205<sup>th</sup> Street, a line 150 feet northeasterly of East 204<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, a line 100 feet northeasterly of East 204<sup>th</sup> Street, Webster Avenue, a line 100 feet southwesterly of East 204<sup>th</sup> Street, a line midway between Decatur Avenue and Webster Avenue, a line 150 feet southwesterly of East 204<sup>th</sup> Street, Bainbridge Avenue, and a line midway between Rochambeau Avenue and Bainbridge Avenue;
  - d. Valentine Avenue, a line 150 feet northeasterly of East 198<sup>th</sup> Street, Bainbridge Avenue, and line 100 feet northeasterly of East 198<sup>th</sup> Street;
  - e. Valentine Avenue, a line 100 feet southwesterly of East 198<sup>th</sup> Street, a line 100 feet southeasterly of Bainbridge Avenue, East 198<sup>th</sup> Street, a line midway between Bainbridge Avenue and Pond Place, and a line 150 feet southwesterly of East 198<sup>th</sup> Street;
  - f. a line 100 feet northwesterly of Decatur Avenue, Bedford Park Boulevard, Decatur Avenue, a line 150 feet northeasterly of Bedford Park Boulevard, Webster Avenue, and a line 100 feet southwesterly of Bedford Park Boulevard;

- g. a line 150 feet northeasterly of East 194<sup>th</sup> Street, Marion Avenue, and a line 100 feet northeasterly of East 194<sup>th</sup> Street, and a line midway between Valentine Avenue and Briggs Avenue; and
  - h. Briggs Avenue, a line perpendicular to the southeasterly street line of Briggs Avenue distant 125 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Briggs Avenue and the southwesterly street line of East 194<sup>th</sup> Street, Bainbridge Avenue, a line midway between East 193<sup>rd</sup> Street and East 194<sup>th</sup> Street, Marion Avenue, Bainbridge Avenue, and a line 150 feet southwesterly of East 194<sup>th</sup> Street;
2. eliminating from within an existing R7-1 District a C2-3 District bounded by:
    - a. Van Courtlandt Avenue East and its northeasterly centerline prolongation, Reservoir Oval East, a line 150 feet easterly of Bainbridge Avenue, East 207<sup>th</sup> Street- Msgr. John C. McCarthy Place and its westerly centerline prolongation, and a line midway between Rochambeau Avenue and Bainbridge Avenue;
    - b. a line 100 feet southeasterly of Decatur Avenue, East 205<sup>th</sup> Street, Webster Avenue, and a line 100 feet northeasterly of East 204<sup>th</sup> Street;
    - c. a line 100 feet northwesterly of Webster Avenue, East 201<sup>st</sup> Street, Webster Avenue, and a line 150 feet northeasterly of Bedford Park Boulevard;
    - d. a line 100 feet northwesterly of Webster Avenue, a line 100 feet southwesterly of Bedford Park Boulevard, Webster Avenue, and East 197<sup>th</sup> Street; and
    - e. East 194<sup>th</sup> Street, Webster Avenue, a line 100 feet southwesterly of East 193<sup>rd</sup> Street, and a line 100 feet northwesterly of Decatur Avenue;
  3. eliminating from within an existing R8 District a C2-3 District bounded by a line 100 feet northwesterly of Webster Avenue, East Mosholu Parkway South, Webster Avenue, and East 201<sup>st</sup> Street;
  4. changing from an R7-1 District to an R4A District property bounded by East 193<sup>rd</sup> Street, a line 150 feet northwesterly of Decatur Avenue, a line 100 feet southwesterly of East 193<sup>rd</sup> Street, a line 300 feet northerly of East Fordham Road and its easterly prolongation, and Marion Avenue;
  5. changing from an C4-4 District to an R4A District property bounded by a line 300 feet northwesterly of East Fordham Road and its easterly prolongation, a line 100 feet northwesterly of Decatur Avenue, a line perpendicular to the northwesterly street line of Marion Avenue distant 280 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Marion Avenue and the northerly street line of East Fordham Road, and Marion Avenue;
  6. changing from an R7-1 District to an R5A District property bounded by:
    - a. East 210<sup>th</sup> Street, Bainbridge Avenue, a line 100 feet southwesterly of East 210<sup>th</sup> Street, a line midway between Bainbridge Avenue and Reservoir Oval West, a line perpendicular to the northwesterly street line of Reservoir Oval West distant 320 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Reservoir Oval West and the southwesterly street line of East 210<sup>th</sup> Street, Reservoir Oval West, East 208<sup>th</sup> Street, and a line midway between Rochambeau Avenue and Bainbridge Avenue;
    - b. East 207<sup>th</sup> Street, a line perpendicular to East 206<sup>th</sup> Street distant 315 feet westerly (as measured along the street line) from the point of intersection of northerly street line of East 206<sup>th</sup> Street and the westerly street line of Perry Avenue, East 206<sup>th</sup> Street, and a line 100 feet easterly of Bainbridge Avenue;
    - c. Hull Avenue, a line perpendicular to the southeasterly street line of Hull Avenue distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Hull Avenue and the southwesterly street line of East 207<sup>th</sup> Street, a line midway between Hull Avenue and Decatur Avenue, and a line perpendicular to the southeasterly street line of Hull Avenue distant 450 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street

- line of Hull Avenue and the southwesterly street line of East 207<sup>th</sup> Street;
- d. Hull Avenue, a line 270 feet southwesterly of East 205<sup>th</sup> Street, a line midway between Hull Avenue and Decatur Avenue, a line 210 feet southwesterly of East 205<sup>th</sup> Street, Decatur Avenue, and a line 100 feet northeasterly of East 204<sup>th</sup> Street;
  - e. East 201<sup>st</sup> Street, Bainbridge Avenue, a line 100 feet northeasterly of Bedford Park Boulevard, a line midway between Briggs Avenue and Bainbridge Avenue, a line 100 feet southwesterly of East 201<sup>st</sup> Street, and a line 70 feet southeasterly of Briggs Avenue;
  - f. East 201<sup>st</sup> Street, a line 120 feet northwesterly of Webster Avenue, a line perpendicular to the southeasterly street line of Decatur Avenue distant 275 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Decatur Avenue and the southwesterly street line of East 201<sup>st</sup> Street, Decatur Avenue, a line 100 feet northeasterly of Bedford Park Boulevard, a line midway between Marion Avenue and Decatur Avenue, a line perpendicular to northwesterly street line of Decatur Avenue distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Decatur Avenue and the southwesterly street line of East 201<sup>st</sup> Street, and Decatur Avenue;
  - g. East 198<sup>th</sup> Street, a line 100 feet northwesterly of Marion Avenue, East 196<sup>th</sup> Street, Bainbridge Avenue, a line 100 feet southwesterly of East 198<sup>th</sup> Street, and a line 100 feet southeasterly of Bainbridge Avenue; and
  - h. a line 260 feet northeasterly of East 194<sup>th</sup> Street, a line 150 feet northwesterly of Marion Avenue, a line 100 feet northeasterly of East 194<sup>th</sup> Street, and a line midway between Briggs Avenue and Valentine Avenue;
7. changing from an R8 District to an R5A District property bounded by a line 100 feet southwesterly of East Mosholu Parkway South, a line 125 feet northwesterly of Perry Avenue, a line 100 feet northeasterly of East 201<sup>st</sup> Street, Perry Avenue, East 201<sup>st</sup> Street, a line 90 feet northwesterly of Bainbridge Avenue, a line 100 feet northeasterly of East 201<sup>st</sup> Street, and Bainbridge Avenue;
  8. changing from an R7-1 District to an R5B District property bounded by:
    - a. a line 100 feet southwesterly and southerly of East Gun Hill Road, a line midway between Perry Avenue and Hull Avenue, a line 200 feet northeasterly of East 209<sup>th</sup> Street, Perry Avenue, a line 375 feet northeasterly of Holt Place, Reservoir Oval East, and Putnam Place;
    - b. a line 50 feet southwesterly of East 209<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, East 207<sup>th</sup> Street, a line midway between Perry Avenue and Hull Avenue, a line 350 feet southwesterly of East 209<sup>th</sup> Street, Perry Avenue, Holt Place, Reservoir Oval East, a line 200 feet northeasterly of Holt Place, Perry Avenue, a line 100 feet southwesterly of East 209<sup>th</sup> Street, and Hull Avenue;
    - c. East 207<sup>th</sup> Street-Msg. John C. McCarthy Place, Perry Avenue, a line 220 feet northeasterly of East 205<sup>th</sup> Street, a line midway between Perry Avenue and Hull Avenue, a line 55 feet northeasterly of East 205<sup>th</sup> Street, Hull Avenue, a line 100 feet northeasterly of East 204<sup>th</sup> Street, a line 100 feet easterly of Bainbridge Avenue, East 206<sup>th</sup> Street, and a line perpendicular to the northerly street line of East 206<sup>th</sup> Street distant 315 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 206<sup>th</sup> Street and the northwesterly street line of Perry Avenue;
    - d. a line 120 feet southwesterly of East 205<sup>th</sup> Street, a line 120 feet northwesterly of Webster Avenue, a line 100 feet northeasterly of East 204<sup>th</sup> Street, and Decatur Avenue;
    - e. Bainbridge Avenue, East 201<sup>st</sup> Street, a line 110 feet northwesterly of Marion Avenue, a line perpendicular to the southeasterly street line of Perry Avenue distant 180 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Perry Avenue and the southwesterly street line of East 201<sup>st</sup> Street, Perry Avenue, a line 100 feet northeasterly of Bedford Park Boulevard, a line 100 feet southwesterly of East 201<sup>st</sup> Street, Decatur Avenue, and a line 100 feet northeasterly of East 204<sup>th</sup> Street;
    - f. Valentine Avenue, a line 100 feet southwesterly of East 199<sup>th</sup> Street, a line 125 feet southeasterly of Briggs Avenue, a line perpendicular to the southeasterly street line of Briggs Avenue distant 325 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Briggs Avenue and the southwesterly street line of East 199<sup>th</sup> Street, Bainbridge Avenue, and a line 100 feet northeasterly of East 198<sup>th</sup> Street;
    - g. Marion Avenue, East 199<sup>th</sup> Street, a line 80 feet northwesterly of Decatur Avenue, Oliver Place, Decatur Avenue, East 198<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, a line 130 feet northeasterly of East 197<sup>th</sup> Street, Decatur Avenue, a line 150 feet southwesterly of East 198<sup>th</sup> Street, a line 90 feet northwesterly of Decatur Avenue, East 197<sup>th</sup> Street, a line 60 feet northwesterly of Decatur Avenue, a line 75 feet southwesterly of East 197<sup>th</sup> Street, Marion Avenue, and East 197<sup>th</sup> Street, a line 100 feet westerly of Marion Avenue, and East 198<sup>th</sup> Street; and
    - h. a line 320 feet southwesterly of East 196<sup>th</sup> Street, a line 110 feet southeasterly of Bainbridge Avenue, a line 439 feet northeasterly of East 194<sup>th</sup> Street, Marion Avenue, East 195<sup>th</sup> Street, a line 175 feet southeasterly of Marion Avenue, a line 350 feet northeasterly of East 194<sup>th</sup> Street, a line 150 feet northwesterly of Marion Avenue, a line 260 feet northeasterly of East 194<sup>th</sup> Street, and a line midway between Briggs Avenue and Valentine Avenue;
  9. changing from an R7-1 District to an R5D District property bounded by the westerly centerline prolongation of East 207<sup>th</sup> Street-Msg. John C. McCarthy Place, Bainbridge Avenue, East 205<sup>th</sup> Street, a line 100 feet northeasterly of East 204<sup>th</sup> Street, a line 120 feet northwesterly of Webster Avenue, East 204<sup>th</sup> Street, a line midway between Decatur Avenue and Webster Avenue, a line 100 feet southwesterly of East 204<sup>th</sup> Street, Bainbridge Avenue, and a line midway between Rochambeau Avenue and Bainbridge Avenue;
  10. changing from an R7-1 District to an R6B District property bounded by:
    - a. a line 100 feet southerly of East Gun Hill Road, a line midway between Hull Avenue and Decatur Avenue, a line 305 feet northeasterly of East 209<sup>th</sup> Street, Decatur Avenue, a line 250 feet northeasterly of East 209<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, a line 50 feet northeasterly of East 209<sup>th</sup> Street, Decatur Avenue, a line 75 feet northeasterly of East 209<sup>th</sup> Street, and Hull Avenue;
    - b. a line 100 feet northwesterly of Bainbridge Avenue, a line midway between Rochambeau Avenue and Bainbridge Avenue, Bainbridge Avenue, a line 100 feet southwesterly of East 204<sup>th</sup> Street, a line midway between Decatur Avenue and Webster Avenue, a line 100 feet northeasterly of East Mosholu Parkway North, a line 400 feet southwesterly of East 204<sup>th</sup> Street, Bainbridge Avenue, and East Mosholu Parkway North, a line 110 feet northwesterly of Bainbridge Avenue, and Rochambeau Avenue;
    - c. East 197<sup>th</sup> Street, Bainbridge Avenue, a line 150 feet southwesterly of East 197<sup>th</sup> Street, Briggs Avenue, a line 100 feet northeasterly of East 196<sup>th</sup> Street, and a line midway between Valentine Avenue and Briggs Avenue; and
    - d. East 193<sup>rd</sup> Street, Marion Avenue, a line perpendicular to the northwesterly street line of Marion Avenue distant 460 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Marion Avenue and the northerly street line of East Fordham Road, Bainbridge Avenue, a line 100 feet northeasterly of Coles Lane, a line 85 feet northwesterly of Bainbridge Avenue, a line 125 feet northeasterly of Coles Lane, Briggs Avenue, a line 470 feet northeasterly of Coles Lane, and Bainbridge Avenue;
  11. changing from an R7-1 District to an R7A District property bounded by:

- a. East Gun Hill Road, a line midway between Decatur Avenue and Webster Avenue, a line 100 feet southerly and southwesterly of East Gun Hill Road, and Putnam Place;
  - b. Van Courtlandt Avenue East, Reservoir Oval East, a line 100 feet easterly of Bainbridge Avenue, East 205<sup>th</sup> Street, Bainbridge Avenue, the westerly centerline prolongation of East 207<sup>th</sup> Street-Msgr. John C. McCarthy Place, a line midway between Rochambeau Avenue and Bainbridge Avenue, a line 100 feet southeasterly of Van Courtlandt Avenue East, a line 100 feet easterly and northeasterly of East Mosholu Parkway North, a line 110 feet northwesterly of Bainbridge Avenue, and East Mosholu Parkway North;
  - c. Bainbridge Avenue, a line 400 feet southwesterly of East 204<sup>th</sup> Street, a line 100 feet northeasterly of East Mosholu Parkway North, a line midway between Decatur Avenue and Webster Avenue, and East Mosholu Parkway North; and
  - d. Valentine Avenue, a line 100 feet northeasterly of Bedford Park Boulevard, Bainbridge Avenue, a line perpendicular to the southeasterly street line of Bainbridge Avenue distant 195 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Bainbridge Avenue and the southwesterly street line of East 201<sup>st</sup> Street, a line 100 feet southeasterly of Bainbridge Avenue, a line 100 feet northeasterly of Bedford Park Boulevard, Decatur Avenue, a line perpendicular to the southeasterly street line of Decatur Avenue distant 275 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Decatur Avenue and the southwesterly street line of East 201<sup>st</sup> Street, a line 120 feet northwesterly of Webster Avenue, a line 100 feet southwesterly of Bedford Park Boulevard, Marion Avenue, a line 190 feet northeasterly of East 198<sup>th</sup> Street, Bainbridge Avenue, and a line 100 feet southwesterly of Bedford Park Boulevard;
12. changing from an R7-1 District to an R7B District property bounded by:
- a. a line 100 feet southwesterly of East Gun Hill Road, Hull Avenue, a line 75 feet northeasterly of East 209<sup>th</sup> Street, Decatur Avenue, a line 50 feet northeasterly of East 209<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, a line 250 feet northeasterly of East 209<sup>th</sup> Street, Decatur Avenue, a line 305 feet northeasterly of East 209<sup>th</sup> Street, a line midway between Hull Avenue and Decatur Avenue, a line 100 feet southerly of East Gun Hill Road, a line midway between Decatur Avenue and Webster Avenue, the northwesterly centerline prolongation of East 210<sup>th</sup> Street, Webster Avenue, a line 130 feet northeasterly of East 205<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, East 205<sup>th</sup> Street, a line 120 feet northwesterly of Webster Avenue, a line 120 feet southwesterly of East 205<sup>th</sup> Street, Decatur Avenue, a line 210 feet southwesterly of East 205<sup>th</sup> Street, a line midway between Hull Avenue and Decatur Avenue, a line 270 feet southwesterly of East 205<sup>th</sup> Street, Hull Avenue, a line 55 feet northeasterly of East 205<sup>th</sup> Street, a line midway between Perry Avenue and Hull Avenue, a line 220 feet northeasterly of East 205<sup>th</sup> Street, Perry Avenue, East 207<sup>th</sup> Street-Msgr. John C. McCarthy Place, a line 100 feet easterly of Bainbridge Avenue, Reservoir Oval East, Holt Place, Perry Avenue, a line 350 feet southwesterly of East 209<sup>th</sup> Street, a line midway between Perry Avenue and Hull Avenue, East 207<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, a line 50 feet southwesterly of East 209<sup>th</sup> Street, Hull Avenue, a line 100 feet southwesterly of East 209<sup>th</sup> Street, Reservoir Oval East, a line 375 feet northeasterly of Holt Place, Perry Avenue, a line 200 feet northeasterly of East 209<sup>th</sup> Street, and a line midway between Hull Avenue and Perry Avenue; and excluding the area bounded by Hull Avenue, a line perpendicular to the southeasterly street line of Hull Avenue distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Hull Avenue and the southwesterly street line of East 207<sup>th</sup> Street, a line midway between Hull Avenue and Decatur Avenue, and a line perpendicular to the southeasterly street line of Hull Avenue distant 450 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Hull Avenue and the southwesterly street line of East 207<sup>th</sup> Street;
  - b. a line 100 feet southerly of Van Courtlandt Avenue, a line midway between Bainbridge Avenue and Rochambeau Avenue, a line 100 feet northwesterly of Bainbridge Avenue, and a line 100 feet easterly of East Mosholu Parkway North;
  - c. East 201<sup>st</sup> Street, a line 70 feet southeasterly of Briggs Avenue, a line 100 feet southwesterly of East 201<sup>st</sup> Street, a line midway between Briggs Avenue and Bainbridge Avenue, a line 100 feet northeasterly of Bedford Park Boulevard, and Valentine Avenue;
  - d. Valentine Avenue, a line 100 feet southwesterly of Bedford Park Boulevard, Bainbridge Avenue, a line perpendicular to the southeasterly street line of Briggs Avenue distant 325 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Briggs Avenue and the southwesterly street line of East 199<sup>th</sup> Street, a line 125 feet southeasterly of Briggs Avenue, and a line 100 feet southwesterly of East 199<sup>th</sup> Street;
  - e. Perry Avenue, a line perpendicular to the southeasterly street line of Perry Avenue distant 180 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Perry Avenue and the southwesterly street line of East 201<sup>st</sup> Street, a line 110 feet northwesterly of Marion Avenue, East 201<sup>st</sup> Street, Decatur Avenue, a line perpendicular to northwesterly street line of Decatur Avenue distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Decatur Avenue and the southwesterly street line of East 204<sup>th</sup> Street, a line midway between Marion Avenue and Decatur Avenue, and a line 100 feet northeasterly and easterly of Bedford Park Boulevard;
  - f. Marion Avenue, a line 100 feet southwesterly of Bedford Park Boulevard, a line 120 feet northwesterly of Webster Avenue, East 198<sup>th</sup> Street, Decatur Avenue, Oliver Place, a line 80 feet northeasterly of Decatur Avenue, and East 199<sup>th</sup> Street;
  - g. Valentine Avenue, a line 100 feet northeasterly of East 198<sup>th</sup> Street, Bainbridge Avenue, a line 190 feet northeasterly of East 198<sup>th</sup> Street, Marion Avenue, East 198<sup>th</sup> Street, a line 100 feet southeasterly of Bainbridge Avenue, a line 100 feet southwesterly of East 198<sup>th</sup> Street, Bainbridge Avenue, East 197<sup>th</sup> Street, a line midway between Valentine Avenue and Briggs Avenue, a line 100 feet northeasterly of East 196<sup>th</sup> Street, Briggs Avenue, a line 150 feet southwesterly of East 197<sup>th</sup> Street, Bainbridge Avenue, East 196<sup>th</sup> Street, a line 100 feet northwesterly of Marion Avenue, East 197<sup>th</sup> Street, Marion Avenue, a line 75 feet southwesterly of East 197<sup>th</sup> Street, a line 60 feet northwesterly of Decatur Avenue, East 197<sup>th</sup> Street, a line 90 feet northwesterly of Decatur Avenue, a line 150 feet southwesterly of East 198<sup>th</sup> Street, Decatur Avenue, a line 130 feet northeasterly of East 197<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, East 197<sup>th</sup> Street, a line midway between Decatur Avenue and Webster Avenue, East 194<sup>th</sup> Street, Decatur Avenue, a line 100 feet southwesterly of East 193<sup>rd</sup> Street, a line 150 feet northwesterly of Decatur Avenue, East 193<sup>rd</sup> Street, Bainbridge Avenue, a line 470 feet northeasterly of Coles Lane, Briggs Avenue, a line 100 feet northeasterly of East 194<sup>th</sup> Street, a line 150 feet northwesterly of Marion Avenue, a line 350 feet northeasterly of East 194<sup>th</sup> Street, a line 175 feet southeasterly of Marion Avenue, East 195<sup>th</sup> Street, Marion Avenue, a line 439 feet northeasterly of East 194<sup>th</sup> Street, a line 110 feet southeasterly of Bainbridge Avenue, a line 320 feet southwesterly of East 196<sup>th</sup> Street, a line midway between Valentine Avenue and Briggs Avenue, and a line 100 feet northeasterly of East 194<sup>th</sup> Street; and
  - h. a line 125 feet northeasterly of Coles Lane, Poe Place, a line 100 feet northeasterly of Coles Lane, Bainbridge Avenue, a line perpendicular to the northwesterly street line of Marion Avenue distant 460 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Marion Avenue and the northerly street line of East Fordham Road, Marion Avenue, the westerly prolongation of a line 300 feet northerly of East Fordham Road, Bainbridge Avenue, Coles Lane, and Briggs Avenue;
13. changing from an C4-4 District to an R7B District property bounded by the westerly prolongation of a line 300 feet northerly of Fordham Road, Marion Avenue, and a line perpendicular to the northwesterly street line of Marion Avenue distant 280 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Marion Avenue and the northerly street line of East Fordham Road;
14. changing from an C8-2 District to an R7B District property bounded by a line 360 feet southerly of East Gun Hill Road, Webster Avenue, the westerly centerline prolongation of East 210<sup>th</sup> Street, and a line midway between Decatur Avenue and Webster Avenue;

15. changing from an R7-1 District to an R7D District property bounded by:
- a line 130 feet northeasterly of East 205<sup>th</sup> Street, Webster Avenue, a line 100 feet southwesterly of East 204<sup>th</sup> Street, a line midway between Decatur Avenue and Webster Avenue, East 204<sup>th</sup> Street, a line 120 feet northwesterly of Webster Avenue, East 205<sup>th</sup> Street, and a line 100 feet southeasterly of Decatur Avenue;
  - East 201<sup>st</sup> Street, Webster Avenue, Botanical Square, Webster Avenue, East 197<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, East 198<sup>th</sup> Street, and a line 120 feet northwesterly of Webster Avenue;
  - East 194<sup>th</sup> Street, Webster Avenue, a line 100 feet southwesterly of East 193<sup>rd</sup> Street, and Decatur Avenue;
16. changing from an C8-2 District to an R7D District property bounded by:
- a line 320 feet northeasterly of the southeasterly prolongation of the northeasterly street line of East 205<sup>th</sup> Street, the southeasterly boundary line of a Rail Road right-of-way (New York and Harlem Rail Road), East Mosholu Parkway North and its southerly centerline prolongation, a line midway between Decatur Avenue and Webster Avenue, a line 100 feet southwesterly of East 204<sup>th</sup> Street, and Webster Avenue;
  - Webster Avenue, Botanical Square and its southeasterly centerline prolongation, the southeasterly boundary line of a Rail Road right-of-way (New York and Harlem Rail Road), and Bedford Park Boulevard; and
  - a line midway between Decatur Avenue and Webster Avenue, East 197<sup>th</sup> Street, Webster Avenue, and East 194<sup>th</sup> Street;
17. changing from a C8-2 District to a C4-4 District property bounded by a line 800 feet northeasterly of East Gun Hill Road, the southeasterly boundary line of a Rail Road right-of-way (New York and Harlem Rail Road), East Gun Hill Road, Newell Street, East 210<sup>th</sup> Street, Webster Avenue, a line 360 feet southwesterly of East Gun Hill Road, a line midway between Decatur Avenue and Webster Avenue, East 211<sup>th</sup> Street, and Webster Avenue;
18. changing from a C8-2 District to a C4-5D District property bounded by Bedford Park Boulevard, the southeasterly boundary line of a Rail Road right-of-way (New York and Harlem Rail Road), a line perpendicular to the centerline of a Rail Road right-of-way (New York and Harlem Rail Road) distant 1322 feet southwesterly (as measured along the Rail Road right-of-way) from the point of intersection of the centerline of a Rail Road right-of-way (New York and Harlem Rail Road) and the southwesterly street line of Bedford Park Boulevard, and Webster Avenue;
19. establishing within a proposed R5D District a C1-4 District bounded by the westerly centerline prolongation of East 207<sup>th</sup> Street-Msgr. John C. McCarthy Place, Bainbridge Avenue, East 205<sup>th</sup> Street, a line 100 feet northeasterly of East 204<sup>th</sup> Street, a line 120 feet northwesterly of Webster Avenue, East 204<sup>th</sup> Street, a line midway between Decatur Avenue and Webster Avenue, a line 100 feet southwesterly of East 204<sup>th</sup> Street, and a line midway between Rochambeau Avenue and Bainbridge Avenue;
20. establishing within a proposed R7A District a C1-4 District bounded by:
- East 207<sup>th</sup> Street-Msgr. John C. McCarthy Place, a line 100 feet easterly of Bainbridge Avenue, East 205<sup>th</sup> Street, and Bainbridge Avenue; and
  - a line midway between Marion Avenue and Decatur Avenue, Bedford Park Boulevard, Decatur Avenue, a line 100 feet northeasterly of Bedford Park Boulevard, a line 120 feet northwesterly of Webster Avenue, and a line 100 feet southwesterly of Bedford Park Boulevard;
21. establishing within a proposed R7A District a C2-4 District bounded by Van Courtlandt Avenue East, Reservoir Oval East, a line 100 feet easterly of Bainbridge Avenue, East 207<sup>th</sup> Street, the westerly centerline prolongation of East 207<sup>th</sup> Street-Msgr. John C. McCarthy Place, and a line midway between Rochambeau Avenue and Bainbridge Avenue;
22. establishing within a proposed R7B District a C2-4 District bounded by a line 100 feet northwesterly of Decatur Avenue, a line midway between East 194<sup>th</sup> Street and East 193<sup>rd</sup> Street, Decatur Avenue, and a line 100 feet southwesterly of East 193<sup>rd</sup> Street;
23. establishing within a proposed R7D District a C2-4 District bounded by
- a line 320 feet northeasterly of the southeasterly prolongation of the northeasterly street line of East 205<sup>th</sup> Street, the northwesterly boundary line of a Rail Road right-of-way (New York and Harlem Rail Road), a line 110 feet northeasterly of East 204<sup>th</sup> Street, a line 100 feet southeasterly of Webster Avenue, East Mosholu Parkway North and its southeasterly centerline prolongation, a line midway between Decatur Avenue and Webster Avenue, East 204<sup>th</sup> Street, a line 120 feet northwesterly of Webster Avenue, East 205<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, a line 130 feet northeasterly of East 205<sup>th</sup> Street, and Webster Avenue; and
  - East 201<sup>st</sup> Street, Webster Avenue, Botanical Square and its southeasterly centerline prolongation, the northwesterly boundary line of a Rail Road right-of-way (New York and Harlem Rail Road), Bedford Park Boulevard, Webster Avenue, a line 100 feet southwesterly of East 193<sup>rd</sup> Street, Decatur Avenue, East 194<sup>th</sup> Street, a line midway between Decatur Avenue and Webster Avenue, East 197<sup>th</sup> Street, a line 100 feet southeasterly of Decatur Avenue, East 198<sup>th</sup> Street, and a line 120 feet northwesterly of Webster Avenue; and
24. establishing within an existing R8 District a C2-4 District bounded by East Mosholu Parkway South, Webster Avenue, East 201<sup>st</sup> Street, and a line 120 feet northwesterly of Webster Avenue;
- as shown on a diagram (for illustrative purposes only) dated September 27, 2010 and subject to the conditions of CEQR Declaration E-249, Community Districts 7 and 12, Borough of the Bronx.
- LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 326
- Report of the Committee on Land Use in favor of approving Application no. C 110086 ZRX submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas).**
- The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 422), respectfully
- REPORTS:**
- SUBJECT**
- BRONX CB - 7** **N 110086**  
**ZRX**
- City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas).

**INTENT**

To extend the inclusionary housing provisions in conjunction with the Webster Avenue, Bedford Park and Norwood rezoning.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 23, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 23, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
<b><u>Cont'd</u></b>		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 741

**Resolution approving the decision of the City Planning Commission on Application No. N 110086 ZRX, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas) in Community District 7, Borough of the Bronx (L.U. No. 326).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), pursuant to Section 200 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas) in Community District 7, Borough of the Bronx (Application No. N 110086 ZRX), (the "Application");

**WHEREAS**, the Application is related to Application C 110085 ZMX (L.U. No. 325), a zoning map amendment changing all or portion of 80 blocks from C8-2, C4-4, R8, R8/C2-3, R7-1, R7-1/C1-3 and R7-1/C2-3 to R4A, R5A, R5B, R5D/C1-4, R6B, R7A, R7A/C1-3, R7A/C1-4, R7A/C2-4, R7B, R7B/C1-3, R7B/C2-4, R7D/C2-4, R8/C2-4, C4-5D and C4-4 districts;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 4, 2011 (CEQR No. 10DCP035X);

**RESOLVED:**

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

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110086 ZRX, 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 with # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article II  
Residence District Regulations**

\* \* \*

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

\* \* \*

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Page 3 of 5
N 110086 ZRX
Res. No. 741 (L.U. No. 326)

Table with 2 columns: Community District and Zoning District. Lists various districts and their corresponding zoning codes.

\* \* \*

APPENDIX F: Inclusionary Housing Designated Areas

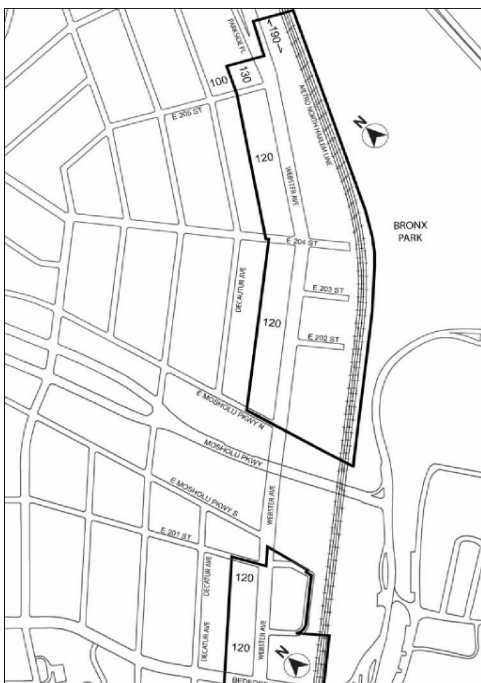
\* \* \*

The Bronx

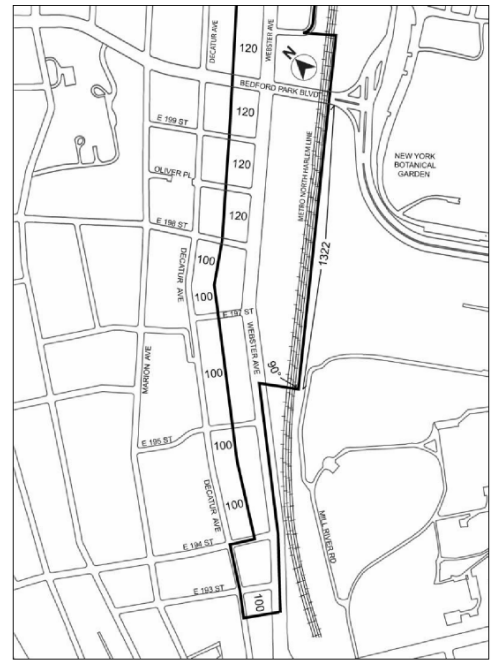
\* \* \*

The Bronx Community District 7

In the R7D Districts within the areas shown on the following Maps 1 and 2:



Map 1. Portion of Community District 7, Bronx



Map 2. Portion of Community District 7, Bronx

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 327

Report of the Committee on Land Use in favor of approving Application no. 20105332 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Carabeen LLC d.b.a Public House to establish, maintain and operate an unenclosed sidewalk café located at 133 Seventh Avenue South, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 423), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20105332 TCM

Application pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of Carabeen, LLC, d/b/a Public House, for a revocable consent to establish, maintain and use an enclosed sidewalk café located at 133 Seventh Avenue South.

INTENT

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

PUBLIC HEARING

**DATE:** March 15, 2011

**Witnesses in Favor:** None  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

**The Subcommittee recommends that the Land Use Committee approve the Petition.**

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		

**Cont'd**

Lappin  
Mendez  
Vacca  
Lander  
Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 742

**Resolution approving the petition for a revocable consent for an enclosed sidewalk café located at 133 Seventh Avenue South, Borough of Manhattan (20105332 TCM; L.U. No. 327).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on February 4, 2011 its approval dated February 3, 2011 of the petition of Carabean, LLC, d/b/a Public House, for a revocable consent to establish, maintain and use an enclosed sidewalk café located at 133 Seventh Avenue South, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-225 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-225(g) of the Administrative Code;

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

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

**RESOLVED:**

Pursuant to Section 20-225 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 328

**Report of the Committee on Land Use in favor of approving Application no. 20115341 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of New Mekong Restaurant Corp., d.b.a Mekong Restaurant to continue to maintain and operate an unenclosed sidewalk café located at 16-18 King Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 16, 2011 (Minutes, page 423), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20115341 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of New Mekong Restaurant Corp., d/b/a Mekong Restaurant & Bar, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 16-18 King Street.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.



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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		

**Cont'd**

Lappin  
Mendez  
Vacca  
Lander  
Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 743

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 16-18 King Street, Borough of Manhattan (20115341 TCM; L.U. No. 328).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on February 4, 2011 its approval dated February 3, 2011 of the petition of New Mekong Restaurant Corp., d/b/a Mekong Restaurant & Bar, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 16-18 King Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

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

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 329

**Report of the Committee on Land Use in favor of approving Application no. 20115128 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Magnifique LLC d.b.a Le Magnifique to establish, maintain and operate an unenclosed sidewalk café located at 1022 Lexington Avenue, Borough of Manhattan, Council District no.4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 552), respectfully

**REPORTS:**

**SUBJECT**

<b>MANHATTAN CB - 8</b>	<b>20115128</b>
<b>TCM</b>	

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Le Magnifique, LLC, d/b/a Le Magnifique, to establish, maintain and operate an unenclosed sidewalk café located at 1022 Lexington Avenue.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

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



**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		

**Cont'd**

Mendez  
 Vacca  
 Lander  
 Levin  
 Weprin  
 Ignizio  
 Koo

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

Res. No. 744

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 1022 Lexington Avenue, Borough of Manhattan (20115128 TCM; L.U. No. 329).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on February 18, 2011 its approval dated February 18, 2011 of the petition of Le Magnifique LLC, d/b/a Le Magnifique, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1022 Lexington Avenue, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

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

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 330

**Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20115530 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC d.b.a Café Select to establish, maintain and operate an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 552), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2** **20115530**  
**TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC, d/b/a Café Select, to establish, maintain, and operate an unenclosed small sidewalk café located at 212 Lafayette Street.

By submission dated March 4, 2011 and submitted to the City Council on March 4, 2011, the New York City Department of Consumers Affairs withdrew the Petition.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the New York City Department of Consumer Affairs.

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		

Arroyo  
 Dickens  
 Garodnick  
 Lappin  
 Mendez  
 Vacca  
 Lander  
 Levin  
 Weprin  
 Ignizio  
 Koo

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

Res. No. 745

**Resolution approving a motion to file pursuant to withdrawal of the approval of the petition for a revocable consent for an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan (20115530 TCM; L.U. No. 330).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on February 18, 2011 its approval dated February 18, 2011 of the petition of 212 Lafayette Associates, LLC, d/b/a Café Select, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 212 Lafayette Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

By submission dated March 4, 2011 and submitted to the City Council on March 4, 2011, the New York City Department of Consumers Affairs withdrew the approval of the Petition.

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 2011.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 331

**Report of the Committee on Land Use in favor of approving Application no. C 070245 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an M3-1 District to an M1-4/R6A District, Section No. 12, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 552), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1 C 070245 ZMK**

City Planning Commission decision approving an application submitted by JBJ, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M3-1 District to an M1-4/R6A District property bounded by South 2<sup>nd</sup> Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue; and
2. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue;

as shown on a diagram (for illustrative purposes only) dated September 13, 2010 and subject to the conditions of CEQR Declaration E-261.

**INTENT**

To facilitate the construction a six-story, 104,000 sq. ft. mixed-use development.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Four

**Witnesses Against:** Two

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
<b><u>Cont'd</u></b>		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Ignizio		
Koo		

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

Res. No. 746

**Resolution approving the decision of the City Planning Commission on ULURP No. C 070245 ZMK, a Zoning Map amendment (L.U. No. 331).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), on the application submitted by JBJ, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change an M3-1 district to an MX8: M1-4/R6A mixed use district to facilitate the construction of a 6-story, 104,000-square-foot mixed use development with 79 dwelling units and ground floor retail located on the eastern half of Block 2415, between South Second and South Third Streets and Kent and Wythe Avenues in Community District 1, Borough of Brooklyn (ULURP No. C 070245 ZMK) (the "Application");

**WHEREAS**, the Application is related to Application N 070246 ZRK (L.U. No. 332), an amendment to the text of the Zoning Resolution of the City of New York relating to the Inclusionary Housing Program;

**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 March 15, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 13, 2010, which included (E) designation (E-261) to avoid any potential significant adverse impacts for air quality and hazardous materials (CEQR No. 07DCP035K);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 070245 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

1. changing from an M3-1 District to an M1 -4/R6A District property bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue; and
2. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue;

as shown on a diagram (for illustrative purposes only) dated September 13, 2010 and subject to the conditions of CEQR Declaration E-261, Community District 1, Borough of Brooklyn.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 332

**Report of the Committee on Land Use in favor of approving Application no. N 070246 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas), Council District 33.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 553), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1 N 070246 ZRK**

City Planning Commission decision approving an application submitted by JBJ LLC, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the inclusionary housing program.

**INTENT**

To extend the inclusionary housing provisions in regards to the Wythe Avenue rezoning.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Four

**Witnesses Against:** Two

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		

Seabrook  
 Vann  
 Gonzalez  
 Palma  
 Arroyo  
 Dickens  
 Garodnick  
**Cont'd**  
 Lappin  
 Mendez  
 Vacca  
 Lander  
 Levin  
 Weprin  
 Ignizio  
 Koo

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

Res. No. 747

**Resolution approving the decision of the City Planning Commission on Application No. N 070246 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the inclusionary housing program in Community District 1 (L.U. No. 332).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on February 18, 2011 its decision dated February 16, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by JBJ LLC, Inc., for an amendment of the text of the Zoning Resolution of the City of New York, to allow the inclusionary Housing Program to be used in a proposed MX8: M1-4/R6A district, to facilitate a six-story, 104,000 square foot mixed used development with 79 dwelling units and ground floor retail located on the eastern half of Block 2415, between South Second and South Third Streets and Kent and Wythe Avenues (Application No. N 070246 ZRK), Community District 1, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Application C 070245 ZMK (L.U. No. 331), an amendment of the Zoning Map to replace an M3-1 district with an MX8: M1-4/R6A district;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 13, 2010, which included (E) designation (E-261) to avoid any potential significant adverse impacts for air quality and hazardous materials (CEQR No. 07DCP035K);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 070246 ZRK, incorporated by reference herein, the Council approves the Decision.

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

APPENDIX F  
 INCLUSIONARY HOUSING DESIGNATED AREAS

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this

Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #Residence Districts#.

\*\*\*

Brooklyn, Community District 1  
 In Waterfront Access Plan BK-1 and in the R6, R6A, R6B, R7A, R7-3 and R8 Districts within the areas shown on the following Maps 1, 2, 3 and 4\*:

\*\*\*

**EXISTING**  
**(TO BE DELETED)**  
 Map 2 (7/29/10)



Portion of Community District 1, Brooklyn

**PROPOSED**  
**(TO REPLACE EXISTING)**  
 Map 2 (x/xx/xx)





Portion of Community District 1, Brooklyn

\*\*\*

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 334

**Report of the Committee on Land Use in favor of approving Application no. 20115317 HKM (N 110181 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2427) by the Landmarks Preservation Commission of the 500 Fifth Avenue Building, located at 500 Fifth Avenue, (Block 1258, Lot 34), Council District no. 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 553), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5                      20115317 HKM (N 110181 HKM)**

Designation by the Landmarks Preservation Commission (List No. 436/LP-2427), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the 500 Fifth Avenue Building, located at 500 Fifth Avenue aka 500-506 Fifth Avenue, 1-9 West 42<sup>nd</sup> Street (Block 1258, Lot 34), as an historic landmark.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** One                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Ignizio		
Koo		

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

Res. No. 748

**Resolution affirming the designation by the Landmarks Preservation Commission of the 500 Fifth Avenue Building, located at 500 Fifth (Tax Map Block 1258, Lot 34), Borough of Manhattan, Designation List No. 436, LP-2427 (L.U. No. 334; 20115317 HKM; N 110181 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 23, 2010 a copy of its designation dated December 14, 2010 (the "Designation"), of the 500 Fifth Avenue Building, located at 500 Fifth Avenue aka 500-506 Fifth Avenue, 1-9 West 42<sup>nd</sup> Street, Community District 5, Borough of Manhattan as a landmark, and Tax Map Block 1258, Lot 34, 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 February 18, 2011, its report on the Designation dated February 16, 2011 (the "Report");

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

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

**RESOLVED:**



Report for L.U. No. 337

**Report of the Committee on Land Use in favor of approving Application no. 20115316 HKM (N 110184 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2432) by the Landmarks Preservation Commission of the Rogers, Peet and Company Building, located at 258 Broadway, Council District no. 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 554), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1                      20115316 HKM (N 110184 HKM)**

Designation by the Landmarks Preservation Commission (List No. 436/LP-2432), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Rogers, Peet & Company Building, located at 258 Broadway aka 258-259 Broadway, 1-11 Warren Street (Tax Map Block 134, Lot 25), as an historic landmark.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** One                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

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

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		

Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 750

**Resolution affirming the designation by the Landmarks Preservation Commission of the Rogers, Peet & Company Building, located at 258 Broadway (Tax Map Block 134, Lot 25), Borough of Manhattan, Designation List No. 436, LP-2432 (L.U. No. 337; 20115316 HKM; N 110184 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 23, 2010 a copy of its designation dated December 14, 2010 (the "Designation"), of the Rogers, Peet & Company Building, located at 258 Broadway aka 258-259 Broadway, 1-11 Warren Street, Community District 1, Borough of Manhattan as a landmark, and Tax Map Block 134, Lot 25, 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 February 18, 2011, its report on the Designation dated February 16, 2011 (the "Report");

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

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 338

**Report of the Committee on Land Use in favor of approving Application no. 20115275 SCQ, a proposed site for a new, approximately 757-Seat Primary/Intermediate School Facility, located at southwest corner of Hillside Avenue and 164th Street (Block 9813, Lot 33), Council District no. 24, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 555), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 12**  
**SCQ**

20115275

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a 757-Seat Primary/Intermediate School Facility, known as P.S./I.S. 314, Queens, to be located at 88-08 164<sup>th</sup> Street (Tax Block 9813, Lot 33), Community School District No. 28.

**INTENT**

To construct a new, approximately 757 seat school facility to serve students in pre-kindergarten through eighth grade in Community School District 28.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		

**Cont'd**

Lander  
Levin  
Weprin  
Ignizio  
Koo

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

Res. No. 751

**Resolution approving the site plan for a new, approximately 757-Seat Primary/Intermediate School Facility (P.S./I.S. 314, Queens) to be located at 88-08 164<sup>th</sup> Street (Tax Block 9813, Tax Lot 33), Borough of Queens (Non-ULURP No. 20115275 SCQ; L.U. No. 338).**

By Council Members Comrie and Lander.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on March 10, 2011, a site plan dated March 10, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 757-Seat Primary/Intermediate School Facility, known as P.S./I.S. 314, to be located at 88-08 164<sup>th</sup> Street (Tax Block 9813, Tax Lot 33), in the Jamaica section of Queens, serving students from pre-kindergarten through eighth grade in Community School District No. 28, Borough of Queens, Community Board No. 12 (the "Site Plan");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on March 15, 2011;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on March 8, 2011 (SEQR Project Number 11-003); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 339

**Report of the Committee on Land Use in favor of approving Application no. 20115299 SCK, a proposed site for a new, approximately 735-Seat Primary/Intermediate School Facility, located at Coney Island Ave., Turner Place, Hinckley Place and East 8th Street (Block 5342, Lot 6, 8, 10, 17, 19, 26, 28 and 30), Council District no. 40, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 2, 2011 (Minutes, page 555), respectfully

**REPORTS:****SUBJECT**

**BROOKLYN CB - 12**

**20115299 SCK**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 735



Seat Primary/Intermediate School Facility, known as P.S./I.S. 338, to be located 510 Coney Island Avenue (Tax Block 5342, Lots 6, 8, 10, 17, 19, 26, 28 and 30), Borough of Brooklyn, Community School District No. 22.

**INTENT**

To construct a new, approximately 757 seat school facility to serve students in Community School District 22 from pre-kindergarten through eighth grade.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Two                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		

**Cont'd**

- Vacca
- Lander
- Levin
- Weprin
- Ignizio
- Koo

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

Res. No. 752

**Resolution approving the site plan for a new, approximately 757-Seat Primary/Intermediate School Facility (P.S./I.S. 338, Brooklyn) to be located at 510 Coney Island Avenue (Tax Block 5342, Lots 6, 8, 10, 17, 19, 26, 28 and 30), Borough of Brooklyn (Non-ULURP No. 20115299 SCK; L.U. No. 339).**

By Council Members Comrie and Lander.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on March 10, 2011, a site plan dated March 10, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 757-Seat Primary/Intermediate School Facility, known as P.S./I.S. 338, to be located at 510 Coney Island Avenue (Tax Block 5342, Lots 6, 8, 10, 17, 19, 26, 28 and 30), in the Prospect Park South section of Brooklyn, serving students from pre-kindergarten through eighth grade in Community School District No. 22, Borough of Brooklyn, Community Board No. 12 (the "Site Plan");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on March 15, 2011;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on March 7, 2011 (SEQR Project Number 11-002); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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. 352

**Report of the Committee on Land Use in favor of approving Application no. 20115509 HAK, approval of a conveyance from the current owner to the new owner for property located at Block 1851/Lots 58 and 61, Council District no. 36, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 23, 2011, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 3**

**20115509 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to a conveyance for property located at Block 1851/Lots 58 and 61, Council District 36, Borough of Brooklyn.

**INTENT**

To facilitate construction of a multiple dwelling with 24 rental units and one superintendent's unit.

**PUBLIC HEARING**

**DATE:** March 15, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 15, 2011

The Subcommittee recommends that the Land Use Committee approve conveyance.

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

**COMMITTEE ACTION**

**DATE:** March 16, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	Barron	None
Rivera		
Reyna		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Ignizio		
Koo		

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

Res. No. 753

**Resolution approving a conveyance of property located at Block 1851, Lots 58 and 61; Borough of Brooklyn (Preconsidered L.U. No. 352; 20115509 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 22, 2011 its request dated February 7, 2011 that the Council take the following actions regarding the following Project (the "Project") Block 1851, Lots 58 and 61 (the "Conveyance Area"), for the conveyance of property, Community District 3, Council District 36, Borough of Brooklyn:

Approve pursuant to Section 122(1) of the Private Housing Finance Law (PHFL), the conveyance of the Conveyance Area by the Current Owner to the New Owner;

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

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

**RESOLVED:**

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

"Current Owner" shall mean Kingston Heights Apartments LP, a Redevelopment Company.

"New Owner" shall mean 29 MacDonough Street Realty LLC.

The Council approves pursuant to Section 122(1) of the PHFL, the conveyance of the Conveyance Area by the Current Owner to the New Owner.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 16, 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 Parks and Recreation**

Report for Int. No. 417

**Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to renaming one thoroughfare in the Borough of the Bronx, Southern Boulevard, and to amend the official map of the city of New York accordingly and co-naming one thoroughfare Dr. Theodore Kazimiroff Boulevard in the Borough of the Bronx.**

The Committee on Parks and Recreation, to which the annexed proposed local law was referred on November 17, 2010 (Minutes, page 4829), respectfully

**REPORTS:****INTRODUCTION**

The Committee on Parks and Recreation met on March 22, 2011 to consider Int. No. 417, A Local Law in relation to renaming one thoroughfare in the Borough of the Bronx, Southern Boulevard, and to amend the official map of the city of New York accordingly and co-naming one thoroughfare Dr. Theodore Kazimiroff Boulevard in the Borough of the Bronx and Proposed Int. No. 446-A, A Local Law in relation to the naming of the Ed Koch Queensboro Bridge. At this meeting, the Committee voted 7-0 in favor of Int. No. 417 and 6-1 in favor of Proposed Int. No. 446-A.

**BACKGROUND**

Int. No. 417 permanently changes the name of Dr. Theodore Kazimiroff Boulevard Fordham Road to Allerton Avenue in the Borough of the Bronx, to Southern Boulevard and amends the New York City Map accordingly. The bill then co-names that portion of what would now be Southern Boulevard as Dr. Theodore Kazimiroff Boulevard.

On May 9, 1981, the northern portion of Southern Boulevard was renamed Dr. Theodore Kazimiroff Boulevard. Since then, the renaming has been confusing and problematic for communities and institutions adjacent to this roadway. Dr. Theodore Kazimiroff Boulevard and Southern Boulevard have never been recognized as one and the same, as some streets, such as, Avenue of the Americas, which is still recognized as Sixth Avenue. The confusion has led to missed postal deliveries, difficulties for the New York Police Department (NYPD) in taking accident reports and providing directions, as well as delays in fire response.

The United States Postal Service continues to recognize the Southern Boulevard designation. A number of letters and resolutions from the affected Community Boards, FDNY Battalion, local police precinct, cultural and educational institutions, civic associations and the community have urged that the name should be changed back to Southern Boulevard.

**Dr. Theodore Kazimiroff Boulevard (Int. No. 417)**

May 22, 1914 – March 19, 1980

Dr. Theodore Kazimiroff was born May 22, 1914, in the borough of the Bronx. He attended James Monroe High School and was graduated with honors from Manhattan College in 1936. He was an associate professor on the faculty of the New York University Dental College where he had received his DDS degree in 1940.

He founded the Bronx County Historical Society in 1955 and served as its first president. Dr. Kazimiroff was appointed official Bronx historian by then Borough President James J. Lyons. He organized the excavation of the Revolutionary War sites in Pelham Bay Park and he also was the leader in the drive to save the Valentine-Varian House which is now the Museum of Bronx History.

Dr. Kazimiroff was a consultant to the New York Botanical Garden, the Bronx Zoo, the Museum of Natural History and the Museum of American Indians and was a fellow of the New York Zoological Society. He was made president of the Kingsbridge Historical Society in 1974 and that same year received a Distinguished Service Award from the New York Botanical Garden.

**Ed Koch Queensboro Bridge (Proposed Int. No. 446-A)**

Proposed Int. No. 446-A would permanently change the name of the "Queensboro Bridge" to the "Ed Koch Queensboro Bridge," and would amend the New York City Map accordingly.

Edward Irving Koch, the 105<sup>th</sup> Mayor of New York City, was born in the Bronx in 1924. During the Great Depression, his family moved to Newark, New Jersey and later moved to Ocean Parkway in Brooklyn. He interrupted his studies at City College, to serve in the United States Army during World War II and became a decorated combat infantryman who achieved the rank of Sergeant.

In 1948, he received his law degree from New York University Law School and became an active member of the Greenwich Village Independent Democrats. He was also a campaign volunteer for Democratic Party presidential candidate Adlai Stevenson in 1952 and 1956. In 1963, Koch ran successfully for district leader against Carmine DeSapio and was reelected in 1965. Koch was elected to the New York City Council in 1966.<sup>1</sup>

In 1968, Koch was elected to the United States House of Representatives for the 17<sup>th</sup> Congressional District, a district that had not elected a Democrat to Congress since 1934 and was reelected four times. In Congress, he served on the Banking and Currency Committee and the Appropriations Committee and was a congressional observer on the Emergency Financial Control Board which was established to deal with the City's fiscal crisis of 1975. In addition, he spoke out strongly against the Vietnam War and for civil rights and championed aid for family assistance programs, health care for the elderly and mass transit.<sup>2</sup>

He successfully sought the Democratic nomination for mayor in 1977 and defeated Mario Cuomo, who ran as the Liberal Party candidate, State Senator Roy Goodman, who ran as the Republican Party candidate, and several other candidates in the general election, making Koch the City's 105<sup>th</sup> mayor.<sup>3</sup>

In his inaugural address, Mayor Koch sent New Yorkers a message of redemption by saying, "These have been hard times. We have been drawn across the knife-edge of poverty. We have been shaken by troubles that would have destroyed any other city. But we are not any other city. We are the city of New York and New York in adversity towers above any other city in the world."<sup>4</sup>

As Mayor, Koch tackled the City's fiscal problems and sought to restore the City's credit through a series of budget cutting measures. This enabled the City to re-enter the bond market and raise capital funds. The City's economy began to improve as did the mood of many New Yorkers.<sup>5</sup> Through his leadership, the City's budget doubled to \$26 billion, with \$19 billion being spent on capital projects throughout the 1980's.<sup>6</sup> As his mayoralty progressed, he became known for his ebullient personality and his trademark greeting, "How'm I doin'?"

Ed Koch's mayoralty was also highlighted by the infrastructure improvements his administration made to the City, including those to the Queensboro Bridge. Through the creation of the Bridge Rehabilitation Project (BRPR), followed by the biannual inspections to monitor the deterioration of bridge components, it was determined that the Queensboro Bridge was in need of comprehensive renovation to ensure the safety of motorists and the physical integrity of the structure.<sup>7</sup> Initial rehabilitation work, which included the reconstruction of two approach viaducts in Queens, the reconstruction of the South Upper Roadway, the replacement of the movable maintenance platforms under the main bridge, the

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

<sup>1</sup> See Columbia University "Notable New Yorkers" website, <http://www.columbia.edu/cu/lweb/digital/collections/nyy/koche/profile.html>

<sup>2</sup> See, [http://www.nyc.gov/html/nyc100/html/classroom/hist\\_info/mayors.html#koch](http://www.nyc.gov/html/nyc100/html/classroom/hist_info/mayors.html#koch)

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

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

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

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

<sup>7</sup> See New York City Department of Transportation website, <http://www.nyc.gov/html/dot/html/bridges/qbrehab.shtml#eight>, viewed on February 18, 2011.

installation of Variable Message Signs at the entrance to approach ramps in Queens, the rehabilitation of the main bridge lower truss chords, the renovation of the main bridge pier tops and the replacement of two outer roadway floorbeams and deck at the Manhattan anchor pier, was completed during the remaining years of the Koch Administration, from 1981 to 1989.<sup>8</sup> In fact, work on rehabilitating and maintaining the Queensboro Bridge is still an ongoing project.<sup>9</sup>

Regarding the success of his mayoralty, it was once said that "He brought the energy and the discipline that remain today and are the basis of the confidence that people have in the city."<sup>10</sup>

Koch, was re-elected Mayor twice, in 1981 and 1985.<sup>11</sup> He then attempted to be the City's first four-term mayor by seeking reelection in 1989, but lost the Democratic primary to his eventual successor, then-Manhattan Borough President David Dinkins.<sup>12</sup>

Since leaving office, Ed Koch has continued to remain extremely active in public life through practicing law in the City, lecturing, writing newspaper columns, hosting radio shows, being a political commentator on television and even serving as a television judge on the popular show, "The People's Court."<sup>13</sup> He has also authored several books including a children's book and several novels. Some of his books include *His Eminence And Hizzoner*, *All The Best*, *Citizen Koch*, *Ed Koch On Everything*, *Giuliani: Nasty Man*, *I'm Not Done Yet: Remaining Relevant*, *Buzz: How to Create It and Win with It*, *All the Best: Letters from a Feisty Mayor* and *The Koch Papers: My Fight Against Anti-Semitism*.<sup>14</sup> Most recently, Ed Koch started the organization *New York Uprising*, which, according to information on its website, seeks to enact government reform on the State level by promoting ethics reform, non-partisan redistricting and responsible budgeting.<sup>15</sup>

**(The following is the text of the Fiscal Impact Statement for Int. No. 417:)**



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

INTRO. NO: 417

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to renaming one thoroughfare in the Borough of the Bronx, Southern Boulevard, and to amend the official map of the city of New York accordingly and co-naming one thoroughfare Dr. Theodore Kazimiroff Boulevard in the Borough of the Bronx.

SPONSOR: By Council Members Koppell, Foster and Van Bramer

The proposed legislation would permanently rename a portion of Dr. Theodore Kazimiroff Boulevard, from Fordham Road to Allerton Avenue in the Bronx, to Southern Boulevard, and amend the official map of the city of New York accordingly. In addition, the bill would co-name that same portion of what would now be named Southern Boulevard as Dr. Theodore Kazimiroff Boulevard.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following names:

New Name	Present Name	Limits
Southern Boulevard	Dr. Theodore Kazimiroff Boulevard	From Fordham Road to Allerton Avenue
Dr. Theodore Kazimiroff Boulevard	Southern Boulevard	From Fordham Road to Allerton Avenue

EFFECTIVE DATE: This local law would take effect immediately upon its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011

FISCAL IMPACT STATEMENT:

	Effective FY11	FY Succeeding Effective FY12	Full Fiscal Impact FY11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$1,313)	\$0	(\$1,313)
Net	(\$1,313)	\$0	(\$1,313)

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

IMPACT ON EXPENDITURES: This legislation would require approximately 15 signs at \$37.50 each and an additional \$750 for Intro. 417

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

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

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

<sup>10</sup> See Forum: *Ed Koch's Legacy*, November 14, 2005, available at <http://www.gothamgazette.com/article/20051114/202/1652#3>.

<sup>11</sup> See *supra* note 2.

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

<sup>13</sup> *Id.*; see also Columbia University "Notable New Yorkers" website, <http://www.columbia.edu/cu/lweb/digital/collections/nyy/koche/profile.html>

<sup>14</sup> See Huffington Post, <http://www.huffingtonpost.com/ed-koch>.

<sup>15</sup> See New York Uprising Website, <http://www.nyuprising.org>.



the installation of these signs. The total cost of enacting this legislation would be approximately \$1,313.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director  
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced by the Council and referred to the Committee on Parks and Recreation on November 17, 2010. A hearing was held and the legislation was laid over by the Committee on February 18, 2011. The legislation will be voted out of the Committee on Parks and Recreation on March 22, 2011.

Fiscal Impact Schedule

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
Southern Boulevard	14	525.0	500	1,025
Dr. Theodore Kazimiroff Boulevard	1	37.5	250	287.5
<b>TOTAL</b>	<b>67</b>	<b>\$562.50</b>	<b>\$750</b>	<b>\$1,312.50</b>

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 417:)

Int. No. 417

By Council Members Koppell, Foster, Van Bramer, Gennaro and Rivera.

**A Local Law in relation to renaming one thoroughfare in the Borough of the Bronx, Southern Boulevard, and to amend the official map of the city of New York accordingly and co-naming one thoroughfare Dr. Theodore Kazimiroff Boulevard in the Borough of the Bronx.**

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of the Bronx, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Southern Boulevard	Dr. Theodore Kazimiroff Boulevard	From Fordham Road to Allerton Avenue

§2. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Theodore Kazimiroff Boulevard	Southern Boulevard	From Fordham Road to Allerton Avenue

§3. The official map of the city of New York shall be amended in accordance with the provisions of section one of this local law only.

§4. This local law shall take effect immediately.

MELISSA MARK-VIVERITO, Chairperson; VINCENT J. GENTILE, JAMES VACCA, ELIZABETH CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER, Committee on Parks and Recreation, March 22, 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. 446-A

**Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to the naming of the Ed Koch Queensboro Bridge.**

The Committee on Parks and Recreation, to which the annexed proposed local law was referred on December 20, 2010 (Minutes, page 5251), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Parks and Recreation for Int No. 417 printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 446-A:)



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

PROPOSED INTRO. NO: 446-A

COMMITTEE: Parks and Recreation

SPONSOR: By The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Fidler, Gentile, Koslowitz, Nelson and Koo (in conjunction with the Mayor)

TITLE: A Local Law in relation to the naming of the Ed Koch Queensboro Bridge.

The proposed legislation would rename the Queensboro Bridge located in the Boroughs of Manhattan and Queens, to Ed Koch Queensboro Bridge, and amend the official map of the city of New York accordingly.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following names:

New Name	Present Name
Ed Koch Queensboro Bridge	Queensboro Bridge

EFFECTIVE DATE: This local law would take effect immediately upon its enactment into law.

FISCAL YEAR IN, WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011

FISCAL IMPACT STATEMENT:

	Effective FY11	FY Succeeding Effective FY12	Full Fiscal Impact FY11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	(See Below)	(See Below)	(See Below)

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

IMPACT ON EXPENDITURES: Because the Parks Department will use private funds for the installation of the new signs, it is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division  
Mayor's Office of Legislative Affairs

Intro. 446-A



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

PROPOSED INTRO. NO: 446-A

COMMITTEE: Parks and Recreation

SPONSOR: By The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Fidler, Gentile, Koslowitz, Nelson and Koo (in conjunction with the Mayor)

TITLE: A Local Law in relation to the naming of the Ed Koch Queensboro Bridge.

The proposed legislation would rename the Queensboro Bridge located in the Boroughs of Manhattan and Queens, to Ed Koch Queensboro Bridge, and amend the official map of the city of New York accordingly.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following names:

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 446-A:)

Int. No. 446-A

By The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Fidler, Gentile, Koslowitz, Nelson, Koo, Sanders Jr., Gennaro, Weprin and Greenfield (in conjunction with the Mayor).

**A Local Law in relation to the naming of the Ed Koch Queensboro Bridge.**

Be it enacted by the Council as follows:

Section 1. The following bridge located in the Boroughs of Manhattan and Queens is hereby designated as hereafter indicated.

New Name	Present Name
Ed Koch Queensboro Bridge	Queensboro Bridge

§2. The official map of the city of New York shall be amended in accordance with the provisions of section one of this local law.

§3. This local law shall take effect immediately.

MELISSA MARK-VIVERITO, Chairperson; VINCENT J. GENTILE, JAMES VACCA, ELIZABETH CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER, Committee on Parks and Recreation, March 22, 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-411

#### Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Charles D. McFaul as a member of the New York City Civil Service Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 23, 2011, respectfully

#### REPORTS:

##### **Topic I: New York City Civil Service Commission – (Mayoral nominee for appointment upon advice and consent of the Council)**

- **Charles D. McFaul [Preconsidered M-411]**

*New York City Charter* (“Charter”) § 813 (d) provides for a Civil Service Commission (“CSC”) to hear and determine appeals by any person aggrieved by an action of the Commissioner of the New York City Department of Citywide Administrative Services (“DCAS”).<sup>1</sup> CSC may affirm, modify or reverse such action or determination. Any such appeal is taken by application in writing to CSC within thirty days after the action or determination appealed from. CSC is also vested with the powers and responsibilities of a municipal civil service commission under New York Civil Service Law § 26. Moreover, CSC is authorized to promulgate rules of procedure, including rules establishing time schedules, for authorized hearings and determinations.<sup>2</sup> CSC, upon its own initiative, or upon request of the Mayor, Council or DCAS Commissioner, has the power and duty to conduct reviews, studies or analyses of the administration of personnel in the city, including classification of titles by the DCAS Commissioner. *Charter* § 813(e). CSC is also required to prepare and transmit directly to the Mayor departmental estimates. The Mayor includes these proposed appropriations for CSC as a separate agency in the preliminary and executive budgets to assure sufficient funding for CSC to fulfill the obligations assigned to it by the *Charter* or other law. *Charter* § 813 (b).

CSC consists of five members, not more than three of whom may be members of the same political party. The members of CSC are appointed by the Mayor from a list of nominations provided by a six member Screening Committee,<sup>3</sup> of whom four members are appointed by the Mayor and two by the Municipal Labor Committee. The Screening Committee submits the list of nominees upon the occurrence of a vacancy on CSC, or at least three months prior to the expiration of the term of an incumbent member. *Charter* § 813(b).

Members of CSC are appointed to six-year terms, and may be removed from office in the manner provided for the members of a municipal Civil Service Commission outlined in the *New York State Civil Service Law*. The Mayor designates a member of CSC as Chair and Vice Chair, respectively, for one-year terms. Members are reimbursed on a per-diem basis for attendance at regularly scheduled meetings and hearings of CSC. *Charter* § 813 (a). According to the New York City Payroll Management System, the Chair receives \$ 387.17 per-diem, while the Vice Chair and the remaining members each receive \$ 355.50 per-diem.

CSC appoints a Counsel, who may not be employed or retained by another City agency, and may appoint a Secretary and such other subordinates as may be necessary, within the appropriation therefor. *Charter* § 813(c).

Mr. McFaul is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, March 23, 2011. If appointed, Mr. McFaul, a resident of Brooklyn, and a registered member of the Democratic Party, will be

eligible to complete the remainder of a six-year term, which expires on March 21, 2017. Mr. McFaul will succeed Simon Gourdine, a Democrat. A copy of Mr. McFaul’s résumé and report/resolution is annexed to this Briefing Paper.

##### **Topic II: New York City Health and Hospitals Corporation – (Council candidate for designation)**

- **Anna Kril [Preconsidered M-441]**

The New York City Health and Hospitals Corporation (“HHC”) was constituted pursuant to Chapter 1016 of the laws of 1969, thereafter codified §7381 *et seq.* of the *Unconsolidated Laws of the State of New York*. HHC is a public benefit corporation whose purpose is to: (a) provide and deliver high quality, dignified and comprehensive care and treatment for the ill and infirm, both physical and mental, particularly to those who can least afford such services; (b) extend equally to all served, comprehensive health services of the highest quality, in an atmosphere of human care and respect; (c) promote and protect, as both innovator and advocate, the health, welfare and safety of the people of the State of New York and of the City of New York; and (d) join with other health workers and communities in a partnership to promote and protect health in its fullest sense—the total physical, mental and social well being of the people. *HHC By Laws Article II*.

As provided by law, a Board of Directors consisting of sixteen members administers HHC. As specified in HHC By-Laws Article IV, §3, the Administrator of the Health Services Administration, the Commissioner of Health,<sup>4</sup> the Commissioner of Mental Health, Mental Retardation and Alcoholism Services,<sup>5</sup> the Administrator of the Human Resources Administration and the Deputy Mayor/City Administrator, or their successors shall be directors ex-officio. Ten additional directors are appointed by the Mayor, five of whom are designated by the City Council.<sup>6</sup> The President of HHC serves as the sixteenth director.<sup>7</sup>

Under current HHC By-Laws,<sup>8</sup> the Board of Directors has established the following standing committees: Executive Committee, Finance Committee, Capital Committee, Medical and Professional Affairs Committee, Quality Assurance Committee, Audit Committee, Community Relations Committee, Strategic Planning Committee, and the Equal Employment Opportunity Committee. Each of the standing committees, except the Audit Committee,<sup>9</sup> shall be composed of the Chair of the Board with approval of a majority of the Board. In addition to standing committees, the Board, by resolution passed by a majority of the whole number of directors, may designate special committees, each to consist of three or more directors, one of whom shall be the Chair of the Board. The Chair of each committee, both standing and special, shall be designated by a majority vote of the Board.

The term of a director, other than those serving ex-officio and/or at the pleasure of the Board, is for five years. The Mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise, in a manner consistent with the original appointment. The directors do not receive compensation for their services, but are reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

If Ms. Kril, a resident of Queens is designated by the Council, and subsequently re-appointed to HHC by the Mayor, she will serve for the remainder of a five-year term that will expire on March 20, 2015. A copy of Ms. Kril’s résumé and report/resolution is annexed to this briefing paper.

##### **Topic III: New York City Civilian Complaint Review Board– (Council candidate for designation)**

- **Alphonzo A. Grant [Preconsidered M-440]**

*New York City Charter* (“Charter”) § 440 created the New York City Civilian Complaint Review Board (“CCRB” or “the Board”) as an entity independent of the New York City Police Department (“NYPD”). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public. The Board’s membership must reflect the City’s diverse population, and all members must be residents of the City.

The CCRB consists of a board of thirteen members of the public as well as a civilian staff to assist the CCRB exercising its powers and fulfilling its duties. The members are appointed by the Mayor as follows: five members, one from each borough are designated by the City Council; five members, including the chair, are selected by the Mayor; and three members having law enforcement experience are designated by the Police Commissioner. Only those appointees to CCRB designated by the Police Commissioner may have law enforcement experience. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition. The CCRB hires the Executive Director, who in turn hires and supervises the agency’s all-civilian staff. There are two Deputy Executive Directors: one is responsible for administration and the other for investigations.

All appointees to CCRB serve three-year terms. Vacancies on the CCRB

resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member's un-expired term. Board members are prohibited from holding any other public office or public employment. All CCRB members are eligible for compensation for their work on a per-diem basis. The current per-diem rate is \$315.00.

The CCRB is authorized to "receive, investigate, hear, make findings and recommend action" upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB's jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability.

The CCRB has promulgated procedural rules pursuant to the City's Administrative Procedural Act ("CAPA"). These rules regulate the way in which investigations are conducted<sup>10</sup>, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three Board members (no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees); these panels may supervise the investigation of complaints and hear, make findings and recommend action with respect to such complaints. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints.

The CCRB's findings and recommendations with respect to a complaint, and the basis therefore, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unsworn complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint.

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigation to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be fully investigated.

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is also mandated to develop and administer an on-going program to educate the public about CCRB.

If designated by the Council and subsequently appointed by the Mayor, Mr. Grant, a resident of Brooklyn, will serve for the remainder of a three-year term that expires on July 4, 2011, as well as for a new three-year term commencing on July 5, 2011 and ending on July 4, 2014. Mr. Grant will fill the vacant position held by William "Bill" Kuntz. Copies of Mr. Grant's résumé and Committee reports/resolutions are annexed to this Briefing Paper.

<sup>1</sup> The Commissioner of DCAS is responsible for citywide personnel matters. [Charter § 811.]

<sup>2</sup> CSC has established rules of procedure, which appear in Chapter 2 of Title 60 of the Rules of the City of New York.

<sup>3</sup> The "list of nominees shall include persons with knowledge or experience of the civil service system, or personnel management, or compensation practices, from which the Mayor shall make appointments to the Civil Service Commission." Charter § 813 (b).

<sup>4</sup> This agency is now known as the Department of Health and Mental Hygiene. The Commissioner of the Department of Health and Mental Hygiene fills the seat for the Commissioner of the Department of Health.

<sup>5</sup> In 2002, the Department of Mental Health, Mental Retardation and Alcoholism Services was merged with the Department of Health. The merged agency has been named the Department of Health and Mental Hygiene. HHC's *By-Laws* have not been amended to reflect this name change. The Director of Community Mental Health Services at the merged agency occupies the seat specified in the *By-Laws* for the Commissioner of the Department of Mental Health, Mental Retardation and Alcoholism Services.

<sup>6</sup> The Mayor must confirm the Council's designees in order for these individuals to serve on the Board of Directors.

<sup>7</sup> The President of HHC is also referred to as the Chief Executive Officer. This individual is chosen by the other fifteen directors and serves at the pleasure of the Board of Directors. According to HHC *By-Laws* Article VII, §4(A), the President shall have general charge of the business and affairs of HHC and shall have the direction of all other officers, agents and employees. He or she shall, if present, and in absence of the Chair of the Board and Vice chair of the Board, preside at all meetings of the Board. The President may assign such duties to the other officers of HHC, as he or she deem appropriate. In HHC *By-Laws* Article VIII, §1, it is noted that the President appoints an Executive Director for each HHC facility. This individual serves at the pleasure of the President. Other duties of the President include the establishment of Community Advisory Boards for each HHC facility. Community Advisory Boards consider and advise HHC with respect to the plans and programs of HHC. See *HHC By-Laws*, Article XI.

<sup>8</sup> As amended through May 31, 2001.

<sup>9</sup> The Audit Committee consists of members designated by the Board of Directors other than those serving ex-officio.

<sup>10</sup> The CCRB employs civilian investigators to investigate all complaints against members of the NYPD.

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 813 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Charles D. McFaul as a member of the New York City Civil Service Commission to serve for the remainder of a six-year term expiring on March 21, 2017.

The matter was referred to the Committee on March 23, 2011

**(After interviewing the candidates and reviewing the relevant material, this Committee decided to recommend the appointments of the nominees; for nominees Alphonzo A. Grant and Anna Kril, please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-440 and M-441; for nominee Charles McFaul, please see immediately below:)**

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

Res. No. 754

**Resolution approving the appointment by the Mayor of Charles D. Mcfaul, as a member of the New York City Civil Service Commission.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 813 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Charles D. McFaul as a member of the New York City Civil Service Commission for the remainder of a six-year term expiring on March 21, 2017.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, March 23, 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-440

**Report of the Committee on Rules, Privileges and Elections in favor of approving the designation of Alphonzo A. Grant as a member of the New York City Civilian Complaint Review Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-411 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Alphonzo A. Grant as a member of the New York City Civilian Complaint Review Board to serve for the remainder of a three-year term that expires on July 4, 2011, as

well as for a new three-year term commencing on July 5, 2011 and ending on July 4, 2014.

The matter was referred to the Committee on March 23, 2011.

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

Res. No. 755

**Resolution approving the designation of Alphonzo A. Grant as a member of the New York City Civilian Complaint Review Board.**

By Council Member Rivera.

**RESOLVED**, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the designation of Alphonzo A. Grant as a member of the New York City Civilian Complaint Review Board to serve for the remainder of a three-year term that expires on July 4, 2011, as well as for a new three-year term commencing on July 5, 2011 and ending on July 4, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, March 23, 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-441

**Report of the Committee on Rules, Privileges and Elections in favor of approving the re-designation by the Council of Anna Kril as a member of the New York City Health and Hospitals Corporation Board of Directors.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 23, 2011, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-411 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the re-designation by the Council of Anna Kril as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five year term that will expire on March 20, 2015.

The matter was referred to the Committee on March 23, 2011.

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

Res. No. 756

**Resolution approving the re-designation by the Council of Anna Kril as a member of the New York City Health and Hospitals Corporation Board of Directors.**

By Council Member Rivera.

**RESOLVED**, that pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Council does hereby approve the re-designation of Anna Kril as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, March 23, 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 Res. No. 685

**Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution amending the Council Rules to provide that the Speaker shall issue Council Procurement Procedures.**

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on March 2, 2011 (Minutes, page 522), respectfully

**REPORTS:**

**RESOLUTION NO. 685**

**SUBJECT: Resolution amending the Council Rules to provide that the Speaker shall issue Council Procurement Procedures.**

**ANALYSIS:** Before the Committee for its consideration is new rule, 2.75. Rule 2.75 will amend the Council Rules to require the Speaker to issue procurement procedures that apply to all Council Members and Council employees. Once issued, these procedures will ensure cost savings, avoid conflicts of interest, and promote economic and equal employment opportunities in the procurement process. Consistent with Procurement Policy Board Rules and the New York City Charter, the procedures issued pursuant to this rule will apply to the procurement of all goods, services, and construction by the Council, including central staff and Council Members, paid for out of the City treasury or out of monies under the control of or assessed or collected by the City.

Public employees responsible for the expenditure of taxpayer dollars have a responsibility to ensure that city funds are spent effectively and efficiently. The City should receive the greatest value possible for every dollar spent. The Council's procurement procedures will encourage competition, responsible bidding and fair competitive access to Council procurement opportunities.

The Council procurement procedures will make certain that Council Members and Council employees make decisions in procuring goods, services or construction that are consistent with Chapter 68 of the Charter, the rules of the Conflicts of Interest Board or guidance contained in advisory opinions issued by the Conflicts of Interest Board. They will require Council Members and Council employees to report corruption and unethical practices, wherever and whenever discovered, to the appropriate official, and/or take such action as is warranted by the situation. Also, they will support equal employment opportunities for women and minority group members by City contractors and subcontractors and ensure that all persons employed by or seeking employment with such contractors and subcontractors are protected from unlawful discrimination.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 685:)**

Res. No. 685

**Resolution amending the Council Rules to provide that the Speaker shall issue Council Procurement Procedures.**

By The Speaker (Council Member Quinn) and Council Members Brewer, Comrie and Dromm.

Section 1. The Rules of the Council are hereby amended by adding a new rule 2.75 to read as follows:

**2.75. Council Procurement Procedures.** The Speaker shall establish procurement procedures, which shall apply to all Council Members and Council employees, to ensure efficiency, cost control and to avoid conflicts of interest in the procurement process. All Council Members and Council employees shall be required to comply with the procedures, as well as any related requirements for training set by the Speaker. The Speaker shall make available to all Council Members and Council employees a copy of such procedures and any changes thereto.

§2. This resolution shall take effect immediately.



JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, March 23, 2011.

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

**Report of the Committee on State and Federal Legislation**

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

Report for State Legislation Res. No. 1

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Squadron, S.2977, and Assembly Member Silver, A.4578, “AN ACT to amend the vehicle and traffic law, in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on March 23, 2011, respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND**

This legislation would authorize cities having a population of one million or more to establish a permit system for the loading and unloading of passengers within the City by buses operating an intercity bus passenger service. Additionally, this bill would prohibit intercity buses without a permit from loading or unloading passengers on streets within the City once it has established a permit system.

According to the Memorandum in Support (MIS), portions of the private interstate bus industry offer point to point passenger service between the City of New York and other cities at prices less than that available through other commercial bus companies and other forms of transportation such as air and rail. In recent years, the number of private interstate bus services offering this service has grown exponentially and now travel to many states along the eastern seaboard.

According to the MIS, the expansion of such private bus companies offering bus services at a reduced rate have given rise to reports of many problems including significant strains being placed on surrounding communities from increased congestion, noise, pollution and decreased safety and security for pedestrians, passengers and residents of neighborhoods.

**PROPOSED LEGISLATION**

The bill would authorize cities having a population of one million or more to adopt a local law or ordinance establishing a permit system for the loading and unloading of passengers on streets within the City by buses operating an intercity bus passenger service from loading or unloading passengers either without a permit or in violation of any permit requirement or restriction. The provisions of this section would also require the local law or ordinance to:

- Designate an agency to assume regulatory responsibility for the permit system, including permit issuance, the designation of passenger loading and unloading locations and the designation of street where passengers loading and unloading may be prohibited, in consultation with the Metropolitan Transportation Authority (MTA) and community boards;
- Establish criteria for permit issuance;
- Require the display of permits in buses;
- Provide public notice of permit applications within five days of the submission;
- Require applicants to obtain five thousand dollar surety bonds and continue them in effect, to be conditioned upon payment of all civil penalties for operating in violation of permit requirements or restrictions and;
- Contain adequate regulatory enforcement criteria;

- Identify a sufficient number of intercity bus passenger service loading and unloading locations prior to the establishment of a permit system in consultation with the MTA and community boards;
- Promulgate rules and regulations to implement the local law including: permit issuance and period of validity; permit application approval and disapproval, including at minimum a thirty day notice and comment period to the MTA and relevant community boards; a process to review and render a final administrative determination within ninety days of filing; an appeals process for disapprovals; a process for assigning locations; criteria for granting waivers; and relocation of designated locations upon thirty days' notice to permit holders, the MTA and the relevant community board;

The bill would exempt a number of vehicles including school buses, sight-seeing buses, transportation authority buses, municipal buses and others. Finally, the bill would prohibit the adoption of any ordinance until a public hearing has been had in the same manner as required for public hearings on local laws pursuant to the Municipal Home Rule Law.

**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

Immediately

(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 1:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT  
Pre-considered SLR: A04578 / S2977  
COMMITTEE: State and Federal Legislation

Title: AN ACT to amend the vehicle and traffic law, in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more. SPONSOR: Council Member Foster

SUMMARY OF LEGISLATION: This bill Establishes an intercity bus passenger service permit system in cities having a population of one million or more; defines terms; provides exemptions; imposes civil penalties for violations; requires a public hearing.

EFFECTIVE DATE: This act shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

**FISCAL IMPACT STATEMENT:**

	Effective FY11	FY Succeeding Effective FY11	Full Fiscal Impact FY12
Revenue (+)	\$0	undetermined	undetermined
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: This bill will have an undetermined impact on revenues. There should be some impact on revenue resulting from an annual fees up to a maximum two hundred seventy-five dollar per vehicle to be credited to the city's general fund, as well as civil penalties for violations (maximum one thousand dollars for a first violation, maximum twenty-five hundred dollars for a second or subsequent violation within two years); however the number of permits and tickets given out for this offence is not readily available to be able to make a sound determination on the revenue impact of the bill.

IMPACT ON EXPENDITURES: This bill should have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The New York City Council Finance Division

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

FIS HISTORY: This is a new bill

DATE SUBMITTED TO COUNCIL: FEBRUARY 18, 2011

Preconsidered SLR: A04578 / S2977

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 1, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, March 23, 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 –

(For the Commissioner of Deeds listings adopted by the Council from the Stated Meeting of June 29, 2010 up to and including this Stated Meeting of March 23, 2011, please refer to the Office of the City Clerk at 141 Worth Street, New York, N.Y. 10013)

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 411 & Res 754 -- Charles D. McFaul – New York City Civil Service Commission
- (2) M 438 & Res 726 -- The Operating Budget of the Council of The City of New York - Fiscal Year 2012
- (3) M 439 & Res 727 -- Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.
- (4) M 440 & Res 755 -- Alphonzo A. Grant – New York City Civilian Complaint Review Board.
- (5) M 441 & Res 756 -- Anna Kril – New York City Health and Hospitals Corporation
- (6) Int 417 -- Renaming one thoroughfare in the Borough of the Bronx, Southern Boulevard, and to amend the official map of the city of New York accordingly and co-naming one thoroughfare Dr. Theodore Kazimiroff Boulevard in the Borough of the Bronx.
- (7) Int 446-A -- Naming of the Ed Koch Queensboro Bridge.
- (8) Res 685 -- Council Procurement Procedures.
- (9) SLR 1 -- S.2977, A.4578, in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more. (Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)
- (10) L.U. 295 & Res 734 -- App. C 110091 HAX, 2311 Tiebout Avenue, and the disposition of such property, Borough of the Bronx, Council District no. 15.
- (11) L.U. 320 & Res 735 -- ULURP, app. C 110114 HUX General Municipal Law, Melrose Commons Urban Renewal Plan, Borough of the Bronx, Council District no. 16.
- (12) L.U. 321 & Res 736 -- ULURP, app. C 110115 ZMX, amendment to the Zoning Map Section no. 6a, Borough of the Bronx, Council District no. 16
- (13) L.U. 322 & Res 737 -- ULURP, app. C 110116 HAX, Block 2408/Lots 35, 41, 43-45,49, 50-53, Borough of the Bronx, Council District no. 16.
- (14) L.U. 323 & Res 738 -- App. 20115336 TCQ, 42-21 Broadway, Queens, Council District no. 22.
- (15) L.U. 324 & Res 739 -- App. 20115344 TCX, Salvatores of Soho, Inc. d.b.a Salvatores of Soho, 3738 Riverdale Avenue, Bronx, Council

- (16) L.U. 325 & Res 740 -- District no. 11.  
App. C 110085 ZMX, Zoning Map, Section Nos. 1d and 3c, Council Districts 11 and 12.
- (17) L.U. 326 & Res 741 -- pp. C 110086 ZRX, e Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas).
- (18) L.U. 327 & Res 742 -- App. 20105332 TCM, 133 Seventh Avenue South, Borough of Manhattan, Council District no.3.
- (19) L.U. 328 & Res 743 -- App. 20115341 TCM, 16-18 King Street, Borough of Manhattan, Council District no. 3.
- (20) L.U. 329 & Res 744 -- App. 20115128 TCM, 1022 Lexington Avenue, Borough of Manhattan, Council District no.4.
- (21) L.U. 330 & Res 745 -- App. 20115530 TCM, 212 Lafayette Street, Borough of Manhattan, Council District no. 1. (Coupled to be Filed pursuant to a Letter of Withdrawal).
- (22) L.U. 331 & Res 746 -- App. C 070245 ZMK, Zoning Map, changing from an M3-1 District to an M1-4/R6A District, Section No. 12, Council District 33.
- (23) L.U. 332 & Res 747 -- App. N 070246 ZRK Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas), Council District 33.
- (24) L.U. 334 & Res 748 -- App. 20115317 HKM (N 110181 HKM), 500 Fifth Avenue, (Block 1258, Lot 34), Council District no. 3.
- (25) L.U. 336 & Res 749 -- App. 20115315 HKK (N 110183 HKK), 1301 Surf Avenue (Block 7064, Lot 16) as a historic landmark, Council District no. 47.
- (26) L.U. 337 & Res 750 -- App. 20115316 HKM (N 110184 HKM), 258 Broadway, Council District no. 1.
- (27) L.U. 338 & Res 751 -- App. 20115275 SCQ, 757-Seat Primary/Intermediate School Facility, Hillside Avenue and 164th Street (Block 9813, Lot 33), Council District no. 24, Borough of Queens.
- (28) L.U. 339 & Res 752 -- App. 20115299 SCK, 735-Seat Primary/Intermediate School Facility, Coney Island Ave., Turner Place, Hinckley Place and East 8th Street (Block 5342, Lot 6, 8, 10, 17, 19, 26, 28 and 30), Council District no. 40, Borough of Brooklyn.
- (29) L.U. 340 & Res 728 -- Section 202 Supportive Housing Program for the Elderly, Markham Gardens Manor Senior Housing , 1440 Richmond Terrace, Block: 169 Lot: Part of 35, Staten Island, Council District No. 49.
- (30) L.U. 341 & Res 729 -- Robert Fulton Terrace, Block 2610, Lot 12 Bronx, Council District No. 16
- (31) L.U. 342 & Res 730 -- Bryant Avenue Apartments, Block 2996, Lot 27, Block 3001, Lot 20, Bronx, Council District No. 15
- (32) L.U. 343 & Res 731 -- Fordham Towers, Block 3057, Lot 11, Bronx, Council District No. 15.
- (33) L.U. 344 & Res 732 -- 300 Manhattan Avenue, Block 1847, Lot 39, Manhattan, Council District No. 9.
- (34) L.U. 345 & Res 733 -- 315 West 113th Street, Block 1847, Lot 46, Manhattan, Council District No. 9.
- (35) L.U. 352 & Res 753 -- App. 20115509 HAK, Block 1851/Lots 58 and 61, Council District no. 36, Borough of Brooklyn.
- (36) 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** – Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50**.

(Present but Not Voting – Arroyo)

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 446-A**:

**Affirmative** – Brewer, Cabrera, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Weprin, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **38**.

**Negative** – Barron, Chin, Comrie, Foster, Garodnick, Halloran, James, Rose, Vallone, Jr., Van Bramer, Vann and Williams – **12**.

(Present but Not Voting – Arroyo)

The following was the vote recorded for **LU No. 352 & Res No. 753**:

**Affirmative** – Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **49**.

**Negative** – Barron – **1**.

(Present but Not Voting – Arroyo)

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

## RESOLUTIONS

*Presented for voice-vote*

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 690-A

**Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Resolution proclaiming that the New York City Council stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.**

The Committee on Civil Service and Labor, to which the annexed amended resolution was referred on March 2, 2011 (Minutes, page 542), respectfully

## REPORTS:

### INTRODUCTION:

On Monday, March 21, 2011, the Committee on Civil Service and Labor chaired by Council Member James Sanders, Jr., will hold a hearing on Proposed Res. No. 690-A, a resolution proclaiming that the New York City Council stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the

country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.

### BACKGROUND:

On Friday, March 11, 2011, Wisconsin's Governor, Scott Walker, signed a bill into law eliminating most collective-bargaining rights for the state's public-employee unions, setting a precedent that other states could follow in the broadest move in decades to curb union rights. The law takes away the ability of unions to bargain over pensions and health care, limits pay raises to inflation, eliminates the automatic collection of dues by the state and requires each public union in the state to get recertified before the National Labor Relations Board every year by a vote.

### Proposed Res. No. 690-A:

This resolution would note that unions in the United States are legally recognized as representatives of workers in the public and private sectors; and

The resolution would also note that in 2010, union members accounted for 24.2 percent of wage and salary workers in New York, while the national average was 11.9 percent; and

This resolution would state New York's union membership rate was the highest in the nation in 2010; and

The resolution would further state that unions use collective-bargaining to secure wages, benefits and working conditions for their membership; and

The resolution would then state that collective-bargaining helps to regulate conditions of employment such as discrimination and exploitation of workers; and

The resolution would indicate that public workers in New York and across the country educate our children, maintain our highways, ensure our safety, care for our seniors and are stewards of our health; and

This resolution would then indicate that Wisconsin State Governor Scott Walker signed a bill establishing an anti-union law, eliminating most collective-bargaining rights for the state's public-employee unions in Wisconsin, setting a precedent other states could follow, with the broadest move in decades to curb union rights; and

The resolution would note that according to published reports, such as those in the Associated Press, the law takes away the ability of unions to bargain over pensions and health care, limits pay raises to inflation, eliminates the automatic collection of dues by the state and requires each public union in the state to get recertified before the National Labor Relations Board every year by a vote; and

The resolution would note that the law also requires public-employee union members to contribute 5.8 percent of their pay to pensions and to pay 12.6 percent of health-care premiums out of their wages; and

This resolution would state that Public workers in Ohio are facing similar legislative proposals to eliminate their collective-bargaining rights; and

The resolution would state that the law signed by Governor Walker and proposals in other states such as Ohio, demonstrate an anti-worker trend, are short-sighted and will adversely impact the majority of public workers who are already struggling with the cost of homeownership, housing, health care and education costs; and

This resolution would note that the actions of Governor Scott Walker and the Wisconsin State Legislature are not representative of thoughtful collaboration or dialogue between government and citizens and do little to promote dignity for public workers or respect for the democratic process; and

Finally, the resolution would note that The leadership of Wisconsin, Ohio and all other states must consider all options as they resolve to mediate budget shortfalls and simultaneously consider the concerns of the citizens they were elected to serve; and

Thus, the resolution would state that the Council of the City of New York stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 690-A:)

Res. No. 690-A

**Resolution proclaiming that the New York City Council stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.**

By Council Member Jackson, The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Comrie, Dickens, Dromm, Gentile, Gonzalez, James, Koppell, Lander, Mealy, Mendez, Rivera, Rose, Sanders, Van Bramer, Williams, Foster, Vacca, Eugene, Barron, Wills, Levin, Cabrera, Weprin, Mark-Viverito, Koslowitz, Lappin, Nelson, Seabrook, The Public Advocate (Mr. de Blasio) and Council Members Gennaro and Crowley.

**Whereas**, Unions in the United States are legally recognized as representatives of workers in the public and private sectors; and

**Whereas**, In 2010, union members accounted for 24.2 percent of wage and salary workers in New York, while the national average was 11.9 percent; and

**Whereas**, New York's union membership rate was the highest in the nation in 2010; and

**Whereas**, Unions use collective-bargaining to secure wages, benefits and working conditions for their membership; and

**Whereas**, Collective-bargaining helps to regulate conditions of employment such as discrimination and exploitation of workers; and

**Whereas**, Public workers in New York and across the country educate our children, maintain our highways, ensure our safety, care for our seniors and are stewards of our health; and

**Whereas**, Wisconsin State Governor Scott Walker signed a bill establishing an anti-union law, eliminating most collective-bargaining rights for the state's public-employee unions in Wisconsin, setting a precedent other states could follow, with the broadest move in decades to curb union rights; and

**Whereas**, According to published reports, such as those in the Associated Press, the law takes away the ability of unions to bargain over pensions and health care, limits pay raises to inflation, eliminates the automatic collection of dues by the state and requires each public union in the state to get recertified before the National Labor Relations Board every year by a vote; and

**Whereas**, The law also requires public-employee union members to contribute 5.8 percent of their pay to pensions and to pay 12.6 percent of health-care premiums out of their wages; and

**Whereas**, Public workers in Ohio are facing similar legislative proposals to eliminate their collective-bargaining rights; and

**Whereas**, The law signed by Governor Walker and proposals in other states such as Ohio, demonstrate an anti-worker trend, are short-sighted and will adversely impact the majority of public workers who are already struggling with the cost of homeownership, housing, health care and education costs; and

**Whereas**, The actions of Governor Scott Walker and the Wisconsin State Legislature are not representative of thoughtful collaboration or dialogue between government and citizens and do little to promote dignity for public workers or respect for the democratic process; and

**Whereas**, The leadership of Wisconsin, Ohio and all other states must consider all options as they resolve to mediate budget shortfalls and simultaneously consider the concerns of the citizens they were elected to serve; now, therefore, be it

**Resolved**, That the Council of the City of New York stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.

JAMES SANDERS JR, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, LARRY B. SEABROOK, MELISSA MARK-VIVERITO, Committee on Civil Service and Labor, March 21, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 690-A** to be adopted.

The following 4 Council Members formally **objected** to the passage of this item: Council Members Halloran, Ignizio, Koo and Oddo.

The following 2 Council Members formally **abstained** to vote on this item: Council Members Ulrich and Vallone, Jr.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 548-A

**Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on New York State Governor Andrew Cuomo to continue and expand the Immigrant Pardon Panel to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State.**

The Committee on Immigration, to which the annexed amended resolution was referred on November 17, 2010 (Minutes, page 4846), respectfully

#### REPORTS:

##### I. Introduction

On Tuesday, March 22, 2011, the Committee on Immigration, chaired by Council Member Daniel Dromm, will hold a hearing on Proposed Resolution Number 548 ("Proposed Res. No. 548"), a resolution calling on New York State

Governor Andrew Cuomo to continue and expand the Immigrant Pardon Panel to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State, and Proposed Resolution Number 648 ("Proposed Res. No. 648"), a resolution calling upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011. The Committee previously held a hearing on Res. No. 548 and Res. No. 648 on February 18, 2011.

##### II. Background

Of the estimated 40.2 million immigrants living in the United States in 2010, only 14.9 million had been naturalized.<sup>1</sup> The remaining 25.3 million immigrants are at risk of being deported because of their immigration status or a criminal conviction. Undocumented immigrants, of whom there were an estimated 11.2 million living in the United States in 2010,<sup>2</sup> may be subject to deportation simply because of their immigration status. Because of federal immigration laws and the national focus on the deportation of undocumented immigrants, there has been increase in the number of immigrants deported from the United States. According to the Department of Homeland Security ("DHS"), approximately 400,000 immigrants were removed from the United States in 2010.<sup>3</sup> Between 2009 and 2010 Immigration and Customs Enforcement ("ICE"), a division of DHS, was responsible for the most deportations in the nation's history. In fact, approximately 400,000 immigrants were deported in both 2009 and 2010.<sup>4</sup> Current immigration laws and the federal government's deportation efforts have affected New York, which historically has been home to one of the largest immigrant populations in the nation. National and local efforts are being made to educate immigrant communities and immigration practitioners on ways to protect immigrants from deportation from the United States.

##### III. Deportation of Immigrants

Naturalized immigrants have all the rights and benefits of persons born in the United States. All other immigrants, even if in the United States legally, are at risk of deportation because of their immigration status or because of a criminal conviction.<sup>5</sup> Immigrants are at risk of deportation if they: (i) entered the country illegally; (ii) entered the country legally, but experienced a change in status or a violation of status; (iii) committed criminal offenses, including crimes of moral turpitude and aggravated felonies; (iv) failed to register; or (v) committed document fraud.<sup>6</sup> Under federal immigration law, some state law misdemeanors and violations may be deemed aggravated felonies under federal law.<sup>7</sup> As a result, many crimes defined as misdemeanors by the New York State Penal law may be considered aggravated felonies for deportation purposes under federal law, and a misdemeanor conviction can therefore render an individual eligible for deportation despite the often relatively minor nature of the crime.<sup>8</sup> Moreover, legal permanent residents often receive mandatory deportation orders for past crimes, even if these crimes were minor and occurred many years ago.<sup>9</sup> It is estimated that more than one million family members have been separated from loved ones as a result of deportations on criminal grounds since 1997.<sup>10</sup>

##### IV. Available Resources to Protect Immigrants from Deportation

###### Criminal Court Proceedings

New York State law provides limited protections from deportation to immigrants in criminal proceedings. Although the state's Criminal Procedure Law requires criminal trial courts to inform defendants of the possibility of deportation, exclusion, or denial of naturalization prior to accepting a defendant's guilty plea to a felony, this requirement does not apply when there is a guilty plea to a misdemeanor or violation.<sup>11</sup> This could have serious implications for an immigrant defendant because, as stated earlier, misdemeanors or violations under state law may be deemed felonies for deportation purposes. Further, a trial judge will not be penalized for failing to make this disclosure nor will a judge's failure to disclose affect the voluntariness of the guilty plea.<sup>12</sup> Thus, a defendant who suffers adverse immigration consequences as a result of a plea would have no basis for its later withdrawal or vacatur.<sup>13</sup>

Although state law does not require defense attorneys to provide an affirmative advisal to immigrant defendants, the recent Supreme Court decision *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), held that defense attorneys are required to advise all defendants of the immigration consequences of entering a guilty plea.<sup>14</sup> Additionally, the Court held that a defense attorney's failure to provide such an advisal will give an immigrant-defendant the opportunity to claim ineffective assistance of counsel.<sup>15</sup> Immigrant advocates hope that this decision will protect immigrant-defendants from being deported. Advocacy organizations are now providing information and guidance to defense attorneys throughout New York State to educate them on how the decision may affect their daily interactions with clients.

###### *The Governor's Pardon Power*

Under the New York State Constitution and the State's Executive Law, the Governor is permitted to grant reprieves, commutations and pardons after a person has been convicted of a crime.<sup>16</sup> The Governor may consider pardoning an immigrant when there is no other administrative or legal remedy available to prevent deportation or to permit reentry into the United States.<sup>17</sup> The Governor is granted the power to determine the appropriate conditions, restrictions and limitations to be considered prior to making such decisions.<sup>18</sup> New York's Governors have always used this authority to grant pardons to immigrants, but Governor David A. Paterson was the first to create a pardon board dedicated to reviewing pardon applications of legal permanent residents facing deportation as a result of criminal convictions. The pardon board reviewed cases and gathered information in order to determine whether

a pardon would have assisted an applicant in avoiding deportation and whether the case warrants further review by the Governor's Office based on the facts and circumstances of the case.

#### **Temporary Protected Status**

The Secretary of DHS may designate a country for Temporary Protected Status ("TPS") when conditions in that country prevent its nationals from returning.<sup>19</sup> A country may be designated for TPS if there has been there has been a natural disaster, an ongoing armed conflict, or if it cannot handle the return of its nationals.<sup>20</sup> An immigrant is only eligible for TPS benefits if he or she (i) establishes a continuous physical presence and continuous residence in the U.S.; (ii) is not subject to one of the criminal, security related, or other bars to TPS; and (iii) applies for TPS benefits in a timely manner.<sup>21</sup> An applicant for TPS is automatically ineligible for TPS if he or she has been convicted of a felony or two or more misdemeanors committed in the United States.<sup>22</sup> A country's TPS designation may only last between six and 18 months, with the possibility of an extension.<sup>23</sup> During this time period, TPS beneficiaries may remain in the United States for the set time period and may obtain work authorization.<sup>24</sup> Although TPS prevents foreign nationals from being deported, it does not lead to permanent resident status. The following countries are currently designated for TPS: El Salvador, Nicaragua, Somalia, Sudan, Honduras, and, most recently, Haiti.<sup>25</sup>

#### **V. Discussion of Resolutions**

##### **Proposed Res. No. 548-A**

Proposed Res. No. 548-A calls upon New York State Governor Andrew Cuomo to continue and expand the immigrant pardon panel created by former Governor David Paterson. As noted above, State law permits the Governor to pardon immigrants when no other resources are available to them to avoid deportation. In May 2010, Governor Paterson created an Immigrant Pardon Panel to review cases in order to determine whether a pardon would assist an applicant in avoiding deportation. The Pardon Panel considered applications submitted by legal permanent residents who had been convicted of minor crimes, but have shown rehabilitation and positive contributions to society and reviewed more than 1,100 pardon applications by the end of 2010. The resolution calls on Governor Cuomo to create a similar pardon panel. As Federal immigration law provides few, if any, options for immigrants to avoid deportation proceedings, by creating a pardon panel, Governor Cuomo will implement one of the few remaining possibilities for immigrants who were convicted of crimes, but paid their debt to society, to remain in the United States.

##### **Proposed Res. No. 648-A**

Proposed Res. No. 648-A calls on the Secretary of DHS to extend the TPS designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011. On January 12, 2010, a 7.0 magnitude earthquake struck Haiti, causing extensive damage to the country's capital, Port-au-Prince, and surrounding areas. The earthquake resulted in the deaths of approximately 230,000 people; the injuries of more than 300,000 people; and left more than one million people homeless with limited access to potable water and food. On January 21, 2010, President Barack Obama issued an executive order granting TPS to Haiti and eligible Haitians. The TPS designation allowed eligible Haitians to work legally and remain in the United States without fear of deportation. Haiti is still recovering from the aftereffects of the January 2010 earthquake, including a recent cholera outbreak. Haiti is not prepared for the return of its nationals from the United States and therefore still meets the requirements for TPS designation. For Haitian nationals living in the United States, TPS would allow them to remain safe and healthy and not cause additional burdens to Haiti's fragile infrastructure and health care system. Additionally, extending the TPS designation will further the effort of the United States to provide humanitarian relief to Haiti.

<sup>1</sup> See generally, Jeffrey S. Passel and D'Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010*, Pew Hispanic Center (Feb. 1, 2011), 9, available at <http://pewhispanic.org/files/reports/133.pdf> (last visited Feb. 17, 2011).

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

<sup>3</sup> Julia Preston, *11.2 Million Illegal Immigrants in U.S. in 2010, Report Says; No Change from '09*, New York Times, Feb. 1, 2011, available at <http://www.nytimes.com/2011/02/02/us/02immig.html?ref=immigrationanddemigration>.

<sup>4</sup> U.S. Immigration and Customs Enforcement, *ICE Total Removals – As of Dec. 7, 2010*, at <http://www.ice.gov/doclib/about/offices/ero/pdf/ero-removals.pdf> (last visited Feb. 17, 2011).

<sup>5</sup> See generally, 8 U.S.C.A. § 1227.

<sup>6</sup> See generally, 8 U.S.C.A. 1227.

<sup>7</sup> Bryan Lonagan, *American Diaspora: the Deportation of Lawful Residents from the United States and the Destruction of their Families*, N.Y.U. Review of Law & Social Change, 60 (2007).

<sup>8</sup> *Id.*; 8 U.S.C. § 1101(a)(43).

<sup>9</sup> Human Rights Watch, *US: Mandatory Deportation Laws Harm American Families* (July 18, 2007), available at <http://hrw.org/english/docs/2007/07/18/usdom16402.txt.htm> (last visited Feb. 17, 2011).

<sup>10</sup> Human Rights Watch, *Forced Apart (By the Numbers): Non-Citizens Deported Mostly for Nonviolent Offenses* (April 2009), 4-5.

<sup>11</sup> Manuel D. Vargas, *Immigration Consequences of Guilty Pleas or Convictions in New York Courts*, New York State Judicial Institute, Working Paper, at 9 (May 9, 2005).

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

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

<sup>14</sup> Immigrant Defense Project, *A Defending Immigrants Partnership Advisory: Duty of Criminal Defense Counsel Representing an Immigrant Defendant After Padilla v. Kentucky*, 1 (Apr.

6, 2010), available at [http://www.immigrantdefenseproject.org/docs/2010/10-Padilla\\_Practice\\_Advisory.pdf](http://www.immigrantdefenseproject.org/docs/2010/10-Padilla_Practice_Advisory.pdf) (last modified Apr. 9, 2010).

<sup>15</sup> *Id.*

<sup>16</sup> NYS Constitution Art. 4, §4.

<sup>17</sup> NYS Division of Parole, *Executive Clemency, Pardons, Commuted Sentence*, at <https://parole.state.ny.us/clemency.html> (last visited Feb. 17, 2011).

<sup>18</sup> NYS Constitution Art. 4, §4.

<sup>19</sup> U.S. Citizenship and Immigration Services, *Temporary Protected Status*, at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=848f7f2ef0745210VgnVCM100000082ca60aRCD&vgnextchannel=848f7f2ef0745210VgnVCM100000082ca60aRCD> (last modified Feb. 15, 2011).

<sup>20</sup> *Id.*; See generally, INA §244.

<sup>21</sup> U.S.C.I.S., *supra* note 19.

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

<sup>23</sup> INA §244(b)(2)(B).

<sup>24</sup> U.S.C.I.S., *supra* note 19.

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

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Res. No. 548-A:)**

Res. No. 548-A

**Resolution calling on New York State Governor Andrew Cuomo to continue and expand the Immigrant Pardon Panel to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State.**

By Council Member Rodriguez, The Speaker (Council Member Quinn) and Council Members Cabrera, Dromm, Foster, James, Koppell, Lander, Rose, Sanders Jr., Williams, Dickens, Eugene, Brewer, Mark-Viverito, Van Bramer and Gennaro.

**Whereas**, New York State is home to 4.2 million immigrants, making it the state with the second-highest population of immigrants in the nation; and

**Whereas**, Immigrants in New York State contribute a substantial portion of the economic activity and culture of the state; and

**Whereas**, In New York City alone, immigrants accounted for approximately one-third of the gross city product in 2008; and

**Whereas**, In 1996, Congress made amendments to the Immigration and Naturalization Act that: (i) narrowed or completely eliminated various forms of relief from deportation proceedings as a result of a criminal conviction; and (ii) expanded the class of crimes known as "aggravated felonies" that make an immigrant eligible for deportation; and

**Whereas**, As a result of these changes, as well as the federal government's aggressive detention and deportation efforts for non-citizens who are convicted of crimes, the number of deportations based on criminal grounds has dramatically increased, with 2010 as a record high year for deportations nationwide; and

**Whereas**, Many legal permanent residents are unaware of the changes to this law, and may be flagged for deportation while applying for green card renewals or citizenship; and

**Whereas**, In addition, under the New York State Criminal Procedure Law, the criminal court is only required to counsel defendants on the possibility of deportation, exclusion or denial of naturalization at the time of a plea allocation for a felony, but never for a misdemeanor or a violation; and

**Whereas**, Legal permanent residents often receive mandatory deportation orders for past crimes, even if these crimes were minor; and

**Whereas**, As a result of deportations on criminal grounds, it is estimated that more than one million family members have been separated from loved ones since 1997; and

**Whereas**, In many cases, families of detained and/or deported immigrants lose their primary breadwinner, forcing them to become dependent on social services; and

**Whereas**, The detention and deportation system often sends New York's immigrant residents thousands of miles away to immigration detention centers located in Texas, Louisiana, and Alabama, where they are deprived of adequate access to counsel, medical care, family, and evidence necessary to defend themselves against deportation; and

**Whereas**, This creates a situation where thousands of legal permanent residents, who are rehabilitated and have paid their debt to society, are deported back to countries where they have no family ties, cannot find jobs, or fear for their lives; and

**Whereas**, Under the New York State Constitution and the State's Executive Law, the Governor is permitted to grant reprieves, commutations and pardons after a person is convicted of a crime; and

**Whereas**, The Governor will consider pardoning an immigrant when there is no other administrative or legal remedy available in various cases, including to prevent deportation or to permit reentry into the United States; and

**Whereas**, In response to the large number of pardon requests coming from immigrants, Governor Paterson created the Immigrant Pardon Panel in May 2010 in order to review pardon applications of legal permanent residents facing deportation as a result of criminal convictions if they have been fully rehabilitated and are now positive contributors to society; and



**Whereas**, Governor Paterson's office reviewed more than 1,100 pardon applications since from when Panel was announced in May 2010; and

**Whereas**, Mario Benitez, an immigrant from the Dominican Republic was pardoned by Governor Paterson's Pardon Panel; and

**Whereas**, Mr. Benitez, who pled guilty to selling a controlled substance in 1988, has since turned his life around and is an active participant in his Bronx community and the Director of Finance for the City University of New York's Graduate School and University Center; and

**Whereas**, Mr. Benitez is just one of the more than 30 individuals who received pardons issued to hardworking New Yorkers between June and December of 2010 by Governor Paterson's Pardon Panel and who would otherwise have been deported; and

**Whereas**, Until comprehensive immigration reform is passed at the federal level, the Pardon Panel remains one of the few avenues that exist to prevent deportation for legal residents who long ago paid their debt to society; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on New York State Governor Andrew Cuomo to continue and expand the Immigrant Pardon Panel to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS, Committee on Immigration, March 22, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 548-A** to be adopted.

The following 3 Council Members formally **objected** to the passage of this item: Council Members Halloran, Ignizio and Oddo.

The following Council Member formally **abstained** to vote on this item: Council Member Vallone, Jr.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 648-A

**Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.**

The Committee on Immigration, to which the annexed amended resolution was referred on February 2, 2011 (Minutes, page 262), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee of Immigration for Res. No. 548-A in this voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 648-A:)

Res. No. 648-A

**Resolution calling upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.**

By Council Member Eugene, The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Rose, Seabrook, Vann, Williams, Gennaro and Koo.

**Whereas**, Temporary Protected Status ("TPS") is a temporary immigration status granted to eligible nationals of designated countries; and

**Whereas**, Under section 244 of the Immigration and Nationality Act, the Secretary of the Department of Homeland Security ("DHS") may grant TPS to aliens in the United States who are momentarily unable to securely return to their home country due to ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions, and such aliens may not

be removed from the United States during the period in which such status is in effect; and

**Whereas**, On January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake, which caused extensive damage to the capital city of Port-au-Prince and surrounding areas; and

**Whereas**, In the wake of the earthquake, approximately 230,000 people died, more than 300,000 people were injured and in need of medical attention, and more than one million people were left homeless with limited access to potable water and food; and

**Whereas**, In an effort to provide humanitarian relief to Haiti, on January 21, 2010, President Barack Obama issued an executive order published in the Federal Register that granted TPS to Haiti and eligible nationals of Haiti, which is currently set to expire on July 22, 2011; and

**Whereas**, An alien is only eligible for TPS benefits if he or she (i) establishes a continuous physical presence and continuous residence in the United States; (ii) is not subject to one of the criminal, security-related, or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

**Whereas**, An alien is not eligible for TPS if he or she (i) has been convicted of any felony or two or more misdemeanors committed in the United States; (ii) is a persecutor or subject to one of the bars to asylum; or (iii) is subject to criminal related or terrorism related grounds of inadmissibility for which waiver is not available; and

**Whereas**, TPS is a critical resource for nationals of Haiti who are unable to return to Haiti due to the impact of the earthquake, which led to unsanitary conditions and political unrest, as TPS permits them to stay temporarily in the United States until Haiti recovers; and

**Whereas**, According to the United States Census Bureau, there are nearly 800,000 Haitians living in the United States, and New York City is home to the second largest Haitian population in the nation; and

**Whereas**, The Secretary of DHS has the authority to extend the designation of TPS to a country that continues to be affected by a natural disaster or armed conflict; and

**Whereas**, The Department of State is currently urging United States citizens to avoid all nonessential travel to Haiti because of the nature of the circumstances in Haiti; the advisory is meant to protect United States citizens and also to prevent the overburdening of recovery efforts that additional people needing shelter, food, and assistance would cause; and

**Whereas**, Haitians living in the United States are currently unable to safely return to their home country; and

**Whereas**, A large percentage of residents of Port-au-Prince and other areas affected by the earthquake live on campsites, often under tents and tarpaulins in overcrowded and unsanitary spaces because only 5% of buildings have been reconstructed; and

**Whereas**, In October of 2010, an outbreak of cholera occurred in Haiti, which has subsequently spread to different regions of the country, including the earthquake-stricken area of Port-au-Prince; this outbreak has killed at least 4,000 people and sickened approximately 200,000 additional people since then; and

**Whereas**, The scope of the devastation caused by the earthquake will require a long-term rebuilding and redevelopment plan with support from the United States and the international community; and

**Whereas**, Extending the TPS designation is necessary to avoid hindering Haiti's recovery efforts, to prevent harm to Haitian nationals both in Haiti and in the United States, and to further the efforts of the United States in its provision of humanitarian relief to Haiti; and

**Whereas**, Due to the slow pace of recovery from the 2010 earthquake, causing on-going unsanitary conditions and an outbreak of cholera, Haiti fully meets the criteria of a country entitled to TPS; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS, Committee on Immigration, March 22, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 648-A** to be adopted.

The following 4 Council Members formally **objected** to the passage of this item: Council Members Halloran, Ignizio, Koo and Oddo.

Adopted by the Council by voice vote.

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Cultural Affairs,

Libraries and International Intergroup Relations and had been favorably reported for adoption.

Report for voice-vote Res. No. 708

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a Resolution calling upon National Aeronautics and Space Administration Administrator, Charles F. Bolden, to retire at least one space shuttle to New York City for permanent residence at the Intrepid Sea, Air & Space Museum.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed resolution was referred March 23, 2011, respectfully

#### REPORTS:

##### Introduction

On March 22, 2011, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member James Van Bramer, will hold a hearing on Preconsidered Res. No. 708, a resolution calling upon National Aeronautics and Space Administration Administrator, Charles F. Bolden, to retire at least one space shuttle to New York City for permanent residence at the Intrepid Sea, Air & Space Museum.

##### Background

On April 12, 2011, the 30<sup>th</sup> anniversary of the first space shuttle launching, the National Aeronautics and Space Administration (NASA) will announce the final destinations for three soon-to-be-retired shuttles. The Discovery, Atlantis, and Endeavour space shuttles have each completed dozens of missions and traveled hundreds of millions of miles since the Discovery's first launch in 1984. The Intrepid Sea, Air & Space Museum (Intrepid), located in New York City, has submitted an official proposal to acquire ownership of one of the space shuttles. The Intrepid would provide a glass enclosed visitor center at Pier 86, supplemented by extensive educational material, and would permit guests to walk through the space shuttle.

##### Preconsidered Res. No. 708

This preconsidered resolution would note that on October 11, 2010 with the signing of National Aeronautics and Space Administration's (NASA) Authorization Act of 2010, President Obama ceased funding for the NASA human spaceflight program known as the Constellation Program; and

The preconsidered resolution would also note that with the reorganization under the newly enacted law, NASA has decommissioned the three space shuttles that make up the fleet and has been accepting applications from interested museums around the country to purchase one of three shuttles at \$28.8 million each; and

This preconsidered resolution would state that one of the three shuttles is the Discovery, which after its retirement will have completed 39 missions and traveled roughly 143 million miles since its first mission in 1984; and

The preconsidered resolution would further state that another of the three shuttles is the Atlantis, which after its retirement will have completed 32 missions and traveled roughly 120 million miles since its first mission in 1985; and

The preconsidered resolution would then state that the third shuttle is the Endeavor, which after its retirement will have completed 25 missions and traveled roughly 103 million miles since its first mission in 1992; and

The preconsidered resolution would indicate that the application for purchase had to include a statement of interest detailing how the museum plans to meet the requirement of exhibiting an orbiter in an environmentally-controlled enclosed display; and

This preconsidered resolution would then indicate that in 2010, the Intrepid Sea, Air & Space Museum (Intrepid), located in New York City, submitted an official proposal for at least one of the retiring shuttles by outlining an estimated \$40 million glass enclosed visitor center at Pier 86 that would provide extensive educational material and would allow guests to walk through the space shuttle; and

The preconsidered resolution would note that since the Intrepid submitted its bid, congressional, State and City officials have rallied behind the museum citing New York City's unique opportunity to showcase the shuttle's amazing history to the country and the world due to the City's \$31 billion tourism industry, which brought 39 million domestic and 9.7 million international visitors in 2010; and

The preconsidered resolution would note that the Intrepid recently raised \$115 million between 2006-2008 in capital fundraising for major refurbishments and has the necessary experience and proven success needed for proper maintenance of any of the three historic space shuttles; and

This preconsidered resolution would state that the Intrepid promotes an awareness and understanding of history, science and service to its 915,000 visitors per year; and

The preconsidered resolution would state that the addition of a space shuttle will present a comprehensive understanding of the evolution of flight and aeronautical engineering; and

This preconsidered resolution would note that the Intrepid served as a primary spacecraft recovery vessel for NASA in the 1960s during early space exploration programs; and

The preconsidered resolution would note that the Intrepid has collected more than 150,000 names on a petition urging that one of the shuttles be placed at the Intrepid; and

The preconsidered resolution would state that the City of New York has an extensive history with NASA as NASA's Goddard Institute for Space Studies is located in New York City and works cooperatively with area universities and research institutions; and

This preconsidered resolution would indicate that a park and a playground are named to honor Ronald E. McNair, a Congressional Space Medal of Honor recipient, and there are four public schools which focus on careers in aviation and aerospace; and

The preconsidered resolution would note that a number of noteworthy astronauts, such as Karol Bobko, commander of the Atlantis' first shuttle mission in October of 1985, called the City of New York home; and

Finally, the preconsidered resolution would note that NASA will announce the final destinations for the three soon-to-be-retired shuttles on April 12, 2011, the 30<sup>th</sup> anniversary of the first space shuttle launching; and

Thus, the preconsidered resolution would state that the Council of the City of New York calls upon National Aeronautics and Space Administration Administrator, Charles F. Bolden, to retire at least one space shuttle to New York City for permanent residence at the Intrepid Sea, Air & Space Museum.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 708:)**

Res. No. 708

**Resolution calling upon National Aeronautics and Space Administration Administrator, Charles F. Bolden, to retire at least one space shuttle to New York City for permanent residence at the Intrepid Sea, Air & Space Museum.**

By Council Member Ignizio, The Speaker (Council Member Quinn), Council Members Oddo, Recchia, Ulrich, Koo, Halloran, Seabrook, Lappin, Garodnick, Reyna, Rivera, Weprin, Comrie, Koppell, Jackson, Vacca, Rose, Van Bramer, Dromm, Dickens, Crowley, Gennaro, Fidler, James, Koslowitz, Lander, Nelson, Palma, Sanders, Vann and Williams.

**Whereas**, On October 11, 2010 with the signing of National Aeronautics and Space Administration's (NASA) Authorization Act of 2010, President Obama ceased funding for the NASA human spaceflight program known as the Constellation Program; and

**Whereas**, With the reorganization under the newly enacted law, NASA has decommissioned the three space shuttles that make up the fleet and has been accepting applications from interested museums around the country to purchase one of three shuttles at \$28.8 million each; and

**Whereas**, One of the three shuttles is the Discovery, which after its retirement will have completed 39 missions and traveled roughly 143 million miles since its first mission in 1984; and

**Whereas**, Another of the three shuttles is the Atlantis, which after its retirement will have completed 32 missions and traveled roughly 120 million miles since its first mission in 1985; and

**Whereas**, The third shuttle is the Endeavor, which after its retirement will have completed 25 missions and traveled roughly 103 million miles since its first mission in 1992; and

**Whereas**, The application for purchase had to include a statement of interest detailing how the museum plans to meet the requirement of exhibiting an orbiter in an environmentally-controlled enclosed display; and

**Whereas**, In 2010, the Intrepid Sea, Air & Space Museum (Intrepid), located in New York City, submitted an official proposal for at least one of the retiring shuttles by outlining an estimated \$40 million glass enclosed visitor center at Pier 86 that would provide extensive educational material and would allow guests to walk through the space shuttle; and

**Whereas**, Since the Intrepid submitted its bid, congressional, State and City officials have rallied behind the museum citing New York City's unique opportunity to showcase the shuttle's amazing history to the country and the world due to the City's \$31 billion tourism industry, which brought 39 million domestic and 9.7 million international visitors in 2010; and

**Whereas**, The Intrepid recently raised \$115 million between 2006-2008 in capital fundraising for major refurbishments and has the necessary experience and proven success needed for proper maintenance of any of the three historic space shuttles; and

**Whereas**, The Intrepid promotes an awareness and understanding of history, science and service to its 915,000 visitors per year; and

**Whereas**, The addition of a space shuttle will present a comprehensive understanding of the evolution of flight and aeronautical engineering; and

**Whereas**, The Intrepid served as a primary spacecraft recovery vessel for NASA in the 1960s during early space exploration programs; and

**Whereas**, The Intrepid has collected more than 150,000 names on a petition urging that one of the shuttles be placed at the Intrepid; and

**Whereas**, The City of New York has an extensive history with NASA as NASA's Goddard Institute for Space Studies is located in New York City and works cooperatively with area universities and research institutions; and

**Whereas**, A park and a playground are named to honor Ronald E. McNair, a Congressional Space Medal of Honor recipient, and there are four public schools which focus on careers in aviation and aerospace; and

**Whereas**, A number of noteworthy astronauts, such as Karol Bobko, commander of the Atlantis' first shuttle mission in October of 1985, called the City of New York home; and

**Whereas**, NASA will announce the final destinations for the three soon-to-be-retired shuttles on April 12, 2011, the 30<sup>th</sup> anniversary of the first space shuttle launching; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon National Aeronautics and Space Administration Administrator, Charles F. Bolden, to retire at least one space shuttle to New York City for permanent residence at the Intrepid Sea, Air & Space Museum.

JAMES G. VAN BRAMER, Chairperson; LEROY G. COMRIE, DOMENIC M. RECCHIA JR., INEZ E. DICKENS, JESSICA S. LAPPIN, ELIZABETH CROWLEY, DANIEL DROMM, Committee on Cultural Affairs, Libraries and International Intergroup Relations, March 22, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 708** to be adopted.

Adopted unanimously by the Council by voice vote.

#### INTRODUCTION AND READING OF BILLS

Int. No. 496

By Council Members Brewer, Cabrera, James, Mark-Viverito and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to restrictions on motor vehicle traffic on the central park loop drives and prospect park loop drives.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. One of the greatest forms of recreation in New York City is our parks. New York City has 1700 parks, playgrounds and recreational facilities comprising over 28,000 acres. Everyday, New Yorkers walk, run, bicycle, play and do many other activities in our parks. The parks provide a safe, serene and beautiful escape from the often hectic pace of urban city living.

According to research compiled by the transportation advocacy group, Transportation Alternatives, traffic volume in Central Park is at an all time low and shrinks significantly in the summer, while recreational demand skyrockets. According to traffic studies the effects of closing the Central Park loop on traffic adjacent to the park would be minimal and traffic may even decrease. Transportation Alternatives has also conducted a campaign for many years to make Prospect Park car-free. Currently, the Prospect Park loop drive is open from 7 A.M. to 9 A.M. and 5 P.M. to 7 P.M.

§2. Chapter 1 of title 19 of the administrative code of the city of New York is hereby amended by adding thereto a new section 19-132.1 to read as follows:

§19-132.1 *Restrictions on the central park loop drive and prospect park loop drive.* a. *The central park loop drive shall be closed to motor vehicle traffic.*

b. *The prospect park loop drive shall be closed to motor vehicle traffic.*

c. *Vehicles operated by or on behalf of the department of parks and recreation, the police department and the fire department and emergency service vehicles are exempt from the restrictions set forth in subdivisions a and b of this section.*

d. *The commissioner may issue waivers for motor vehicles otherwise prohibited from traveling on the central park loop drive and prospect park loop drive in accordance with subdivisions a and b of this section that are operated by or on behalf of individuals or organizations participating in events that have been authorized by the department of parks and recreation and to motor vehicles operated by vendors authorized to operate in the park.*

e. *The prohibitions set forth in subdivision a of this section shall not be construed to prohibit motor vehicle traffic on any of the transverse roads in central park.*

f. *The commissioner shall conduct a traffic study of central park and prospect park and the surrounding areas for the purpose of determining the effects, if any, of the closing of the respective loop drives. The study shall examine such factors as motor vehicle traffic volume, disruptions of pedestrian traffic flow, environmental*

*factors identified in consultation with the department of environmental protection and such other factors deemed necessary by the commissioner.*

g. *The results of the study shall be compiled into a written report to be submitted to the council and the mayor no later than December 31, 2011.*

h. *The report shall also be made available on the department's official website within seven days of submission in accordance with subdivision g of this section.*

§3. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Transportation.

Res. No. 699

**Resolution calling on the United States Congress to introduce and pass legislation that would establish a federal funding stream to assist school districts with cleaning up and ridding schools of polychlorinated biphenyls (PCBs).**

By Council Members Brewer, Vann, Cabrera, Chin, Comrie, Dickens, Fidler, Foster, James, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Palma, Recchia, Sanders, Seabrook, Williams, Gentile, Levin, Nelson and Koo.

**Whereas**, According to the United States Environmental Protection Agency (EPA), polychlorinated biphenyls (PCBs) belong to a broad family of man-made organic chemicals known as chlorinated hydrocarbons and were domestically manufactured from 1929 until their manufacture and use was banned in the late 1970s; and

**Whereas**, In 1978 the federal government barred PCB production because evidence showed that PCBs accumulate in the environment and could cause harmful health effects; and

**Whereas**, PCBs were widely used in construction materials and electrical equipment in many buildings from the 1950s until they were phased out due to the ban; and

**Whereas**, Even though production of PCBs was halted in the U.S., they persist in the environment of many structures, including school buildings, built prior to that federal ban; and

**Whereas**, PCBs are known carcinogens and can have significant toxic effects on the immune system, reproductive system, nervous system and endocrine system; and

**Whereas**, In addition, children whose developing systems are exposed to certain levels of PCBs could be at increased risks of attention-deficit/ hyperactivity disorder (ADHD), increased aggression and many other symptoms that constitute a serious impediment to cognitive development and learning; and

**Whereas**, In December 2010, The Safe Schools, Healthy Kids Act was introduced by Congress Members Crowley, Nadler and Serrano; and

**Whereas**, The Safe Schools, Healthy Kids Act would authorize the Secretary of Education to make grants to states and local educational agencies for abatement, removal and interim controls of PCBs in public school facilities; and

**Whereas**, The legislation would also require that notification be given to students and families, staff and school employees and other relevant parties in the community of the work to be undertaken; and

**Whereas**, In addition, The Safe Schools, Healthy Kids Act directs the EPA to provide the Secretary of Education with the necessary guidance to ensure safe school conditions and effective abatement, removal or interim controls; and

**Whereas**, As more and more schools are found to contain well above acceptable levels of PCBs, it is essential that the federal government provide assistance to local districts in addressing this serious health issue; and

**Whereas**, Recent information has shown that many New York City school children are exposed to elevated levels of PCBs; and

**Whereas**, While the New York City Department of Education has taken some preliminary steps in addressing this issue, it has not been aggressive enough in its actions; and

**Whereas**, The Safe Schools, Healthy Kids Act was not passed and should be re-introduced in this current congressional session; and

**Whereas**, All schools should be equipped to provide children with a safe environment where their development is nurtured and protected; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States to pass legislation that would establish a federal funding stream to assist school districts with cleaning up and ridding schools of up polychlorinated biphenyls (PCBs).

Referred to the Committee on Education.

Res. No. 700

**Resolution calling upon the New York State Legislature to renew and strengthen the laws regulating rents and the eviction of tenants.**

By Council Member Chin, the Speaker (Council Member Quinn) and Council Members Dilan, Foster, Garodnick, Brewer, Cabrera, Dickens, Dromm, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Sanders, Seabrook, Van Bramer, Vann, Williams, Koo, Gentile, Eugene, Jackson and Rivera.

**Whereas**, There are over one million apartments covered by rent regulations in New York City, representing roughly half of the City's rental units; and

**Whereas**, New York City faces a housing crisis, with a Citywide vacancy rate of only 2.88 percent, according to the 2008 Housing and Vacancy Survey; and

**Whereas**, In response to a long-existing housing crisis, New York City and New York State have enacted rent control and rent stabilization laws which are in place to stabilize neighborhoods and to protect tenants from harassment and unreasonable rent increases or evictions; and

**Whereas**, The stability provided by rent regulation has helped to lessen the impacts of the severe housing shortages and market conditions in New York City; and

**Whereas**, Because of the "Urstadt Law", a relic of 1971 vacancy decontrol measures which prohibits New York City government from enacting more stringent protections for New York City tenants, New York City's rent laws are subject to what takes place in Albany; and

**Whereas**, In 1997, when renewing the rent laws, the New York State Legislature and Governor enacted two provisions that in particular have exacerbated the lack of affordable housing units in New York City, including allowing owners rent increases of up to 20% every time a vacant apartment is rented to a new tenant, and the deregulation of apartments that rent for \$2000 or more per month either upon vacancy or when tenants in residence have incomes that exceed \$175,000 in each of two consecutive years; and

**Whereas**, The 20% vacancy allowance each time a unit becomes vacant irrespective of whether the last vacancy increase was granted, which is permitted in addition to annual "across the board" and other rent increases, has led to widespread reports of tenant harassment by landlords who seek to turn over units in order to receive this large increase in rent, subsequently leading to the loss of affordable units and the destabilization of neighborhoods in all of the five boroughs, thereby leading to an even tighter housing market as units are deregulated and the pressure of high rents displaces lower- and middle- income tenants thereby removing an individual and neighborhood stability; and

**Whereas**, The Mitchell-Lama and Project-based Section 8 programs were designed to provide stability to both individuals and neighborhoods, and allowing owners to "opt out" from these programs, without additional protections, creates the potential for destabilization and havoc, especially given the current need for affordable housing; and

**Whereas**, By putting all units in Mitchell-Lama and Project-based Section 8 developments under the Rent Stabilization Program when an "opt out" occurs, apartments in Mitchell-Lama and Project-based Section 8 developments will be kept affordable following an "opt-out;" and

**Whereas**, Harassment by owners of their tenants became so common that the City Council and Mayor Bloomberg enacted the Tenant Protection Act of 2008, which provides an opportunity for tenants to sue their landlords in Housing Court for harassment; and

**Whereas**, Rent regulation both protects current tenants from being subjected to unaffordable rents and arbitrary eviction as well as helping to maintain affordability for new tenants; and

**Whereas**, State rent regulation and eviction protection laws will expire on June 15, 2011 unless renewed by the New York State Legislature and the Governor; and

**Whereas**, The New York State Legislature and the Governor should act to as soon as possible to renew the rent-regulation laws and as part of the renewal eliminate deficiencies in the regulatory structure and provide stronger protections to tenants by repealing vacancy decontrol and the "Urstadt Law," and by granting tenants in buildings in the Mitchell-Lama or project-based Section 8 programs all of the protections of rent stabilization when such buildings exit the programs; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to renew and strengthen the laws regulating rents and the eviction of tenants.

Referred to the Committee on Housing and Buildings.

Int. No. 497

By Council Members Comrie, Cabrera, Ferreras, Fidler, James, Koslowitz, Mealy, Mendez, Palma, Sanders, Seabrook, Van Bramer, Vann, Halloran, Koo, Gentile, Levin, Mark-Viverito and Nelson.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the commissioner of the Office of Emergency Management to appoint Borough Supervisors or Managers.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New

York is amended to add a new section 30-105 to read as follows:

§30-105. *Designation of Borough Supervisors or Managers. The commissioner shall designate one borough supervisor or manager per borough in the city. Each borough supervisor or manager shall be responsible for coordinating emergency response in each such borough.*

§2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 498

By Council Members Crowley, Cabrera, Comrie, Ferreras, Fidler, James, Mendez, Palma, Sanders, Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone, Gentile, Gennaro and Halloran.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the commissioner of the Office of Emergency Management to create rules and regulations regarding requesting aid from the State Emergency Management Office and mutual aid from the State and other jurisdictions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended to add a new section 30-103 to read as follows:

§30-103. *Rules regarding requests for aid from the State Emergency Management Office.*

a. *The commissioner shall promulgate rules detailing the circumstances that will lead the office to consider calling upon the State Emergency Management Office for assistance and aid during an emergency.*

b. *For each occurrence of such circumstances, the commissioner shall report to the Council and the Mayor, pursuant to subdivision (g) of section 15 of chapter 1 of the New York City Charter, on: 1. whether or not the office called upon the state Emergency Management Office for assistance; 2. if the state Emergency Management Office was not contacted for assistance, the reason(s) why it was not contacted; and 3. if the state Emergency Management Office was contacted for assistance, the aid or assistance that was received.*

§2. Chapter 1 of title 30 of the administrative code of the city of New York is amended to add a new section 30-104 to read as follows:

§30-104. *Rules regarding requests for mutual aid from the State and other jurisdictions.*

a. *The commissioner shall promulgate rules detailing the circumstances that will lead the office to consider requesting mutual aid assistance, pursuant to article 2-B of the New York State Executive Law, from the State and other jurisdictions during an emergency.*

b. *For each occurrence of such circumstances, the commissioner shall report to the Council and the Mayor, pursuant to subdivision (g) of section 15 of chapter 1 of the New York City Charter, on: 1. whether or not the office requested mutual aid assistance from the State or other jurisdictions; 2. if mutual aid assistance was not requested, the reason(s) why it was not requested; and 3. if mutual aid assistance was requested, the aid or assistance that was received, and from what jurisdictions.*

§3. This local law shall take effect on the same day as the local law amending the New York City Charter relating to the annual snow preparedness and response report.

Referred to the Committee on Public Safety.

Int. No. 499

By Council Members Crowley, Cabrera, Comrie, James, Nelson, Palma, Seabrook, Vann and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to alternate side of the street parking.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York is amended as follows:

§19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: *the day before Christmas, Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays.*



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

Referred to the Committee on Transportation.

Res. No. 701

**Resolution calling on The Regional Emergency Medical Services Council of New York City to review and revise the New York City Mutual Aid Mobilization System Protocol.**

By Council Members Crowley, Comrie, Fidler, James, Palma, Seabrook, Gentile, Gennaro, Mark-Viverito and Chin.

**Whereas**, On December 26, 2010, New York City experienced one of the most severe blizzards in its history; and

**Whereas**, The storm's significant snowfall, in conjunction with powerful winds, overwhelmed the City's emergency management efforts; and

**Whereas**, During the course of the storm more than 200 ambulances became stuck in the snow; and

**Whereas**, On December 27, 2010, the New York City Fire Department ("FDNY") reported a 1,300 call backlog of 911 emergency medical calls, while other reports indicated a 3-hour wait for critical medical calls and a 12-hour wait for non-critical medical calls; and

**Whereas**, According to FDNY Commissioner Salvatore Cassano, the City requested mutual aid from city and state ambulance providers in the early morning hours on December 27, 2010; and

**Whereas**, The Regional Emergency Medical Services Council of New York City ("REMSCO") is responsible to New York State for coordinating medical services in all five boroughs of New York City; and

**Whereas**, REMSCO's Mutual Aid Mobilization Protocol sets forth a uniform procedure for the request and utilization of the City's mutual aid partners, which include (i) eighteen voluntary hospitals, (ii) thirty-six community based volunteer ambulance companies, and (iii) fifteen private ambulance companies; and

**Whereas**, The Mutual Aid Mobilization Protocol is meant to help ensure a reliable and safe response by ambulance resources from New York City Emergency Medical Service ("EMS") agencies to any incident within New York City; and

**Whereas**, According to reports, the City's response to mutual aid was far from optimal with only a few of the city ambulance providers participating beyond what they are contractually obligated to provide; and

**Whereas**, Some of the ambulance providers who did not participate in the call for mutual aid cited various obstacles that deterred or prevented them from participating in the mutual aid mobilization including: (i) the belief that the FDNY waited too long to call for mutual aid; (ii) the assertion that EMS representatives changed the telephone number required for some ambulance providers to log into the 911 system without notifying providers; (iii) the unwillingness or inability of the City to assist mutual aid partners in freeing their ambulances from the snow; and (iv) the FDNY's failure to issue radios to ambulance providers prior to significant snow accumulation; and

**Whereas**, REMSCO's Mutual Aid Mobilization Protocol has remained unrevised since 2002; and

**Whereas**, REMSCO should review and revise its Mutual Aid Mobilization Protocol to foster greater mutual aid participation by city ambulance providers in the event of a large scale emergency by (i) establishing greater certainty regarding the appropriate time to call for mutual aid, (ii) ensuring an effective method is in place for participants to access the 911 system, (iii) requiring the FDNY to issue necessary equipment prior to a large scale emergency, and (iv) assuring the City's assistance in removing other obstacles that may hinder mutual aid participation; and

**Whereas**, These revisions would assist in enhancing and increasing the level of participation in mutual aid, thereby increasing emergency ambulance service in a large scale emergency; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on The Regional Emergency Medical Services Council of New York City to review and revise the New York City Mutual Aid Mobilization System Protocol.

Referred to the Committee on Public Safety.

Res. No. 702

**Resolution calling upon the United States Department of Education to develop a comprehensive plan to close the achievement gap for Black males.**

By Council Members Dickens, Brewer, Cabrera, Comrie, Ferreras, Fidler, Foster, Gonzalez, James, Koppell, Mark-Viverito, Mendez, Palma, Sanders, Seabrook, Van Bramer, Vann and Williams.

**Whereas**, Despite efforts to improve minority achievements through legislation and policy directives, an achievement gap not only remains, but continues to grow, and Black males in particular are at a greater risk of being left behind; and

**Whereas**, According to a recent study from the Council of the Great City Schools, entitled "A Call for Change: The Social and Educational Factors Contributing to the Outcomes of Black Males in Urban Schools," Black males continue to perform lower than their peers throughout the country in almost every indicator; and

**Whereas**, The study finds that only 12% of Black fourth grade males nationally, and 11% of those in central large cities are proficient in reading, according to National Assessment of Educational Progress (NAEPP) standards; and

**Whereas**, In addition, these statistics show that only 9% of Black eighth grade males nationally and 8% in central large cities are proficient in reading; and

**Whereas**, According to the Schott Foundation for Public Education, New York State contains 3 of the 10 lowest performing large school districts, including New York City, for Black males with graduation rates near 25%; and

**Whereas**, Unfortunately, studies show that African American males are nearly twice as likely to drop out of high school; and

**Whereas**, Furthermore, academic achievement gaps lead to Black males scoring an average of 104 points lower on the SATs and being one-third as likely to meet college readiness benchmarks; and

**Whereas**, Sadly, in 2008, only 5% of African American males 18 years of age and older were accounted for in the college population while they accounted for 36% of the prison population; and

**Whereas**, The consequences of these gaps compound and widen as Black males age; and

**Whereas**, Unemployment amongst African American males ages 20 and older is at 17.3% nationwide as compared to 8.6% of White males in the same age group; and

**Whereas**, The achievement gap has long existed and these startling statistics point to the unacceptable reality of its consequences; and

**Whereas**, A national call to action is necessary to address and turn around the inequities confronted by Black males in our schools; and

**Whereas**, The United States Congress should lead the way by financing initiatives specifically designed to address this issue; and

**Whereas**, The United States Department of Education should promote an educational agenda which ensures that school districts will get needed support for an aggressive targeted campaign; and

**Whereas**, Any such campaign should also include Latino males as they too confront a wide achievement gap; and

**Whereas**, Addressing the glaring disparities is not only critical to our nation's well-being, it is also the country's moral obligation; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Department of Education to develop a comprehensive plan to close the achievement gap for Black males.

Referred to the Committee on Education.

Res. No. 703

**Resolution calling upon the New York State Education Department to amend its curriculum requirements to include culturally diverse arts enrichment instruction in underperforming and low-performing schools and to conduct a two-year feasibility study on incorporating multicultural arts enrichment instruction into the core curriculum.**

By Council Members Dickens, Brewer, Cabrera, Comrie, Dromm, Ferreras, Fidler, James, Lander, Mark-Viverito, Mendez, Palma, Sanders, Seabrook, Van Bramer, Vann, Williams and Eugene.

**Whereas**, Numerous studies show that there is a significant achievement gap among students of color, and that they are disproportionately represented in the nation's dropout statistics, including those of New York City; and

**Whereas**, A substantial body of research demonstrates that a comprehensive arts education helps students learn more effectively in other subject areas, including math, science, reading, and writing; and

**Whereas**, Research also shows that students who are highly involved in arts programs are much less likely to drop out of school and are more likely to achieve higher levels of academic success in college; and

**Whereas**, Recognizing the importance of arts education, the New York State Education Department (NYSED) currently mandates arts education requirements to foster more arts instruction in schools throughout the State and City; and

**Whereas**, Given the disparity among students of color in academic achievement, it is necessary for the NYSED to amend its curriculum requirements in underperforming and low-performing schools through mandated African-American, Latino, Asian and other culturally diverse arts enrichment instruction inclusive of the existing curriculum requirements; and

**Whereas**, Furthermore, the proposed mandate would also require a two-year feasibility study to assess the need for including multicultural arts enrichment

instruction into the New York State core curriculum; and

**Whereas**, In order to improve the academic success rates of students of color, culturally enriched arts instruction would help to further boost such positive outcomes; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Education Department to amend its curriculum requirements to include culturally diverse arts enrichment instruction in underperforming and low-performing schools and to conduct a two-year feasibility study on incorporating multicultural arts enrichment instruction into the core curriculum.

Referred to the Committee on Education.

Int. No. 500

By Council Members Dilan, Cabrera, Comrie, James, Lander, Mendez, Palma, Seabrook, Vann, Nelson, Mark-Viverito, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the responsibilities of a mortgagee commencing an action to recover residential real property.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Intent. According to the State of New York City Housing and Neighborhood Report, in 2009, 20,102 homes in New York City went into foreclosure, an increase of 35.6% since 2008. Foreclosures of mortgages on residential properties, especially of one- and two-family homes, have a deleterious effect on the neighborhoods surrounding the foreclosed properties and the tenants who may reside in these properties. The physical conditions of residential property being foreclosed upon often decline and may become hazardous from lack of proper maintenance and at a minimum, can damage the appearance of neighborhoods and lead to a reduction in property values in the surrounding area. Moreover, a spate of foreclosures may lead to secondary effects such as an increase in crime. Additionally, tenants in these properties may experience the shut-off of utilities or a severe decline in the maintenance of the property once the foreclosure action is commenced or when the homeowner abandons the property due to the inability to continue mortgage payments. It is the intent of this legislation to address these maintenance issues while not in any way interfering with the rights of litigants in foreclosure proceedings.

§2. Article 2 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York, is amended by adding a new section 27-2109.1 to read as follows:

§27-2109.1 *Responsibilities of a mortgagee commencing an action to recover residential real property.* a. Any mortgagee that brings an action within a court of competent jurisdiction in the state of New York to recover possession of or title to any residential real property within the city of New York based upon a failure to pay a mortgage on such property shall be responsible for maintaining said real property in accordance with the multiple dwelling law, housing maintenance code and all applicable laws, rules and regulations related to the provision of essential services to tenants, including maintaining the habitability of such real property, and maintaining the exterior areas of such property free of rodents, vermin, excessive weed or plant growth and in a sanitary condition. Following the commencement of an action to recover possession of or title to such residential real property, any fines or penalties against the property for violations of any such laws and regulations shall be borne by the mortgagee commencing the action to recover possession of or title to said real property. Any orders made or other action taken by a court having jurisdiction over an action to foreclose on real property shall take precedence over this section. A mortgagee's responsibility to maintain such residential real property shall cease upon the sale of such property or discontinuance of the action to recover possession of or title to the residential real property. For the purposes of this section "mortgagee" shall mean any person or successor in interest, including but not limited to, any entity which services the mortgage that is the subject of the proceeding, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest to or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

b. However, the provisions of subdivision a of this section shall not apply to owner-occupied real property except when such real property is also occupied by one or more tenants or where an administrator pursuant to article 7-A of the real property actions and proceedings law has been appointed for such real property. This section shall also not apply to actions to recover possession of or title to residential real property brought by a governmental entity.

§2. This local law shall take effect immediately after its enactment except that no proceeding to impose a civil penalty pursuant to this local law shall be commenced until ninety days after its enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 501

By Council Members Dilan, Cabrera, Comrie, James, Lander, Mendez, Palma, Vann., Mark-Viverito and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to registration by a mortgagee commencing an action to recover residential real property.**

*Be it enacted by the Council as follows:*

Section 1. Article 2 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York, is amended by adding a new section 27-2109.1 to read as follows:

§27-2109.1 *Registration by a mortgagee commencing an action to recover residential real property.* (a) i. Any mortgagee that commences an action or has commenced an action in a court of competent jurisdiction in the state of New York to recover possession of or title to residential real property within the city of New York based upon a failure to pay a mortgage on such residential real property shall register with the department within ten days of service of the pleadings initiating such action on the owner of such real property. Such registration statement shall include the following information: (1) the name of the mortgagee bringing such action, and, when applicable, the name of a principal or corporate officer of such mortgagee, along with the mailing address, telephone number and e-mail address of such principal or corporate officer; (2) the person or entity against whom such action has been brought; (3) the identification of such real property by street address and block and lot number and (4) the date of the commencement of the action to recover such residential real property and the court in which such action was commenced. If such action was commenced and remains pending as of the effective date of this section such registration shall take place within thirty days of the effective date of this section. For the purposes of this section "mortgagee" shall mean any person or successor in interest, including, but not limited to, any entity which services the mortgage that is the subject of the proceeding, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest to or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

ii. The department shall maintain on the official city website a list of all properties, identified by block and lot number along with the name and contact information of the mortgagee of each such property, for which a registration statement pursuant to paragraph i of subdivision a of this section has been received. Such list shall be updated at a minimum on the first business day of each month.

iii. A mortgagee shall notify the department within ten days of either the discontinuance of the action to recover possession of or title to said residential real property, the issuance of a judgment in such action and of the sale of the real property as a result of such action. Upon receipt of information related to the discontinuance of such action or of the sale of the real property as a result of the action, the department shall remove the listing of information related to that specific property from the official city website on or before the first business day of the month following receipt of this information.

b. Any mortgagee who fails to register with the department in accordance with subdivision a of this section shall be liable for a civil penalty enforceable by the department which shall not exceed one thousand dollars for each week that there is a failure to register. The failure to register shall not be deemed to affect in any way any pending legal proceeding related to such residential real property.

§2. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 502

By Council Members Dromm, Cabrera, Ferreras, Foster, Koppell, Koslowitz, Mendez, Palma and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to gluten and food establishments.**

*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 17-198 to read as follows:

§17-198 *Posting of gluten information.* a. *Definitions.* 1. "Covered food service establishment" shall mean a food service establishment within the city of New York that is one of a group of 15 or more food service establishments doing business nationally, offering for sale substantially the same menu items, in servings that are standardized for portion size and content, that operate under common ownership or control, or as franchised outlets of a parent business, or do business under the same name.

2. "Food service establishment" shall have the meaning as such term is defined in section 81.03 of the health code of the city of New York, except that it shall apply exclusively to places where food is sold and space is designated specifically as an

eating area.

3. “Menu” shall mean a printed list or pictorial display of a food item or items, and their price(s), that are available for sale from a covered food service establishment and shall include menus distributed or provided outside of such establishment.

4 “Menu board” shall mean any list or pictorial display of a food item or items, and their price(s) posted in and visible within a covered food service establishment or outside of a covered food service establishment for the purpose of ordering from a drive-through window.

5. “Menu item” shall mean any individual food item, or combination of food items, listed or displayed on a menu board or menu that is sold by a covered food service establishment.

6. “Food item tag” shall mean a label or tag that identifies any food item displayed for sale at a covered food service establishment.

b. Scope and applicability. This section shall apply to menu items that are served in portions the size and content of which are standardized at a covered food service establishment. This section shall not apply to menu items that are listed on a menu or menu board for less than 30 days in a calendar year.

c. Posting gluten information for menu items. All menu boards and menus in any covered food service establishment shall indicate which menu items contain gluten. Such information shall be listed clearly and conspicuously, adjacent or in close proximity to such menu items so as to be clearly associated with the menu item, using a font and format that is at least as prominent, in size and appearance, as that used to post either the name or price of the menu item.

1. Food item tags. When a food item is displayed for sale with a food item tag, any such food that contains gluten shall include that it contains gluten in a font size and format at least as prominent as the font size of the name of the food item.

2. Drive-through windows. Gluten content information at drive-through windows shall be displayed on either the drive-through menu board, or on an adjacent sign visible at or prior to the point of ordering, so long as the gluten content for each menu item is clearly and conspicuously posted on the sign adjacent to their respective menu item names on the drive-through menu board.

d. Penalties. Any covered food service establishment that violates subdivision c of this section of the code or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed one hundred dollars for each violation.

e. Instruction and testing on gluten. The department shall require instruction and testing on gluten as part of any food protection course provided pursuant to Article 81 of the health code of the city of New York.

§2. This local law shall take effect one hundred eighty 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.

Res. No. 704

**Resolution calling upon the 112th Congress to pass, and the President to sign, H.R. 250, which would provide immigration judges with discretionary authority to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.**

By Council Members Dromm, Brewer, Cabrera, Chin, Comrie, Dickens, Ferreras, Fidler, Foster, James, Koppell, Lander, Mark-Viverito, Mendez, Palma, Seabrook, Vann, Williams and Eugene.

**Whereas**, Immigration judges bear primary responsibility for the removal, deportation, and exclusion of individuals in the United States; and

**Whereas**, Immigration judges are currently precluded from considering family unity as a factor in removal proceedings involving an individual who is the parent of a United States citizen child; and

**Whereas**, According to the Department of Homeland Security approximately 18,000 families are separated every year as the result of removal proceedings; and

**Whereas**, According to the Unauthorized Immigration Population Report by the Pew Research Center (“The Report”) there were 4.5 million U.S. children with at least one non-citizen parent in 2010, an increase from 2.1 million in 2000; and

**Whereas**, The Report states that New York is ranked fourth in the nation in the size of its undocumented immigrant population at 625,000; and

**Whereas**, According to the U.S. Department of Justice, New York City is home to two immigration courts, which are the busiest courts in the nation and received over 23,000 cases in 2010; and

**Whereas**, Deportation forces the parent of a U.S. citizen child either to leave the child behind indefinitely, or to take the child to the parent’s country of origin, which is often completely unfamiliar to, and unsafe for, the U.S. citizen child and which often lacks comparable economic and educational opportunities for the U.S. citizen child; and

**Whereas**, The current prohibition on using family unity as a factor in determining the outcome of a removal proceeding regularly forces immigration judges to separate a parent from his or her U.S. citizen child without any regard for the child’s citizenship status; and

**Whereas**, When U.S. citizen children are separated from their parents they often face severe hardships such as limited economic and housing opportunities; and

**Whereas**, In order to keep families together, Representative Jose E. Serrano has introduced a bill that would authorize an immigration judge to decline to order the deportation of any individual who is the parent of a U.S. citizen child if the judge determines that the parent’s removal would be against the child’s best interest; and

**Whereas**, Providing immigration judges with this discretionary authority will encourage preservation of families and maintain the physical, economic, and educational security of U.S. citizen children; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the 112th Congress to pass, and the President to sign, H.R. 250, which would provide immigration judges with discretionary authority to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

Referred to the Committee on Immigration.

Res. No. 705

**Resolution calling upon the federal government to eliminate the numerical cap on U visas.**

By Council Members Dromm, Brewer, Chin, Comrie, Ferreras, Fidler, James, Lander, Mark-Viverito, Mendez, Palma, Seabrook, Williams and Eugene.

**Whereas**, The United States Congress created the U nonimmigrant visa (U visa) with the passage of the Victims of Trafficking and Violence Protection Act in 2000; and

**Whereas**, This legislation strengthened the ability of law enforcement agencies to investigate and prosecute cases of domestic violence while offering protection to victims of crimes; and

**Whereas**, Congress recognized domestic violence problems are worsened in marriages where one spouse is a United States citizen or has legal status and the other spouse does not and control of the spouse without legal status is placed in the hands of the abuser; and

**Whereas**, The U visa is a way to provide abused illegal immigrants with a way to obtain lawful immigration status without having to depend on their abuser; and

**Whereas**, U.S. Citizenship and Immigration Services (USCIS) states that the U visa is set aside for victims of crimes who have suffered substantial mental or physical abuse and are willing to assist law enforcement and government officials in the investigation or prosecution of the criminal activity; and

**Whereas**, Currently USCIS may grant no more than 10,000 U visas in any given fiscal year; and

**Whereas**, If the cap is reached in any fiscal year before all petitions are adjudicated, USCIS will create a wait list to provide a mechanism by which victims cooperating with law enforcement agencies can stabilize their immigration status; and

**Whereas**, New York City is home to over three million immigrants; and

**Whereas**, According to the New York Police Department (NYPD) they responded to 249,000 domestic violence incidents in 2010; and

**Whereas**, Also in 2010, the City’s Domestic Violence Hotline answered 119,177 calls, averaging more than 320 calls per day; and

**Whereas**, The cap of 10,000 U visas is simply too low to address the needs of illegal immigrants who are victims of domestic abuse and other crimes; and

**Whereas**, In fiscal year 2010, USCIS approved 10,000 U Visas, causing all other pending illegal immigrant victim applicants to be placed on a waiting list no matter the seriousness of the crime(s) committed against them; and

**Whereas**, USCIS increased training and expanded communication channels and resources dedicated to the U visas program prior to and during 2010 and according to the USCIS this led to an increase in applications; and

**Whereas**, USCIS significantly enhanced outreach around the U visa, educating service providers on the eligibility requirements of a U visa petition and making dedicated efforts to reach both law enforcement officials and community advocates alike; and

**Whereas**, While outreach efforts are laudable they have also contributed to an increase in the number of approved U visa petitions, which supports the elimination of the cap; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the federal government to eliminate the numerical cap on U visas.

Referred to the Committee on Immigration.

Res. No. 706

**Resolution calling on the New York State Legislature to pass A.5039/S.2873, the Gender Expression Non-Discrimination Act, which would prohibit discrimination on the basis of gender expression or identity and expand the**

**state's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity.**

By Council Members Dromm, Van Bramer, Brewer, Chin, Comrie, Ferreras, Fidler, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mendez, Palma, Recchia, Sanders and Seabrook.

**Whereas**, According to the New York State Department of Health, approximately 300,000 individuals living in the state of New York self-identify as transgender; and

**Whereas**, Despite the progressive reputations of our city and state, transgender individuals continue to endure discrimination and threats to their physical well-being; and

**Whereas**, According to a 2010 report by the National Coalition of Anti-Violence Programs, 14 percent of victims or survivors of hate violence in the United States in 2009 were transgender men and women; and

**Whereas**, In New York City, approximately 13 percent of the reports of hate violence received by the New York City Anti-Violence Project in 2009 came from transgender men and women; and

**Whereas**, According to a 2011 report by the National Gay and Lesbian Taskforce and the National Center for Transgender Equality ("the report"), 90 percent of those surveyed had experienced discrimination at work for reasons related to their gender identity or expression, and 24 percent had lost their jobs for the same reason; and

**Whereas**, The report also disclosed that 19 percent of respondents had been refused a home or apartment, and 11 percent had been evicted, because of their gender identity or expression; and

**Whereas**, Transgender individuals are also not safe from anti-trans bias in places of public accommodation, where, according to the report, 53 percent of respondents had experienced harassment and discrimination; and

**Whereas**, In 2002, the New York City Council passed Local Law 3, which amended the Human Rights Law to define gender as "actual or perceived sex and... a person's gender identity, self-image, appearance, behavior or expression, whether or not traditionally associated with the legal sex assigned to that person at birth," thereby including transgender individuals in the class of people to be protected from bias-related harassment and discrimination in housing, employment and public accommodations; and

**Whereas**, Although New York City extends many protections to transgender individuals, those living in the rest of the state are not guaranteed the same treatment; and

**Whereas**, If passed, A.5039/S.2873 (Gottfried/Duane) would address this disparity at the state level by amending the Executive Law, Civil Rights Law and Education Law to prohibit discrimination on the basis of gender identity or expression in housing, employment, public accommodation and other areas; and

**Whereas**, Known as the Gender Expression Non-Discrimination Act, A.5039/S.2873 would also amend the Penal Law to include gender identity or expression in the list of categories that are currently protected under the state's hate crimes statute; and

**Whereas**, Thirteen states and the District of Columbia have already enacted laws protecting transgender individuals from discrimination, as well as several cities and counties in New York State; and

**Whereas**, Without protection from bias-related harassment and discrimination, transgender individuals are placed at a severe disadvantage in every facet of their lives; and

**Whereas**, It is imperative that the state of New York protect all of its marginalized communities, including the transgender community; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass A.5039/S.2873, the Gender Expression Non-Discrimination Act, which would prohibit discrimination on the basis of gender expression or identity and expand the state's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity.

Referred to the Committee on Civil Rights.

Int. No. 503

By Council Members Eugene, Cabrera, Comrie, James, Nelson, Palma, Seabrook, Williams, Gentile, Mark-Viverito and Halloran.

**A Local Law to amend the New York city charter, in relation to providing peer support services for veterans.**

*Be it enacted by the Council as follows:*

Section 1. Section 14 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. The office of veterans' affairs shall establish a peer support hotline and other peer support services in partnership with veterans associations and organizations which service veterans.*

§2. This local law shall take effect ninety days after it shall have been enacted into law.

Referred to the Committee on Veterans.

Int. No. 504

By Council Members Fidler, Dickens and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to receipts printed on thermal paper.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the Administrative Code of the city of New York is amended by adding a new subchapter 16 to read as follows:

**Subchapter 16  
Thermal Paper**

**§20-810 Definitions.**

**§20-811 Receipts printed on thermal paper.**

**§20-812 Penalties.**

*§20-810 Definitions. For purposes of this subchapter, the following terms shall have the following meanings:*

*a. "Retail mercantile establishment" shall mean a place where goods, wares or merchandise are offered to the public for sale.*

*b. "Thermal paper" shall mean paper impregnated with a chemical that changes color when exposed to heat and that is used in thermal printers or other devices including, but not limited to, adding machines, cash registers, and credit card terminals.*

*§20-811 Receipts printed on thermal paper. Every retail mercantile establishment whose refund policy, as posted in accordance with NYS General Business Law section 218-a, requires that a customer present an original receipt as proof of purchase shall accept a copy of an original receipt as proof of purchase if such original receipt was printed on thermal paper and a customer presents such original receipt, regardless of its fade or condition, and such copy at the time the refund is requested.*

*§20-812 Penalties. Any retail mercantile establishment who violates this subchapter or any regulations promulgated pursuant thereunder shall be subject to a civil penalty of not less than fifty dollars and not more than two hundred and fifty dollars for the first violation and a penalty of not less than five hundred dollars and not more than seven hundred fifty dollars for each subsequent violation.*

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

Referred to the Committee on Consumer Affairs.

Res. No. 707

**Resolution calling upon the New York State Legislature to enact and the Governor to sign Assembly bill A. 212 which would amend the Environmental Conservation Law in relation to prohibiting the distribution and use of paper containing bisphenol A for the recording of any business transaction.**

By Council Members Fidler, Brewer, James, Lander, Palma, Van Bramer, Williams and Mark-Viverito.

**Whereas**, Bisphenol A, commonly abbreviated as BPA, is an organic compound used in the manufacture of a wide range of both consumer and industrial products; and

**Whereas**, Concerns over the use of bisphenol A in consumer products were regularly reported in news media in 2008 after several government reports were issued regarding its safety and, consequently, prompted many retailers to remove products containing the organic compound off of their shelves; and

**Whereas**, The United States Food and Drug Administration (FDA) released a report in 2010 sharing the perspective of the National Toxicology Program (NTP) that stated that recent studies provide reason for some concern over the potential effects of bisphenol A on the brain, human behavior, and the prostate gland in fetuses, infants, and young children; and

**Whereas**, NTP has highlighted that there is some evidence of developmental changes that have occurred in some animal studies at doses that are experienced currently by humans and that the possibility of adverse health effects cannot be dismissed; and

**Whereas**, Bisphenol A is known to contain estrogen since the mid-1930s and has the potential to disrupt the daily functions of the human endocrine system; and

**Whereas**, Estrogens are known to trigger rapid cellular responses such as hormone secretion and cell permeability changes in human tissues such as the pancreas, pituitary gland, and the brain; and

**Whereas**, The FDA announced it was taking steps to reduce human exposure to bisphenol A in food packaging; and

**Whereas**, These steps included the support of efforts to replace bisphenol A or minimize bisphenol A levels in food can linings and to facilitate development of alternatives to bisphenol A for the linings of infant formula cans; and

**Whereas**, In March 2010, sharing the FDA's concern over the potential health impacts of bisphenol A, the United States Environmental Protection Agency (EPA) announced a number of actions to address the potential effects of bisphenol A; and

**Whereas**, The EPA intends to consider initiating rulemaking under Section 5(b)(4) of the Toxic Substances Control Act (TSCA) to place bisphenol A on the Concern List as a substance that may present an unreasonable risk of injury to the environment along with initiating collaborative alternatives to encourage reductions in bisphenol A releases and exposures; and

**Whereas**, Assembly bill A. 212 would amend the Environmental Conservation Law through the addition of a new section, 37-0508, that provides that "no person, firm, partnership, association, limited liability company or corporation, including banking organizations, shall distribute or use any paper containing bisphenol A for the recording of any business or banking transaction including, but not limited to, receipts, credits, withdrawals, deposits, and credit and debit card records"; and

**Whereas**, If enacted, this act would take effect one hundred eighty days after enactment; and

**Whereas**, This legislation should be enacted in order to ensure that the distribution and use of paper containing bisphenol A for the recording of any business transaction is prohibited in a manner that benefits the overall health of the people of the State of New York; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to enact and the Governor to sign Assembly bill A. 212 which would amend the Environmental Conservation Law in relation to prohibiting the distribution and use of paper containing bisphenol A for the recording of any business transaction.

Referred to the Committee on Environmental Protection.

State Legislation Resolution No. 1

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Squadron, S.2977, and Assembly Member Silver, A.4578, "AN ACT to amend the vehicle and traffic law, in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more".**

By Council Members Foster, Chin, Comrie, Fidler, Lander, Mark-Viverito, Mendez, Palma and Koo.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Squadron, S.2977, and Assembly Member Silver, A.4578, "AN ACT to amend the vehicle and traffic law, in relation to establishing an intercity bus passenger service permit system in cities having a population of one million or more".

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 505

By Council Members Gentile, Cabrera, Chin, Fidler, Foster, James, Koppell, Mendez, Nelson, Palma, Recchia, Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone Jr., Gennaro and Halloran.

**A Local Law to amend the New York City charter, in relation to requiring the mayor's office of operations to notify the public of the status of government services disrupted due to severe weather conditions or other emergency.**

*Be it enacted by the Council as follows:*

Section 1. Section 15 of Chapter 1 of the New York City charter is amended by adding a new subdivision i to read as follows:

*i. (1) The office of operations shall notify the public of the status of any government services that are disrupted due to severe weather conditions or other emergency. Such government services shall include, but not be limited to, garbage*

*collection, public transportation, parking regulations, and educational facilities. The notification shall be through any medium that is reasonably expected to reach a substantial proportion of the community or communities impacted by the severe weather conditions or other emergency, provided that, in addition to other media, the office of operations shall maintain a dedicated website on which all information regarding the status of disrupted government services shall be made publicly available.*

*(2) The office of operations shall evaluate and determine the feasibility of granting not-for-profit organizations that provide services of a similar nature to the government services disrupted by the severe weather conditions or other emergency, authority to post information on the dedicated website maintained pursuant to paragraph (1) of this subdivision.*

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

Referred to the Committee on Public Safety.

Int. No. 506

By Council Members Gonzalez, Cabrera, Comrie, Dickens, Fidler, Foster, James, Koppell, Koslowitz, Mealy, Palma, Recchia, Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone Jr. and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring snow removal from bus shelters.**

*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 19-187 to read as follows:

*§19-187 Removal of snow from bus shelters. a. For purposes of this section, "bus shelter" shall mean a location which has a cover or ceiling and is used as shelter for individuals waiting to board a New York city transit authority vehicle, and shall include three feet on any open side of such shelter and to the curb on all portions of the sidewalk covered under this provision.*

*b. Notwithstanding any other provision of this code, the commissioner, after any snowfall or the formation of ice on sidewalks and gutters due to weather precipitation, shall clear or cause to be cleared all debris, snow and ice from bus shelters within the time frames set by subdivisions a and b of section 16-123 of this code.*

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

Referred to the Committee on Transportation.

Int. No. 507

By Council Members Greenfield, Cabrera, Dickens, Fidler, James, Koppell, Nelson, Palma, Williams and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to permissible parking at non-functioning fire hydrants.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.2 to read as follows:

*§ 19-167.2 Parking at non-functioning fire hydrants. a. A person shall be allowed to park at a non-functioning fire hydrant.*

§2. Chapter three of title 24 of the administrative code of the city of New York is amended by adding a new section 24-307.1 to read as follows:

*§24-307.1 Non-functioning fire hydrants. The commissioner shall cause all non-functioning fire hydrants within the city to be painted green.*

§3. Section 24-308 of chapter three of title 24 of the administrative code of the city of New York is amended to read as follows:

*§24-308 Opening, painting, tampering with, or operating valves or fire hydrants. a. It shall be unlawful for any person other than an employee of the department of environmental protection, or the fire department to open, paint, use, operate, or tamper with a fire hydrant or high pressure hydrant, in the city, or a valve in the water supply system of the city, without a permit in writing from the commissioner of environmental protection. It shall also be unlawful to leave such a hydrant open for a longer period than shall be limited in the permit, or use water for other purposes than shall have been authorized by such commissioner.*

*b. The commissioner may grant a permit to a person, other than an employee of the department of environmental protection or of the fire department, to open, paint, use or operate a fire hydrant in the city, upon such terms and conditions as may be prescribed by the commissioner and upon payment by such permittee of a fee of five dollars for each day for which such permit is granted. A permittee shall be required, at the time of making application for such permit, to pay to the*



department a sum sufficient to cover the total fee for the entire period for which such permit is granted. If the work for which such permit is granted is completed on a date prior to the termination date of such permit, the permittee shall be entitled to a refund of the fee paid for each day subsequent to such completion date. The commissioner may grant a permit pursuant to this section to any agency or to a non-profit organization for the purpose of providing street showers for children, without payment of the fee required by this subdivision.

c. The commissioner shall have the power, subject to the approval of the board of estimate, to increase the amount of the fee prescribed by subdivision b hereof, to an amount sufficient to cover the cost to the city of the supervision and inspection of hydrants in connection with the granting of permits under the provisions of this section.

d. Every permittee shall open, *paint*, use or operate such hydrant in accordance with such rules and regulations and such terms and conditions as may be prescribed by the commissioner for the purpose of protecting and maintaining the hydrant in a continuously accessible and usable condition. A permit granted pursuant to this section may be revoked by the commissioner for the failure by the permittee to comply with any of the terms and conditions of the permit or any applicable provision of law.

e. The opening, *painting*, use or operation of a fire hydrant, under a permit issued pursuant to this section, shall be subject to inspection by an employee or employees of the department of environmental protection, duly appointed in accordance with the provisions of the civil service law, and assigned to such duties in accordance with the provisions of section eleven hundred three of the charter. The compensation of any such employee or employees shall be paid by the city in accordance with the provisions of section one hundred twenty-three of the charter. No permittee shall be required to pay the compensation of any employee, of any part thereof, as a condition to the granting of a permit for the opening, *painting*, use or operation of a fire hydrant.

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

Referred to the Committee on Transportation.

Res. No. 708

**Resolution calling upon National Aeronautics and Space Administration Administrator, Charles F. Bolden, to retire at least one space shuttle to New York City for permanent residence at the Intrepid Sea, Air & Space Museum.**

By Council Member Ignizio, The Speaker (Council Member Quinn), Council Members Oddo, Recchia, Ulrich, Koo, Halloran, Seabrook, Lappin, Garodnick, Reyna, Rivera, Weprin, Comrie, Koppell, Jackson, Vacca, Rose, Van Bramer, Dromm, Dickens, Crowley, Gennaro, Fidler, James, Koslowitz, Lander, Nelson, Palma, Sanders, Vann and Williams.

**Whereas**, On October 11, 2010 with the signing of National Aeronautics and Space Administration's (NASA) Authorization Act of 2010, President Obama ceased funding for the NASA human spaceflight program known as the Constellation Program; and

**Whereas**, With the reorganization under the newly enacted law, NASA has decommissioned the three space shuttles that make up the fleet and has been accepting applications from interested museums around the country to purchase one of three shuttles at \$28.8 million each; and

**Whereas**, One of the three shuttles is the Discovery, which after its retirement will have completed 39 missions and traveled roughly 143 million miles since its first mission in 1984; and

**Whereas**, Another of the three shuttles is the Atlantis, which after its retirement will have completed 32 missions and traveled roughly 120 million miles since its first mission in 1985; and

**Whereas**, The third shuttle is the Endeavor, which after its retirement will have completed 25 missions and traveled roughly 103 million miles since its first mission in 1992; and

**Whereas**, The application for purchase had to include a statement of interest detailing how the museum plans to meet the requirement of exhibiting an orbiter in an environmentally-controlled enclosed display; and

**Whereas**, In 2010, the Intrepid Sea, Air & Space Museum (Intrepid), located in New York City, submitted an official proposal for at least one of the retiring shuttles by outlining an estimated \$40 million glass enclosed visitor center at Pier 86 that would provide extensive educational material and would allow guests to walk through the space shuttle; and

**Whereas**, Since the Intrepid submitted its bid, congressional, State and City officials have rallied behind the museum citing New York City's unique opportunity to showcase the shuttle's amazing history to the country and the world due to the City's \$31 billion tourism industry, which brought 39 million domestic and 9.7 million international visitors in 2010; and

**Whereas**, The Intrepid recently raised \$115 million between 2006-2008 in capital fundraising for major refurbishments and has the necessary experience and proven success needed for proper maintenance of any of the three historic space shuttles; and

**Whereas**, The Intrepid promotes an awareness and understanding of history, science and service to its 915,000 visitors per year; and

**Whereas**, The addition of a space shuttle will present a comprehensive understanding of the evolution of flight and aeronautical engineering; and

**Whereas**, The Intrepid served as a primary spacecraft recovery vessel for NASA in the 1960s during early space exploration programs; and

**Whereas**, The Intrepid has collected more than 150,000 names on a petition urging that one of the shuttles be placed at the Intrepid; and

**Whereas**, The City of New York has an extensive history with NASA as NASA's Goddard Institute for Space Studies is located in New York City and works cooperatively with area universities and research institutions; and

**Whereas**, A park and a playground are named to honor Ronald E. McNair, a Congressional Space Medal of Honor recipient, and there are four public schools which focus on careers in aviation and aerospace; and

**Whereas**, A number of noteworthy astronauts, such as Karol Bobko, commander of the Atlantis' first shuttle mission in October of 1985, called the City of New York home; and

**Whereas**, NASA will announce the final destinations for the three soon-to-be-retired shuttles on April 12, 2011, the 30<sup>th</sup> anniversary of the first space shuttle launching; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon National Aeronautics and Space Administration Administrator, Charles F. Bolden, to retire at least one space shuttle to New York City for permanent residence at the Intrepid Sea, Air & Space Museum.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Cultural Affairs, Libraries and International Intergroup Relations).

Int. No. 508

By Council Members James, Cabrera, Chin, Comrie, Fidler, Foster, Koppell, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Seabrook, Vann, Williams, Levin, Van Bramer, Vallone Jr., Gentile, Gennaro and Crowley.

**A Local Law to amend the New York city charter, in relation to establishing an annual snow preparedness and response report.**

*Be it enacted by the Council as follows:*

Section 1. Section 15 of chapter 1 of the New York city charter is amended to add a new subdivision g to read as follows:

*g. Annual snow preparedness and response report. (1) For purposes of this subdivision, the term "snow event" shall mean any snowfall in excess of three inches within a period of six hours.*

*(2) No later than October 1, 2011, the mayor shall submit to the council and make available to the public on the city's website a report describing the city's preparation for and response to all snow events during the preceding twelve-month period. Such report shall include but not be limited to the following:*

*A. A list of all snow events during the reporting period;*

*B. A list of all city and state agencies or offices, and private entities, involved in snow event preparation and response, including a description of the responsibilities of each such agency, office or entity. Such list shall include but not be limited to the following: department of education, office of emergency management; department of environmental protection, fire department, office of the chief medical examiner, department of parks and recreation, police department, department of sanitation, department of transportation, and to the extent sufficient information is available, the State office of emergency management, New York city housing authority, the metropolitan transportation authority, and the port authority of New York and New Jersey;*

*C. An assessment of the performance of each such agency, office or entity during each of the City's snow events during the reporting period;*

*D. A list of any winter weather-related emergency warnings or declarations issued by the city or state during the reporting period, and actions taken pursuant to such warnings or declarations, and;*

*E. Recommendations for improving City snow event preparation and response, including but not limited to recommended revisions to agency or office snow management plans or other relevant protocols.*

*(3) No later than October 1, 2012, and annually on October 1 thereafter, the mayor shall submit to the council and make available to the public on the city's website a report detailing the city's preparation for and response to snow events during the previous twelve-month period and preparation for future snow events. Such report shall include but not be limited to the following areas:*

*A. Snow event management over the course of the reporting period, accounting for any changes in plan or management, including;*

*i. Snow management responsibilities for each of the following agencies and offices: department of education, office of emergency management; department of environmental protection, fire department, office of the chief medical examiner, department of parks and recreation, police department, department of sanitation, department of transportation, and, to the extent possible, the state office of emergency management, New York city housing authority, the metropolitan transportation authority, and the port authority of New York and New Jersey;*

*(a) Each such city agency or office shall indicate the number of employees*

available for snow removal activities and the role of such employees in the respective agency's or office's plan.

ii. An interagency snow event coordination protocol including designation of a lead agency or office, a list of all agencies or offices required to take part in such coordination, and a protocol for public notification of relevant information;

iii. A list of emergency or other weather-related warnings or declarations which the city or state may issue in preparation for or response to a snow event and the actions to be taken pursuant to such warnings or declarations;

iv. An inventory of all city-owned snow management equipment and resources;

v. A plan to coordinate deployment of city-owned snow management equipment and resources during a snow event, including measures to be taken to ensure that such equipment and resources are appropriately prepared for a snow event;

vi. An inventory of privately-owned snow management equipment and resources available for use by the City during a snow event;

vii. A plan to coordinate deployment of privately-owned equipment and resources during a snow event, including a plan to coordinate non-City owned ambulances and other emergency response vehicles;

viii. Strategies, contracts or agreements to ensure that privately owned snow management equipment and resources are available to the City on an as-needed basis or on the occurrence of any specified snow event;

ix. The number of individuals who registered with the City to work during future snow events, or who performed snow removal work during the reporting period, and;

x. A plan to deploy such individuals during future snow events and to ensure direct oversight of such workers by department personnel, and;

xi. Strategies or agreements to ensure that such individuals are available to the City on an as-needed basis or based on the occurrence of any specified snow event.

B. Snow events occurring during the reporting year, including:

i. The manner in which city-owned snow management equipment and resources were deployed in each snow event during the reporting period;

ii. The manner in which privately-owned snow management equipment and resources were obtained and deployed in each snow event during the reporting period, and any problems experienced obtaining and deploying the services of such equipment and resources during such snow events;

iii. The manner in which non-city workers were deployed in each of the City's snow events during the reporting period, and any problems experienced obtaining and deploying the services of such workers during such snow events, and;

iv. An assessment of the performance of the relevant city agencies or offices identified in item (a)(i) of subparagraph (3) of this subdivision in each snow event during the reporting period, including whether the city or state issued any snow emergency or other winter weather-related warnings or declarations.

C. Future planning for snow events, including:

i. Recommendations for improving city snow event preparation and response including but not limited to revisions to agency or office snow management plans or other relevant protocols;

ii. Recommendations for improving the utilization of city-owned snow management equipment and resources in future snow events;

iii. Recommendations for improving the use and deployment of privately-owned snow management equipment and resources in future snow events, and;

iv. Recommendations for improving the use and deployment of non-city workers to perform snow removal work in future snow events.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 509

By Council Members James, Vacca, Cabrera, Fidler, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Seabrook, Williams, Gentile, Mark-Viverito and Halloran.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the commissioner of the Office of Emergency Management to create rules and regulations regarding weather emergencies.**

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended to add a new title 30, and new sections 30-101 and 30-102 to read as follows:

Title 30. Emergency Management.

Chapter 1. Office of Emergency Management.

§30-101. Definitions. As used in this title the following term shall have the following meaning:

a. New York City Office of Emergency Management shall have the same meaning given in section 495 of the New York City Charter.

b. "Office" shall mean the New York City Office of Emergency Management.

§30-102. Rules regarding Weather Emergencies.

a. The commissioner, or his designee, shall promulgate rules detailing what actions the office shall take, including the other city agencies the office will contact and with which the office will consult, when the National Weather Service predicts

that certain weather conditions will affect the city. These weather conditions shall include, but not be limited to:

1. Winter Storm Outlook;
2. Blizzard Watch;
3. Winter Storm Watch;
4. Blizzard Warning;
5. Winter Storm Warning;
6. Winter Weather Advisory;
7. Blowing Snow Advisory;
8. Heavy Snow Warning;
9. Snow Advisory;
10. Freezing Rain Advisory;
11. Ice Storm Warning;
12. Heat Advisory;
13. Heat Wave;
14. Excessive Heat Watch;
15. Excessive Heat Warning;
16. Nor'easter;
17. Tropical Cyclone;
18. Tropical Depression;
19. Tropical Storm;
20. Tropical Storm Watch;
21. Tropical Storm Warning;
22. Hurricane;
23. Hurricane Watch;
24. Hurricane Warning; and
25. Storm Surge.

b. Pursuant to subdivision (g) of section 15 of chapter 1 of the New York City Charter, the actions taken pursuant to the rules promulgated under subdivision (a) of this section, including the city agencies contacted and consulted, for the weather conditions enumerated in paragraphs one through eleven of subdivision (a) of this section, shall be reported to the Council and the Mayor as part of the annual report.

§2. This local law shall take effect on the same day as the local law amending the New York City Charter relating to the annual snow preparedness and response report.

Referred to the Committee on Public Safety.

Int. No. 510

By Council Members James, Vallone, Jr., Fidler, Palma and Seabrook.

**A Local Law to amend the administrative code of the city of New York, in relation to salvia divinorum.**

Be it enacted by the Council as follows:

Section 1. Chapter two of title ten of the administrative code of the city of New York is amended by adding a new section 10-203, to read as follows:

§10-203. Salvia Divinorum

a. Definitions. For the purposes of this section:

1. "Person" means a human being, a public corporation, a private corporation, an unincorporated association, a partnership, proprietorship, or any other kind of entity or business organization.

2. "Possess" means to have physical possession, or to otherwise exercise dominion or control over tangible property.

3. "Salvia Divinorum" means a perennial herb in the mint family, frequently referred to as "Diviner's Sage," "Ska Maria Pastora," or "Sally D," as a whole plant, loose leaves, dried leaves, powder, or any other form, including the chemical salvinorin-A in any extracted or concentrated form.

4. "Sell" means to sell, exchange, distribute, give, or otherwise dispose of to another with or without consideration.

b. Possession of Salvia Divinorum.

1. A person shall be in violation of this section and subject to a civil penalty of five hundred dollars for each violation when said person knowingly possesses Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum and where the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of less than two ounces.

2. A person shall be guilty of a Class B Misdemeanor punishable by a term of imprisonment not to exceed three months, or a civil penalty of five hundred dollars for each violation, or both when said person knowingly possesses Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum and where the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of two ounces or more.

c. Sale of Salvia Divinorum.

1. A person shall be guilty of a Class B Misdemeanor punishable by a term of imprisonment not to exceed three months, or a civil penalty of one thousand dollars for each violation, or both when said person knowingly sells or offers to sell Salvia



*Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum and the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of less than two ounces.*

2. A person shall be guilty of a Class A Misdemeanor punishable by a term of imprisonment not to exceed one year, or a civil penalty of two thousand five hundred dollars for each violation, or both when said person knowingly sells or offers to sell Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum and where the Salvia Divinorum or any preparation, compound, mixture, or substance containing Salvia Divinorum is of an aggregate weight of two ounces or more.

d. *Exceptions. This section shall not apply to any prescription or nonprescription over-the-counter drugs approved or regulated by the United States Food and Drug Administration.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Health.

Res. No. 709

**Resolution declaring the 8<sup>th</sup> day of March of every year as International Women's Day (IWD) in the City of New York.**

By Council Members James, Dickens, Dromm, Ferreras, Fidler, Koppell, Koslowitz, Lander, Mark-Viverito, Mendez, Recchia, Seabrook, Van Bramer, Williams and Koo.

**Whereas**, International Women's Day (IWD) was first observed in 1911, at a time of great expansion and turbulence in the industrialized world; and

**Whereas**, The first celebrations were rooted in issues such as the calls for suffrage, for improvements to women's working conditions and the right for women to hold public office; and

**Whereas**, As time passed, IWD also became a mechanism for a peace movement with Russian women demonstrating for "bread and peace" in 1917; and

**Whereas**, As IWD grew in popularity it continued to be celebrated in many countries around the world as a day when women are recognized for their achievements and solidarity for one another; and

**Whereas**, In 1975, during International Women's Year, the United Nations began celebrating International Women's Day on March 8; and

**Whereas**, Since that time, each IWD has grown in scope and is even considered a public holiday in some countries; and

**Whereas**, Previous IWD themes have included issues such as equal rights, investing in women's and girls' growth and development, calls to cease impunity for violent acts against women and girls, and recognizing women and the peace process; and

**Whereas**, Despite the gains made by women since 1911, there are still many women worldwide living in poverty without access to proper healthcare or education; and

**Whereas**, Although, there have been great achievements by women since the first celebration of IWD, such as numerous women serving in elective offices and running large corporations, there are still far too many women confronting violence, including abuse, rape and domestic violence; and

**Whereas**, IWD is marked worldwide as a day to honor women, celebrate their achievements, unite them in their struggles and give voices to those who may not otherwise be heard; and

**Whereas**, March 8, 2011 marked the 100th anniversary of International Women's Day and New York City should add its voice to formally acknowledge this occasion; now, therefore, be it

**Resolved**, That the Council of the City of New York declares the 8<sup>th</sup> day of March of every year as International Women's Day (IWD) in the City of New York.

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

Int. No. 511

By Council Members Koo, Fidler, Koppell, Koslowitz, Recchia, Seabrook, Vann, Williams, Van Bramer, Lappin, Vallone Jr. and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a snow removal volunteer registry.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-135 to read as follows:

§16-135 *Snow removal volunteer registry. The department shall establish a registry of individuals who volunteer to remove snow on behalf of owners, lessees, tenants, occupants, or other persons having charge of any building or lot of ground*

*in the city abutting upon any street where the sidewalk is paved who are unable due to infirmity, illness or incapacity to fulfill their obligations under section 16-123. The department shall accept requests for snow removal and shall coordinate and direct snow removal volunteers. The provisions of this section do not alter the obligations of any person under section 16-123. Snow removal volunteers shall not be considered employees of the city for the purposes of this section and the city does not guarantee or warranty any of the work performed by snow removal volunteers performed pursuant to this section, nor does the city indemnify the snow removal volunteers for any claims, damages, losses, and expenses arising out of or resulting from any act, conduct, omission, negligence, misconduct or unlawful act.*

§ 2. This local law shall take effect one hundred eighty days after its enactment, except that the commissioner of sanitation shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 512

By Council Members Koslowitz, Brewer, Cabrera, Chin, Dromm, Ferreras, Fidler, Foster, Koppell, Lander, Mark-Viverito, Mendez, Recchia, Seabrook, Vann, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a plan for the removal of snow and ice from curb cuts, pedestrian medians and bus stops following a snow event.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.4 to read as follows:

§ 16-124.4 *Plan for removal of snow and ice from curb cuts and pedestrian medians. a. The following terms shall have the following meanings for purposes of this section:*

(1) *The term "bus stop" shall mean a location designated by signage for New York city transit authority vehicles to pick up or discharge passengers, which location includes five feet of the sidewalk and the gutter immediately adjacent to the curb for the portion of such curb;*

(2) *The term "bus shelter" shall mean a location which has a cover or ceiling and is used as shelter for individuals waiting to board a New York city transit authority vehicle, and shall include three feet on any open side of such shelter and to the curb on all portions of the sidewalk covered under this provision;*

(3) *The term "curb cut" shall have the same meaning it is given in section 27-480 of the code;*

(4) *The term "pedestrian median" shall mean a direct path between curb cuts on a median strip dividing a roadway or, where no curb cuts exist on such a median strip, the portion of the median strip designed to be traversed by pedestrians in order to cross the roadway that such median strip divides;*

(5) *The term "primary street" shall mean streets that are determined by the department to be the first priority for purposes of snow removal;*

(6) *The term "snow event" shall have the same meaning it is given in subdivision g of section 15 of chapter 1 of the charter.*

*b. No later than October 1, 2011, the commissioner shall establish and submit to the council and make available to the public on the city's website a plan to coordinate the removal of snow and ice from curb cuts and pedestrian medians at intersections on primary streets following a snow event. Such plan shall also coordinate the removal of snow and ice from bus stops, but not bus shelters. Such plan shall be updated from time to time, but in no event less frequently than once every two years. Any time such plan is updated, it shall promptly be submitted to the council and made available to the public on the city's website.*

*c. Where the department employs non-city workers to conduct snow removal pursuant to this section, pursuant to subdivision g of section 15 of chapter 1 of the charter, such non-city workers shall be directly supervised by department personnel.*

*d. The requirements of this section shall not be construed to remove responsibility of an owner, lessee, tenant, occupant, or other person having charge of any building or lot of ground to remove snow and ice from an abutting sidewalk pursuant to section 16-123 of this chapter and section 7-210 of the code.*

§ 2. This local law shall take effect on the same day as the local law amending the Charter relating to the annual snow preparedness and response report.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 513

By Council Members Lander, Mark-Viverito, Eugene, James, Levin, Brewer, Dromm, Koppell, Mendez, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a citywide wildlife management plan.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-139 to read as follows:

§ 18-139 Wildlife Management Advisory Board. *a. There shall be an advisory board to develop a citywide wildlife management plan.*

*b. Such advisory board shall consist of eleven members as follows:*

*i. Three members shall be appointed by the mayor, provided that at least one such member shall be from academia and have advanced specialized training in the management of wildlife in an urban setting;*

*ii. Three members shall be appointed by the speaker of the council, provided that at least one such member shall have five years experience working with wildlife in urban settings;*

*iii. The commissioners of the department of parks and recreation, the department of environmental protection, the department of health and mental hygiene, and the department of sanitation, the police department, or the designees of such commissioners, shall serve ex officio.*

*iv. The deputy mayor for operations, or his or her respective designee, shall serve as chairperson of the advisory board.*

*v. The advisory board shall invite the New York state department of agriculture and markets, the New York state department of environmental conservation, the United States department of agriculture, the United States department of the interior, the United States environmental protection agency, the federal aviation administration and any other relevant state or federal agency, as identified by such board, to participate in the development of the citywide wildlife management plan.*

*c. Each member, other than members serving in an ex officio capacity and any state or federal agency participants, shall serve for a term of twelve months, to commence after the final member of the advisory board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

*d. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.*

*e. Members of the advisory board shall serve without compensation and shall meet as necessary.*

*f. At its first meeting, no later than one hundred eighty days after the enactment of this section, the advisory board shall set dates for public hearings and solicit testimony from the public and from relevant state and federal agencies on the development of a citywide wildlife management plan.*

*g. The advisory board shall issue a citywide wildlife management plan to the mayor and council no later than twelve months after the final member of the advisory board is appointed. Such plan shall, at a minimum, include:*

*i. An analysis of significant wildlife management problems;*

*ii. Strategies to promote biological diversity and healthy wildlife distribution;*

*iii. Policies to ensure that wildlife management initiatives preserve and protect the public health and safety;*

*iv. A description of strategies to address wildlife management problems that use the most humane treatment of wildlife feasible;*

*v. An assessment of the need for additional wildlife management resources;*

*vi. An analysis of historical, present and projected needs for the management of wildlife;*

*vii. A description of particular actions to be undertaken by each agency in furtherance of the wildlife management plan that use the most humane treatment of wildlife feasible;*

*viii. An estimation of the cost of such initiatives;*

*ix. Recommendations for further action regarding the management of wildlife;*

*h. The advisory board shall terminate upon the publication of the citywide wildlife management plan.*

*i. Not later than one year after the publication of the citywide wildlife management plan, and every one year thereafter, every city agency that is a member of the wildlife management advisory board or is named in the citywide wildlife management plan shall provide an update on the implementation of the relevant measures included in such plan, specific progress towards each of the plan's goals and recommendations for further action regarding the management of wildlife. Such updates shall be compiled by the department of parks and recreation and submitted in a report to the mayor and the speaker of the council.*

*j. All agencies shall consider the effect that their initiatives, actions, policies and programs have on wildlife in the city of New York and shall strive to ensure that such initiatives, actions, policies and programs are in furtherance of the goals of the wildlife management plan.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Park and Recreations.

Res. No. 710

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.1008/S.323, which would prohibit possession of a condom from being used as evidence of prostitution and certain other offenses.**

By Council Members Lappin, Brewer, Chin, Dromm, Ferreras, Koslowitz, Lander, Mendez and Williams.

**Whereas**, New York City is the epicenter of the HIV/AIDS epidemic, with more than 107,000 New Yorkers living with HIV and thousands more not knowing of their infection; and

**Whereas**, New York City's AIDS case rate is the highest in the country with more cases than San Francisco, Los Angeles, Miami and Washington, D.C. combined; and

**Whereas**, One way to lower the risk of HIV/AIDS or sexually-transmitted disease transmission is through safe sex practices such as condom use; and

**Whereas**, Since 1971, New York City has distributed free condoms to the public in order to combat the transmission of sexually-transmitted infections and diseases and promote safer sex practices; and

**Whereas**, Most recently, in Fiscal Year 2010, the New York City Department of Health and Mental Hygiene distributed more than 36 million male condoms; and

**Whereas**, Nevertheless, under existing law, the possession of condoms may be introduced as evidence of prostitution and certain other sex offenses; and

**Whereas**, Condom distribution is a recognized public health intervention which protects individuals from HIV/AIDS and other sexually-transmitted diseases; and

**Whereas**, Despite the noted public health benefit of condom use, the admissibility of condoms as evidence of prostitution discourages the use of condoms and undermines public health efforts to encourage safe sex; and

**Whereas**, A.1008/S.323, introduced by Assembly Member Barbara Clark and Senator Velmanette Montgomery, would prohibit possession of a condom from being received in evidence in any trial, hearing or proceeding as evidence of prostitution, patronizing a prostitute, promoting prostitution, permitting prostitution, maintaining a premises for prostitution, lewdness or assignation, or maintaining a bawdy house; and

**Whereas**, This legislation would amend the New York State Civil Practice Law, Criminal Procedure Law and Executive Law to reflect this change; and

**Whereas**, In a 2010 memorandum of support, the New York Civil Liberties Union stated that existing law also puts the population at greater risk of acquiring sexually-transmitted infections and diseases; and

**Whereas**, Additionally, this policy detrimentally affects vulnerable sex workers and individuals who have been profiled by police as being sex workers, as they have become increasingly terrified of carrying any form of contraception or sexually-transmitted infection prevention tool because they fear the legal ramifications of doing so; and

**Whereas**, Current law also puts any person who carries condoms at risk of criminal suspicion and endangers the public health of all New Yorkers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.1008/S.323, which would prohibit possession of a condom from being used as evidence of prostitution and certain other offenses.

Referred to the Committee on Public Safety.

Res. No. 711

**Resolution calling upon the State Legislature to pass, and the Governor to sign, A.05375, amending Section 282-a of the Multiple Dwelling Law, in relation to prohibiting building owners from interrupting or discontinuing essential services from the time an occupant files an application for coverage under the Loft Law until a final determination, including appeals, has been made by the Loft Board to approve or deny such application.**

By Council Members Levin, Dilan, Chin, Fidler, Mendez, Seabrook and Gentile.

**Whereas**, The Loft Expansion Law, passed in June 2010, extended the original Loft Law to eligible loft tenants in many New York City neighborhoods; and

**Whereas**, The Loft Expansion Law affords loft tenants rights under the Rent Stabilization Law, protection from harassment, and a multitude of other benefits; and

**Whereas**, Some landlords have sought to evade the requirements of the Loft Law by failing to bring their buildings up to safety code, and by retaliating against applicants who wish to legalize their residences with the interruption of essential services; and

**Whereas**, According to some Loft Law tenants and advocates, some landlords have harassed their tenants in an effort to get them to vacate their buildings, called police without justification, suspended garbage removal, evicted and threatened to evict tenants, demolished rooms, forcibly removed tenants by calling the Fire Department, cemented bathrooms closed, chained doors closed, played loud music all day and night, and shut off hot water and heat, in order to retaliate against applicants for Loft Law coverage and to discourage other tenants from applying; and

**Whereas**, The process to apply for, and be granted, Loft Law coverage is lengthy, leaving applicants subject to harassment by landlords for months or even

years, without the protection or rights of tenants in legal multiple dwellings; and

**Whereas**, A.05375 would make it unlawful for an owner to cause or intend to cause such occupants to vacate, surrender or waiver any rights in relation to such occupancy, including repeated interruptions or discontinuances of essential services, or an interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair habitability of such unit, at any time before the Loft Board has made a final determination, including appeals, to approve or deny such application; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.05375, amending Section 282-a of the Multiple Dwelling Law, in relation to prohibiting building owners from interrupting or discontinuing essential services from the time an occupant files an application for coverage under the Loft Law until a final determination, including appeals, has been made by the Loft Board to approve or deny such application.

Referred to the Committee on Housing and Buildings.

Int. No. 514

By Council Members Mealy, Cabrera, Fidler, Koppell, Recchia, Sanders, Vann, Williams and Halloran.

**A Local Law to amend the New York City charter, in relation to requiring the mayor's office of operations to conduct an annual inventory of snow and weather emergency management equipment and resources.**

*Be it enacted by the Council as follows:*

Section 1. Section 15 of Chapter 1 of the New York City charter is amended by adding a new subdivision h to read as follows:

*h. (1) The office of operations shall, on an annual basis, compile an inventory of all equipment and resources available for use by the city during a snow event, as defined by subdivision g of this section. The inventory shall include information regarding:*

- a. city-owned snow and emergency management equipment and resources;*
- b. privately-owned snow and emergency management equipment and resources;*
- c. the agency responsible for the deployment of such city-owned and privately-owned snow and emergency management equipment and resources;*
- d. the location of such city-owned and privately-owned snow and emergency management equipment and resources; and*
- e. the availability of such city-owned and privately-owned snow and emergency management equipment and resources.*

*(2) Pursuant to subdivision g of this section, the office of operations shall report the results of the inventory compiled pursuant to paragraph (1) of this subdivision to the council as part of the Annual Snow Preparedness and Response Report.*

*(3) The office of operations shall, on an annual basis, compile an inventory of all equipment and resources available for use by the city during any weather emergency other than a snow event. For purposes of this subdivision, the term "weather emergency" shall include, but not be limited to, the following events: coastal storm, earthquake, flooding, heat wave, hurricane, tornado, and weather-related blackout.*

*(4) No later than April 1, 2012, and annually on April 1 thereafter, the office of operations shall report the results of the inventory compiled pursuant to paragraph (3) of this subdivision to the council and make such report available to the public on the city's website. This report shall include, for each category of weather emergency, information regarding:*

- a. city-owned weather emergency management equipment and resources;*
- b. privately-owned weather emergency management equipment and resources;*
- c. the agency responsible for the deployment of such city-owned and privately-owned weather emergency management equipment and resources;*
- d. the location of such city-owned and privately-owned weather emergency management equipment and resources; and*
- e. the availability of such city-owned and privately-owned weather emergency management equipment and resources.*

§2. This local law shall take effect on the same day as the local law amending the charter relating to the annual snow preparedness and response report.

Referred to the Committee on Public Safety.

Res. No. 712

**Resolution calling upon New York State Governor Andrew M. Cuomo and the New York Legislature to halt the Medicaid Redesign process and create a process that is prudent and inclusive in order to reduce the Medicaid budget and raise additional revenue to pay for services without compromising health care for needy New Yorkers.**

By Council Members Mendez, Barron, Brewer, Dickens and Jackson.

**Whereas**, New York State Governor Andrew M. Cuomo established the Medicaid Redesign Team, through Executive Order, to find ways to save money within the Medicaid program for Fiscal Year 2012; and

**Whereas**, The Governor named a 27-member Medicaid Redesign Team that is composed of a significant number of hospital administrators, with only one community representative and only four people of color as members; and

**Whereas**, The Governor charged the Medicaid Redesign Team with executing its goal without compromising care for New Yorkers; and

**Whereas**, The Medicaid Redesign Team was asked to come up with recommendations on how to cut the state's share of the Medicaid budget by \$2.85 billion for Fiscal Year 2012; and

**Whereas**, This proposed cut will result in the loss of matching federal dollars bringing the total loss of Medicaid program funding for New York to almost \$6 billion for Fiscal Year 2012; and

**Whereas**, Medically underserved communities exist in New York City; and

**Whereas**, Most recently there has been a notable loss of services in underserved, immigrant and communities of color, due to the closing of St. Mary's Hospital and its community-based health centers in Central Brooklyn, Mary Immaculate Hospital and St. John's Hospital in Queens, and North General Hospital in Harlem; and

**Whereas**, Many critically needed services such as primary care for all New Yorkers, especially the underserved, and mental health services, are reliant upon funding from Medicaid programs to continue; and

**Whereas**, There are hospitals and health centers in New York City that are financially vulnerable, such that the loss of Medicaid revenue could result in the closing of these providers; and

**Whereas**, The Medicaid Redesign Team was given proposals to consider that do not take into account many of the factors for providing need based health services; and

**Whereas**, The approved recommendations do not protect safety net health care providers that exist in underserved communities that serve the uninsured and Medicaid beneficiaries; and

**Whereas**, The Health and Hospitals Corporation could lose approximately \$150 million per year in funding based upon the recommendations that were adopted, and have already been implementing in services because of a financial deficit; and

**Whereas**, The Governor has incorporated the recommendations of the Medicaid Redesign Team, making them part of the State Executive Budget; and

**Whereas**, As currently proposed, the State Legislature will not be allowed to modify any of these proposals, but rather only vote them up or down; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon New York State Governor Andrew M. Cuomo and the New York Legislature to halt the Medicaid Redesign process and create a process that is prudent and inclusive in order to reduce the Medicaid budget and raise additional revenue to pay for services without compromising health care for needy New Yorkers.

Referred to the Committee on Health.

Int. No. 515

By Council Members Mendez, Comrie and James.

**A Local Law to amend the administrative code of the city of New York, in relation to the illegal conversion to residential use of space occupied as a community facility use.**

*Be it enacted by the Council as follows:*

Section 1. Article 210 of title 28 of the administrative code of the city of New York, as enacted by local law number 33 for the year 2007, is amended by adding a new section 28-210.3 to read as follows:

*§28-210.3. Illegal conversions of space required to be used for a community facility use. Except as otherwise provided by law, it shall be unlawful to convert to residential use any community facility building or any space legally authorized for occupancy for a community facility use as set forth in sections 12-10, 22-13 and 22-14 of the zoning resolution, or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code, the department or, if applicable, the environmental control board, shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the building or structure with respect to which the violation occurred and the time period during which the violation was found to have existed.*

§2. This local law shall take effect ninety days after its enactment, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 516

By Council Members Oddo, Ignizio, Halloran, Ulrich, Koo and Comrie.

**A Local Law to amend the administrative code of the city of New York, in relation decreasing the Campaign Finance Program's public matching funds rate during times of fiscal emergency.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision (2) of section 3-705 of the administrative code of the city of New York, as amended by local law number 34 of 2007, is amended to read as follows:

§3-705(2)(a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to one thousand fifty dollars in public funds per contributor (or up to five hundred twenty-two dollars in public fund per contributor in the case of a special election), obtained and reported to the campaign finance board in accordance with the provisions of this chapter[.]; *except that, if, in the year of a primary or general election, and prior to the deadline for filing a certification as set by the board pursuant to paragraph (c) of subdivision (1) of section 3-703, the mayor's office of management and budget projects, in a financial plan issued pursuant to section 258 of the charter, that the city's budget gap will equal or exceed two billion dollars, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of two dollars for each one dollar of matchable contributions, up to three hundred fifty dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter.*

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 713

**Resolution calling upon the New York State Legislature to reintroduce and pass, and the Governor to sign legislation requiring cardiac screening of student athletes and mandating coaches to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator.**

By Council Members Oddo, Cabrera, Comrie, Ferreras, Fidler, James, Koppel, Mark-Viverito, Recchia, Williams and Koo.

**Whereas**, According to the United States Centers for Disease Control and Prevention, more than 7 million students play high school sports in the United States; and

**Whereas**, There is a legitimate concern for the health and safety of all student athletes; and

**Whereas**, It has been reported that approximately 100,000 young athletes die each year from cardiovascular disorders, as a result of participating in sports; and

**Whereas**, One such student athlete, Dominic A. Murray, died at the age of 17 while playing a game of pick-up basketball at SUNY Farmingdale State College; and

**Whereas**, Dominic received a physical and was cleared to play sports, yet he died of sudden cardiac arrest (SCA) due to cardiac hypertrophy related to an underlying heart condition; and

**Whereas**, SCA is a leading cause of death in the United States accounting for approximately 250,000 deaths each year; and

**Whereas**, SCA is an abrupt loss of heart function which generally results from ventricular fibrillation, a rapid and unsynchronized heart rhythm originating in the heart's lower pumping chambers; and

**Whereas**, Dominic's undiagnosed condition, cardiac hypertrophy, or hypertrophic cardiomyopathy, is a genetic disorder which involves abnormal thickening of the heart muscle; and

**Whereas**, This disorder is asymptomatic and can remain undetected and untreated, leaving an individual vulnerable to serious medical complications, SCA or death; and

**Whereas**, It is estimated that this condition affects approximately 40,000 individuals in New York State; and

**Whereas**, Brain death and permanent death begins to occur in four to six minutes after someone experiences SCA and it is estimated that more than 95 percent of SCA victims die before reaching the hospital; and

**Whereas**, SCA can be reversed if it is treated immediately by cardiopulmonary resuscitation (CPR) and an electric shock to the heart within seven to ten minutes; and

**Whereas**, An automated external defibrillator (AED) is a lightweight, portable device that scans the patient and if warranted delivers an electric shock through the chest to the heart, which can stop an irregular rhythm and allow a normal rhythm to continue in a heart during SCA; and

**Whereas**, If an AED is used within one minute of a SCA the individual's chance of survival increases by 90 percent; and

**Whereas**, During a cardiac episode, a victim's survival rate diminishes by seven to ten percent for each minute without treatment, and yet where defibrillation is provided within five to seven minutes the survival rate from cardiac arrest can reach 49 percent; and

**Whereas**, The American Red Cross asserts that if both CPR and AED usage were made more widely available, the survival rate from SCA would increase to 20 percent, saving approximately 40,000 lives in the United States each year; and

**Whereas**, Employing CPR and an AED are two of the links to the chain of survival when treating an individual experiencing SCA; and

**Whereas**, Through the tragic death of Dominic, a foundation was found in his honor, the Dominic A. Murray 21 Memorial Foundation, Inc., which works to prevent sudden cardiac arrest among young athletes from primary school through college; and

**Whereas**, This organization carries out its mission through the DomHeart21 program which advocates for the implementation of preventative heart screening programs in educational institutions and among youth-athletic organizations; and

**Whereas**, DomHeart21 also provides training to coaches, teachers and volunteers on how to perform CPR and how to use an AED; and

**Whereas**, To honor Dominic's legacy and to fulfill the mission of the Dominic A. Murray 21 Memorial Foundation, Assembly Member Jeffrion Aubry first introduced legislation last session which required that student athletes receive preventative cardiac screening; and

**Whereas**, Such screening would help to ascertain whether a student has any condition which could result in injury, illness or even death as a result of physical activity; and

**Whereas**, Additionally, the legislation also mandated that coaches receive training in CPR and the use of an automated external defibrillator; and

**Whereas**, If implemented, this measure could save the lives of countless student athletes; 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, and the Governor to sign legislation requiring cardiac screening of student athletes and mandating coaches to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator.

Referred to the Committee on Health.

Int. No. 517

By Council Members Palma, Cabrera, Comrie, Ferreras, Fidler, Koppel, Koslowitz, Mendez, Recchia, Seabrook, Vallone Jr., Levin, Van Bramer and Lappin.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing snow removal plans for each borough.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.1 to read as follows:

§ 124.1 Borough-based snow removal plans. a. Beginning October 1, 2011, and annually on October 1 thereafter, the Mayor shall issue a snow removal plan for each borough that shall include, but not be limited to, the following:

(1) A map of all community districts and sections within each borough as established pursuant to section 16-111 of this chapter, and the following information:

A. The address of each department garage and other department facility within the borough with the district and section designation of each, sorted by district and section;

i. The number of uniformed department employees assigned to each department garage or other department facility;

B. The address of each of salt storage facility within the borough and the district and section designation of each, sorted by district and section;

C. The address of each location warranting high snow removal priority in the borough including, but not limited to, all schools, hospitals, senior centers and post offices, with the district and section designation of each, sorted by district and section;

D. An inventory of all snow removal equipment assigned to each district and section;

E. All department snow plow routes within each borough, listed by district and section, and the priority designation assigned to each such route.

(2) A plan for the department to address the following snow management and removal functions:

A. Removal of snow from streets within each borough;

B. Removal snow from public spaces such as sidewalks adjacent to parks, bus stops, curb cuts and crosswalks;

*B. Dispersal of salt throughout such district or section during a snow event, as the term snow event is defined in subdivision g of section fifteen of chapter one of the charter;*

*C. Protocol to communicate with, and receive information from, elected officials, community boards and residents regarding conditions within boroughs, districts or sections leading up to and immediately following a snow event.*

*b. The mayor shall submit draft borough-based snow removal plans to the relevant council members, community boards, and borough presidents representing the corresponding borough or districts within such borough by June 15 of each year, commencing in 2011. The mayor shall accept written comments on the draft plans from such council members, community boards, and borough presidents that are submitted on or before August 1 of each year, and he shall respond in writing, and amend the plans, as needed, based on these comments. All such responses and amendments shall be included in the final snow removal plan for each borough to be issued no later than October 1 of each year.*

§2. This local law shall take effect on the same day as the local law amending the Charter relating to the annual snow preparedness and response report.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 518

By Council Member Recchia (by request of the Mayor), James and Vann.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Atlantic Avenue business improvement district.**

*Be it enacted by the Council as follows:*

Section 1.Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-481 to read as follows:

§25- 481 *Atlantic Avenue business improvement district.*

*a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Brooklyn, the Atlantic Avenue business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Atlantic Avenue business improvement district is based.*

*c. The district plan shall not be amended except in accordance with chapter four of this title.*

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

Referred to the Committee on Finance.

Res. No. 714

**Resolution concerning the establishment of the Atlantic Avenue Business Improvement District in the Borough of Brooklyn and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.**

By Council Members Recchia, Cabrera and James.

**WHEREAS**, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated October 12, 2010, provided for the preparation of a district plan (the "Plan") for the Atlantic Avenue Business Improvement District (the "District") in the Borough of the Brooklyn; and

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

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission (the "CPC") on October 13, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on October 15, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on October 15, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community board (Brooklyn Community Board Number 2, hereinafter the "Community Board") for the community district in which the proposed District is located on October 15, 2010; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

**WHEREAS**, on November 10, 2010, the Community Board voted to approve the establishment of the District; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the Plan; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the City Council and to the Council Member representing the council district in which the proposed District is located; and

**WHEREAS**, pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on January 5, 2011; and

**WHEREAS**, pursuant to section 25-406 (a) of the Law, a copy of the Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

**WHEREAS**, pursuant to section 25-406 (a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

**WHEREAS**, pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

**WHEREAS**, pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) March \_\_\_\_, 2011 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 16th Floor, 250 Broadway is the place for a public hearing (the "Public Hearing") to hear all persons interested in the establishment of the District;

(ii) the Atlantic Avenue BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;

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

(iv) in the event that the Atlantic Avenue BID Steering Committee mails, or the Department of Small Business Services arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

Referred to the Committee on Finance.

Res. No. 715



**Resolution calling upon the New York State Legislature to pass legislation that would require the New York State Education Commissioner to conduct a statewide audit of compliance for physical education and report which schools are not in compliance as well as establish a remediation process for those schools.**

By Council Members Rivera, Brewer, Cabrera, Dromm, Fidler, James, Mendez and Williams.

**Whereas**, According to the American Heart Association (AHA), nearly 10 million children and adolescents in the United States ages 6-19 are considered overweight; and

**Whereas**, The AHA also states that an important way to prevent obesity is through physical activity; and

**Whereas**, The United States Centers for Disease Control and Prevention (CDC) contends that regular physical activity in children helps build and maintain healthy bones and muscles; and,

**Whereas**, In addition, it is known that physically active children are more likely to thrive academically and socially; and

**Whereas**, The AHA recommends that children engage in at least 60 minutes of moderate to physical activity each day and it is reasonable for them to get at least 30 minutes of that time in school; and

**Whereas**, New York State requires that all students in grades K-12 must attend and participate in a physical education program; and

**Whereas**, These requirements state that all pupils in grades K-3 shall attend and participate in physical education on a daily basis; and

**Whereas**, In addition, the requirements mandate that all pupils in grades 4-6 shall attend and participate in physical education not less than three times a week; and

**Whereas**, Furthermore, the State Education Law requires that all pupils in grades 7-12 shall attend and participate in physical education for not less than three times per week in one semester and not less than two times per week in the other semester; and

**Whereas**, Section 803 of the New York State Education Law instructs the Board of Regents to adopt rules on how this must be achieved; and

**Whereas**, Despite requirements, it is widely reported by parents and advocates that children in New York City are not receiving physical education according to the New York State Education Law; and

**Whereas**, Since many of these reports are anecdotal, an official audit should be undertaken in order to ascertain the extent of non-compliance; and

**Whereas**, The Council of Physical Education for Children states that "physical education plays a critical role in the education of the whole child;" and

**Whereas**, It is well documented that physical education is essential for the health of children; and

**Whereas**, New York State Education Law calls for physical education requirements and yet not all schools are in compliance; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass legislation that would require the New York State Education Commissioner to conduct a statewide audit of compliance for physical education and report which schools are not in compliance as well as establish a remediation process for those schools.

Referred to the Committee on Education.

Int. No. 519

By Council Members Rodriguez, Brewer, Gentile, Mark-Viverito, Cabrera, James, Koppel, Lander, Levin and Gonzalez.

**A Local Law to amend the administrative code of the city of New York, in relation to traffic lights in certain public parks.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-140 to read as follows:

*§18-140 Prohibition of vehicles in certain public parks, notice to department of transportation. The department shall provide notice to the department of transportation in a timely manner of any schedule or any changes to such schedule of the days and times when vehicles in certain public parks are prohibited in all of a part of any roadways in the park so that the traffic lights may be adjusted.*

§2. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-107.1 to read as follows:

*§19-107.1 Traffic signals in certain public parks, when vehicles are prohibited. When the department of parks and recreation closes a park or portion of a park to vehicular traffic, the traffic lights in such park or portion of a park closed to vehicular traffic shall display flashing yellow indications for the duration of the period of time during which vehicles are prohibited.*

§3. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Transportation.

Int. No. 520

By Council Members Vacca, Gentile, Cabrera, Comrie, Dromm, Fidler, James, Koppell, Koslowitz, Nelson, Recchia, Vann, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to identifying snow plow routes and snow removal priority designations for City streets.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.3 to read as follows:

*§ 16-124.3 Snow plow routes and priority designation for city streets. a.(1) No later than October 1, 2011, the commissioner shall issue a report to be made available to the public on the department's website identifying i) department snow plow routes for each community district and/or sanitation section and ii) the snow removal priority designations of all city streets, organized based on community district and/or sanitation section;*

*(2) Such priority designations shall be based on a three-tiered designation of primary, secondary and tertiary streets;*

*(3) The commissioner shall define each of the three priority designation tiers, provide criteria for making such designations and identify implications of such designation for snow removal.*

*b. No later than October 1, 2012 and annually thereafter, the commissioner shall update such report and make it available to the public on the department's website; such update shall include but not be limited to any changes to the priority designation of any streets and changes to the priority designation terminology or definitions.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 521

By Council Members Vacca, Rose, Comrie, James, Seabrook and Williams (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to mandatory penalties for taxicab and other drivers.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 19-507 of the administrative code of the city of New York, as amended by local law number 88 for the year 1989, is amended to read as follows:

1. Any driver who has been found to have violated a provision of paragraph one, two, three or four of subdivision a of this section, or any combination thereof, shall be fined not less than two hundred dollars nor more than [three] *five* hundred [fifty] dollars for the first offense. Any driver who has been found in violation of any of the provisions of such paragraphs, or any combination thereof, for a second time within a twenty-four month period shall be fined not less than three hundred fifty dollars nor more than [five hundred] *one thousand* dollars, and the commission may suspend the driver's license of such driver for a period not to exceed thirty days. [The commission shall revoke the driver's license of any] *Any* driver who has been found to have violated any of the provisions of paragraph one, two, three or four of such subdivision, or any combination thereof, three or more times within a thirty-six month period *shall be fined not more than one thousand dollars for each such third or subsequent offense, and the commission shall revoke the driver's license of such driver.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 522

By Council Members Vallone Jr., Fidler, James, Koppell, Mendez, Vann, Williams, Halloran and Koo.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the commissioner of the Office of Emergency Management to create rules and regulations regarding the Emergency Operations Center.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended to add a new section 30-104 to read as follows:

§30-104. *Rules regarding Emergency Operations Center.*

a. *The commissioner, or his designee, shall promulgate rules detailing under what weather conditions, as defined by the National Weather Service, and pursuant to what timetable, the Office of Emergency Management will open the Emergency Operations Center. These conditions shall include, but not be limited to: 1. Winter Storm Outlook; 2. Blizzard Watch; 3. Winter Storm Watch; 4. Blizzard Warning; 5. Winter Storm Warning; 6. Winter Weather Advisory; 7. Blowing Snow Advisory; 8. Heavy Snow Warning; 9. Snow Advisory; 10. Freezing Rain Advisory; 11. Ice Storm Warning; 12. Heat Advisory; 13. Heat Wave; 14. Excessive Heat Watch; 15. Excessive Heat Warning; 16. Nor'easter; 17. Tropical Cyclone; 18. Tropical Depression; 19. Tropical Storm; 20. Tropical Storm Watch; 21. Tropical Storm Warning; 22. Hurricane; 23. Hurricane Watch; 24. Hurricane Warning; and 25. Storm Surge.*

b. *For each of the weather conditions enumerated in paragraphs one through eleven of subdivision (a) of this section, the commissioner shall report to the Council and the Mayor, pursuant to subdivision (g) of section 15 of chapter 1 of the New York City Charter, on: 1. the date of the weather condition; 2. whether the Emergency Operations Center was opened; 3. if the Emergency Operations Center was not opened, the reason(s) why it was not opened; and 4. if the Emergency Operations Center was opened, the length of time it was open and a list of the Commissioners or other qualified designees that staffed the Emergency Operations Center at such time.*

§2. This local law shall take effect on the same day as the local law amending the New York City Charter relating to the annual snow preparedness and response report.

Referred to the Committee on Public Safety.

Int. No. 523

By Council Members Vallone Jr., Cabrera, Ferreras, Fidler, James, Koppell, Mendez, Vann, Williams, Van Bramer, Lappin, Recchia, Gentile, Mark-Viverito, Halloran and Koo.

**A Local Law to require the New York City Police Department to conduct comprehensive operational and technical reviews of the City's Emergency 911 Communication System and report its findings to the speaker of the city council.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The City's Emergency 911 Communication System ("911") is the largest 911 system in the country and handles more than 12 million calls per year. The system has been undergoing an upgrade since 2006 by way of the Emergency Communications Transformation Project ("ECTP"). ECTP seeks to centralize and integrate the call taking and dispatch operations among the NYPD, FDNY, and EMS in order to reduce emergency response times, improve the City's capacity to coordinate multi-agency responses to emergencies, ensure that the City's 911 systems are fully redundant, and enhance the resiliency of the NYPD and FDNY, including EMS dispatch operations.

ECTP has four initiatives, at various stages of completion, aimed at meeting the project's objectives, including: (i) the establishment of a Public Services Answering Center ("PSAC 1") in Brooklyn, where NYPD, Fire and EMS are to be situated on the same floor, (ii) the construction of a back-up 911 call-taking and dispatch center ("PSAC 2") in the Bronx, the scope of which has recently been scaled back, (iii) unifying 911 call-taking functions in a single call-taking operation at PSAC 1 and PSAC 2 that will be managed by the NYPD, and (iv) the integration of the NYPD, FDNY and EMS Computer-Aided Dispatch ("CAD") systems.

During the City's December 2010 blizzard, the 911 system was overwhelmed with calls, receiving almost 50,000 calls on Monday, December 27<sup>th</sup> alone, which represented the 6<sup>th</sup> highest one day call total in the history of 911. Many people complained that it took several attempts to get through to 911, that they received a recorded message when they got through rather than a 911 operator, that their call was disconnected, or that they could not get through at all. Similar problems were reported in the aftermath of tornadoes that struck the City in September of 2010 and during and after the blackout of 2003, all of which led the City to undertake ECTP. The Council has also been advised that the large number of calls input into the Fire Department's Computer Aided Dispatch System during the December 2010 blizzard caused technical glitches in the system that needed to be manually corrected.

The Council therefore finds that the City is still unable to effectively and efficiently deal with extremely high 911 call volumes despite several years of attempting to overhaul the 911 system at a cost of hundreds of millions of dollars. The Council wants to ensure that comprehensive operational and technical reviews of the 911 system are conducted in a timely manner. These reviews will determine where problems exist and seek to ensure that appropriate changes are made, where practicable, prior to the completion of ECTP in order to ensure that the 911 system can answer and respond to a high volume of calls effectively and efficiently.

§2. Emergency 911 Communication System Operational Review. The New York City Police Department, in cooperation with the New York City Fire

Department, the Department of Information Technology and Telecommunications and the Office of Citywide Communications, shall conduct a comprehensive review of the City's Emergency 911 Communication System operational procedures, including procedures employed during the December 2010 blizzard. Such review shall, among other things: (i) assess whether the City's 911 call taking and dispatch centers were adequately staffed to handle the increased call volume during and subsequent to the December 2010 blizzard; (ii) determine what, if any changes need to be made to staffing protocols to ensure adequate staffing for future high call volume incidents; (iii) assess whether the City had adequate resources available in the 911 call taking and dispatch centers, including work stations, phones and computers at the time of the December 2010 blizzard; (iv) determine what, if any, additional resources, need to be made available or procured to ensure adequate resources are available for future high call volume incidents, including the efficacy of using back up centers during high call volume incidents to increase available resources and staffing; (v) assess whether the command structure that existed during the December 2010 blizzard was adhered to and whether that structure adequately addressed issues associated with high call volume such as determining how to triage and prioritize calls and monitoring and reducing the backlog of calls; (vi) determine, what, if any, changes need to be made to the command structure and or training received by supervisors to better enable them to triage and prioritize calls and monitor and reduce the backlog of calls in future high call volume incidents; and (vii) assess whether appropriate escalation procedures and protocols were in place during the blizzard and the need to replace or revise those procedures and protocols to ensure future high call volume incidents are handled with greater efficiency and effectiveness.

§3. Emergency 911 Communication System Technical Review. The New York City Police Department, in cooperation with the New York City Fire Department, the Department of Information Technology and Telecommunications and the Office of Citywide Communications, shall conduct a comprehensive technical review of the City's Emergency 911 Communication System, including problems encountered during the December 2010 blizzard. Such review shall, among other things: (i) assess whether there were any problems with the 911 telephony system during and in the aftermath of the blizzard, including problems encountered by the telephone service provider, the impact of those problems and how they were addressed and can be avoided in the future; (ii) assess whether there were any problems with the computer systems and/or software in the 911 call center during and in the aftermath of the blizzard, the impact of those problems and how they were addressed and can be avoided in the future; (iii) assess whether there were any problems with the police, fire or emergency medical service computer aided dispatch systems and software during and in the aftermath of the blizzard, the impact of those problems and how they were addressed and can be avoided in the future, and (iv) reassess technical problems in the Emergency 911 Communication System known to the City prior to the December 2010 blizzard to determine whether there are ways to resolve or reduce the impact these technical problems have on the City's ability to operate the 911 system on an interim basis prior to the completion of ECTP, particularly during periods of high call volume, and detail the nature of these technical problems, the proposed interim solution and the long-term solution.

§4. Reporting. No later than three months from the effective date of this local law, the New York City Police Department shall submit a report to the speaker of the New York city council that details the findings and proposed solutions of the operational and technical reviews required by sections 2 and 3 of this local law.

§5. This local law shall take effect immediately upon its enactment.

Referred to the Committee on Public Safety.

Int. No. 524

By Council Members Vallone, James, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to curbing the outlay of public funds to candidates facing minimal opposition.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision (7) of section 3-705 of the administrative code of the city of New York, as amended by local law number 34 of 2007, is amended to read as follows:

7. Notwithstanding any provision of this section to the contrary, the amount of public funds payable a participating candidate on the ballot in any covered election shall not exceed one quarter of the maximum public funds payment otherwise applicable under subdivision two of this section, unless:

(a) the participating candidate is opposed by a candidate and the board has determined that such other candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions[, or both,] *or public funds*, an amount which, in the aggregate, exceeds [one-fifth] *two-fifths* of the applicable expenditure limit for such office fixed by subdivision one of section 3-706 of this chapter for participating candidates; or

\*\*\*

§2. This local law shall take effect immediately.



Referred to the Committee on Governmental Operations.

Int. No. 525

By Council Members Vallone Jr., Oddo, Williams, Mark-Viverito, Halloran, Ignizio and Koo.

**A Local Law to amend the New York City Charter in relation to the imposition and collection of public safety service fees.**

*Be it enacted by the Council as follows:*

Section 1. Section 8 of chapter 1 of the New York City Charter is amended by adding a new subdivision h to read as follows:

§8. *h. Notwithstanding any other provision of law, the city and officers, employees, and agents thereof are prohibited from imposing or collecting a public safety service fee, as defined in subdivision c of section 434 and subdivision h of section 487 of this charter, for public safety services provided by the police and fire departments and the fire department's emergency medical service, unless such public safety service fee was in effect prior to January 1, 2011. In the event a public safety service fee was lawfully imposed or collected prior to January 1, 2011, nothing herein shall prevent the city and officers, employees, and agents thereof from continuing to impose, collect or adjust such fee.*

§2. Section 434 of chapter 18 of the New York City Charter is amended by adding a new subdivision c to read as follows:

§434. *c. The commissioner and the department are prohibited from imposing or collecting any public safety service fee that was not imposed or collected before January 1, 2011. For the purposes of this section, the term "public safety service fee" shall mean a fee imposed for any service provided by members of the department in their ordinary course of duty, including, but not limited to responding to 911 calls for assistance, carrying out responsibilities while on patrol or assignment, and conducting investigations. Nothing herein shall prevent the department from imposing, collecting, or adjusting a public safety service fee that was lawfully imposed prior to January 1, 2011 or from imposing, collecting or adjusting fees for issuing permits, certificates or licenses.*

§3. Section 487 of chapter 19 of the New York City Charter is amended by adding a new subdivision h to read as follows:

§487. *h. The commissioner, the department and emergency medical service are prohibited from imposing or collecting a public safety service fee that was not imposed or collected before January 1, 2011. For the purposes of this section, the term "public safety service fee" shall mean a fee imposed for any service provided by members of the department or the department's emergency medical service, or those working under the direction of the department or the department's emergency medical service, in their ordinary course of duty, including, but not limited to responding to 911 calls for assistance, carrying out assignments while on duty, and conducting investigations. Nothing herein shall prevent the department or the department's emergency medical service from imposing, collecting, or adjusting a public safety service fee that was lawfully imposed prior to January 1, 2011 or from imposing, collecting or adjusting fees for issuing permits, certificates or licenses.*

§4. This local law shall take effect immediately and shall be retroactive to, and deemed to have been in full force and effect on and after, January 1, 2011.

Referred to the Committee on Finance.

Res. No. 716

**Resolution calling upon the New York State Legislature to amend the New York State Election Law to extend from three to seven business days the amount of time a candidate has to cure any violations on submitted petitions, and to allow voters to sign multiple petitions without consequence of disqualification.**

By Council Members Vallone Jr. and Williams.

**Whereas**, In order to appear on a primary election ballot in New York, the State Election Law requires all candidates - challengers as well as incumbents - to file nominating petitions with the Board of Elections; and

**Whereas**, The petitioning period is restricted to a five week window during June and July within which a candidate must collect a specific number of signatures from voters of the candidate's party; all of the voters to sign the petition(s) must live within the area that would be represented by the candidate; and

**Whereas**, The State Election Law requires each candidate to obtain the signatures of 5 percent of the enrolled voters of the political party in the political unit

covered by the office, or, in the City of New York, a minimum of 900 signatures for a council district race, 4,000 for a borough-wide race, and 7,500 signatures for a city-wide race; and

**Whereas**, Although the petitioning process encourages candidates to interact with their constituents and to maintain a visible presence throughout their community, the intricacies of the State Election Law makes petitioning an extraordinarily complex process; and

**Whereas**, Reform is necessary as the State Election Law does not allow for the inevitable errors on a candidate's petition, including signatures that can be challenged or disqualified because a voter did not print his or her full name or signed on the wrong line, or because the dates on the petition were not in chronological order; and

**Whereas**, Because of such technical errors on nominating petitions, highly viable candidates with broad coalitions of support throughout their communities can be denied a spot on the ballot; and

**Whereas**, The State Election Law gives candidates only three business days to correct any errors found on their petitions, a small window of time in what is usually a chaotic campaign season; and

**Whereas**, In order to prevent candidates from being unfairly kept off the ballot, the State Election Law must be amended to extend time allowed candidates to correct errors on petitioning forms; seven business days from when the local Board of Elections returns flawed petitions to a candidate is a more reasonable period of time than three days; and

**Whereas**, Both candidates and voters will benefit from such a change, as candidates will have more time to conduct a thorough review of their petitions, which will permit more candidates to stay in their races, and voters will then have as many choices as possible on Election Day; and

**Whereas**, In addition to extending the period for candidates to correct petitioning errors, the New York State Legislature should also amend the State Election Law to allow voters to sign multiple petitions for the same race; and

**Whereas**, Currently, state law only permits voters to sign a single nominating petition for any given election; and

**Whereas**, If a voter signs two or more nominating petitions on the same day, all of his or her signatures for that office are considered invalid, and if they are signed on different days, only the first signature is considered valid; and

**Whereas**, A voter's signature is not a vote for a candidate nor an indication of how he or she will vote on Election Day, and allowing voters to sign one or more nominating petitions for the same race does not violate the principle of "one person, one vote;" and

**Whereas**, Voters should have the opportunity to sign as many petitions as they desire since an increase in qualifying petitions will help to ensure that voters have a diverse field of candidates from which to choose; and

**Whereas**, Both aforementioned modifications to the State Election Law will help preserve the integrity of the democratic process and ensure that voters have as many choices as possible on Election Day; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend the New York State Election Law to extend from three to seven business days the amount of time a candidate has to cure any violations on submitted petitions, and to allow voters to sign multiple petitions without consequence of disqualification.

Referred to the Committee on Governmental Operations.

Res. No. 717

**Resolution calling on the New York State Legislature to amend Article 2-AA of the State Banking Law to mandate that any ATM terminal operating in the State be outfitted with the "Reverse PIN System."**

By Council Members Vallone Jr., Levin and Nelson.

**Whereas**, Many consumers believe that banks throughout the nation provide an inadequate level of security and protection for customers using Automated Teller Machines ("ATMs"); and

**Whereas**, In 2008, the Electronic Funds Transfer Association ("EFTA") estimated that 60,000 Americans were held at gunpoint at ATMs, and, in the same year, the New York Police Department ("NYPD") received reports of 743 robberies at ATMs in the City; and

**Whereas**, The "Reverse PIN System," which allows some users to secretly alert authorities when withdrawing money under duress, would provide protection to ATM users from the threat of robbery; and

**Whereas**, Acting as a silent arm, the Reverse PIN System, which is a distress signal activated by an ATM user entering his or her PIN backward, permits cash to dispense from the machine and simultaneously alerts authorities safely and covertly of a problem; and

**Whereas**, The system can be purchased for as low as \$25 per ATM; it will cost approximately \$10 million to install the software in the 270,000 ATMs throughout the country, making the installation cost for the ATM terminals in New York City comparatively small; and

**Whereas**, Many home alarm systems are successfully equipped with similar duress codes; and

**Whereas**, New York State would not be the first state to consider implementing the Reverse PIN System; state legislative efforts to require Reverse PIN System have appeared in Illinois, Kansas and Georgia, but none have succeeded to date; and

**Whereas**, Most importantly, the Reverse PIN System has the potential to save lives; in July of 2009, a 17 year-old girl was abducted and murdered in Los Angeles after she was forced by a perpetrator to make several unsuccessful attempts to withdraw cash from ATMs using her credit card; and

**Whereas**, Recently, in five separate incidents during a two week period in January of 2011, five women in Queens and Brooklyn were robbed at gunpoint by a group of three people demanding their ATM cards and pin numbers; and

**Whereas**, The Reverse PIN System could have alerted authorities to such situations and has the potential to save the lives of others; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to amend Article 2-AA of the State Banking Law to mandate that any ATM terminal operating in the State be outfitted with the "Reverse PIN System."

Referred to the Committee on Public Safety.

Res. No. 718

**Resolution calling on the New York State Legislature to ban the sale of pseudoephedrine unless an individual has a doctor's prescription and to require electronic tracking of pseudoephedrine sales.**

By Council Members Vallone, Jr. and Recchia.

**Whereas**, Pseudoephedrine is a drug found in many over-the-counter and prescription products such as Sudafed 12 Hour, Aleve D, and other cold medicines; and

**Whereas**, These medications are used to treat nasal or sinus congestion caused by the common cold, sinusitis, and respiratory allergies; and

**Whereas**, While many individuals use these products for legitimate health purposes, there have been reports in the media that some individuals are using these products in illegal ways; and

**Whereas**, Pseudoephedrine is a key ingredient used to manufacture the illegal and highly addictive drug methamphetamine; and

**Whereas**, According to a New York Times article, manufacturing methamphetamine is an easy process since the materials consist of a two-liter soda bottle, a few cold pills, and some household chemicals; and

**Whereas**, While in the past drug users manufactured methamphetamine in their homes, they can now simply produce the drug inside a car and dispose of the materials in a trash bag; and

**Whereas**, According to the U.S. Drug Enforcement Administration, in 2009, there were 10,064 methamphetamine incidents including laboratories, dumps and equipment across the United States, representing a 34 percent increase from the previous year when there were 7,485 such incidents; and

**Whereas**, In order to curb the illegal manufacturing of methamphetamine, President Bush signed "The Combat Methamphetamine Epidemic Act of 2005" into law; and

**Whereas**, This bill required stores to, among other things, place pseudoephedrine products behind the counter, restrict its access by setting daily and monthly limits on the amount that could be sold to any one customer, and keep a log of sales; and

**Whereas**, Additionally, pharmaceutical companies are limiting the availability of pseudoephedrine by offering over-the-counter products with phenylephrine, which is an alternative to pseudoephedrine; and

**Whereas**, Despite these efforts, methamphetamine users have found ways to get their hands on more pseudoephedrine products by making purchases in several different stores, which is a practice known as smurfing; and

**Whereas**, Beyond the efforts of pharmaceutical companies and the federal government, state governments are also taking up the fight against methamphetamine, including the governments of Oregon and Mississippi, which passed laws requiring a prescription for pseudoephedrine products, and the governments of Kentucky, Arkansas and Oklahoma, which passed laws requiring electronic tracking of pseudoephedrine sales; and

**Whereas**, Since methamphetamine addiction can have a devastating impact on our communities, New York State should join Oregon, Mississippi, Kentucky, Arkansas and Oklahoma in restricting and electronically tracking pseudoephedrine; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to ban the sale of pseudoephedrine unless an individual has a doctor's prescription and to require electronic tracking of pseudoephedrine sales.

Referred to the Committee on Health.

Res. No. 719

**Resolution in support of S.585, which is pending in the New York State Senate, and seeks to amend the Penal Law in relation to enabling judges to sentence those convicted of graffiti offenses to repair, replace and clean the property they and other vandals have damaged.**

By Council Members Vallone Jr., Fidler, Mendez, Nelson, Recchia, Gentile, Halloran and Koo.

**Whereas**, Graffiti vandalism remains a major problem in New York State and in New York City; and

**Whereas**, This destructive offense communicates a message of disorder and lawlessness throughout the state; and

**Whereas**, Graffiti vandalism has a negative impact on the community since it is a nuisance to business owners, reduces property values for homeowners and affects the quality of life of New Yorkers; and

**Whereas**, The effects of graffiti vandalism are far-reaching and serious as evidenced by the findings in *Science's* November 2008 issue, which reported that graffiti can double the number of people littering and stealing in a neighborhood; and

**Whereas**, In the mid-1990s, New York City addressed graffiti issues by adopting the "Quality of Life Campaign," which led to the fixing of broken windows, pick-up of litter and graffiti removal from buildings, measures which became highly correlated with reduced crime across the City; and

**Whereas**, New York City has made great progress in the fight against graffiti vandalism with the creation of programs like the Mayor's Anti-Graffiti Task Force and Graffiti Free NYC; and

**Whereas**, The New York City Police Department ("NYPD") is making significant efforts to address and prevent graffiti, including taking enforcement actions against violators and working with the Mayor's Anti-Graffiti Task Force to facilitate removal; and

**Whereas**, In addition to graffiti's negative visual and aesthetic impacts, graffiti causes economic damage due to its effect on property values and the costs of cleaning and repairing vandalized surfaces; and

**Whereas**, According to the New York Daily News, in 2010, the NYPD made 3,840 arrests for graffiti-related crimes; and

**Whereas**, The New York State Legislature is aware of and concerned about the continued problems that the State and the City have with graffiti vandalism; and

**Whereas**, S.585, sponsored by Senator Jeff Klein, would amend the New York State Penal Law to give judges the authority to require those convicted of graffiti offenses to clean and replace property that they and others damage, unless a judge determines that a graffiti removal program is not available or that such graffiti removal would be unreasonably dangerous; and

**Whereas**, S.585 has not been voted on and has no companion bill in the State Assembly; and

**Whereas**, Other states recognize the importance of creating stiff penalties for graffiti crimes including the State of California, which passed similar legislation in July, 2008; and

**Whereas**, S.585 would assist in making graffiti vandals realize the consequences of their actions and appreciate the hard work that goes into repairing the damage they create; and

**Whereas**, S.585 would help teach vandals about respect for their communities and keep them from committing future graffiti offenses; now, therefore, be it

**Resolved**, That the Council of the City of New York supports S.585, which is pending in the New York State Senate, and seeks to amend the Penal Law in relation to enabling judges to sentence those convicted of graffiti offenses to repair, replace and clean the property they and other vandals have damaged.

Referred to the Committee on Public Safety.

Res. No. 720

**Resolution calling on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.**

By Council Members Vallone, Jr., Koppell, Mendez, Nelson and Koo.

**Whereas**, Hit-and-run drivers not only endanger the lives of others, but also evade personal responsibility; and

**Whereas**, According to the AAA Foundation for Traffic Safety, approximately 11 percent of all police reported crashes involve at least one driver who flees the scene and nearly 1,500 people die annually in hit and run crashes; and

**Whereas**, In order to hold drivers accountable for their actions, in May 2005, the New York State Legislature amended provisions of Vehicle and Traffic Law §600, entitled "leaving scene of an incident without reporting," to remedy gaps in the law that gave intoxicated and reckless drivers an incentive to leave the scene of an accident when serious physical injury or death had occurred; and

**Whereas**, Prior to the May 2005 revision, a driver who was intoxicated and caused a death could, depending on the circumstances, be charged with vehicular

manslaughter in the second degree, a class D felony carrying a penalty of up to 7 years imprisonment, yet if the driver left the scene and was no longer intoxicated at the time he or she was apprehended, the most with which the driver could be charged was criminally negligent homicide, a class E felony, carrying a penalty of up to 4 years imprisonment; and

**Whereas**, The State Legislature closed this gap by making it a class D felony for a person to leave the scene of an accident when death results from the accident; the Legislature also increased the penalty for those who leave the scene of an accident when personal injury results, from a B misdemeanor to an A misdemeanor; and

**Whereas**, Despite these changes to the law, the State Legislature failed to address the burden of proof problems in prosecuting these cases; and

**Whereas**, In order to secure a conviction, a prosecutor must still prove that the driver knew or had reason to know that personal injury, serious physical injury, or death resulted from the accident; and

**Whereas**, Prosecutors often face substantial difficulties attempting to prove that a driver fleeing the scene of an accident knew or should have known of an injury or death, particularly when the driver who is fleeing is intoxicated; and

**Whereas**, In cases where a serious physical injury or death results, a driver who leaves the scene of an accident should be strictly liable and charged with leaving the scene and causing the injury or death without the prosecutor being required to demonstrate that the driver knew of or had cause to know of the injury or death; and

**Whereas**, In addition to the burden of proof problems, the current penalties associated with leaving the scene of an accident do not accurately reflect the severity of the crime; and

**Whereas**, Senator Martin Golden and Assemblymember Steven Cymbrowitz introduced S.2918 and A.3350, respectively, which would amend the Vehicle and Traffic Law by increasing various penalties associated with the offense of leaving the scene of an incident without reporting the accident; and

**Whereas**, If enacted, a driver convicted of leaving the scene when personal injury results from the accident would be charged with a class E felony and subject to a mandatory fine of between \$1,000 and \$1,500; any subsequent offense would constitute a class D felony and carry a mandatory fine of between \$1,500 and \$3,000; and

**Whereas**, Furthermore, under this bill, a driver convicted of leaving the scene when serious physical injury resulted from the accident would be charged with a class D felony and subject to a mandatory fine of between \$1,500 and \$5,500; if the accident resulted in a death, the driver would be charged with a class C felony and subject to a mandatory fine of between \$2,500 and \$5,500; and

**Whereas**, The importance of making these changes was recently highlighted by the death of a man in Washington Heights in Manhattan who was struck by a drunken motorist who was later apprehended by the police; and

**Whereas**, Drivers who are irresponsible and callous should be penalized appropriately, and drivers who seriously injure and kill others, then flee the scene, should be strictly liable for such actions; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

Referred to the Committee on Public Safety.

Res. No. 721

**Resolution calling upon the New York State Department of Transportation and the New York State Thruway Authority to broadcast all AMBER Alerts on the Highway Advisory Radio frequencies they utilize.**

By Council Members Vallone Jr., Fidler, Mendez, Nelson, Recchia, Williams, Gentile, Levin and Halloran.

**Whereas**, Initially created as a legacy to 9-year old Amber Hagerman, who was kidnapped while riding her bicycle and then brutally murdered, the America's Missing: Broadcast Emergency Response (AMBER) Alert is now used in all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands; and

**Whereas**, The goal of an AMBER Alert is to instantly galvanize the entire community to assist in searching for and recovering abducted children; and

**Whereas**, According to a 2009 AMBER Alert Report, the system has helped to find and safely recover over 500 abducted children since 2006; and

**Whereas**, The first few hours after a child is abducted are the most critical to recovery efforts since 99% of the violent crimes tied to abduction occur within the first four hours of an abduction; and

**Whereas**, The sooner the public has information about a missing child, the more likely it is that law enforcement will be able locate the abductor and return the child to safety; and

**Whereas**, The New York State AMBER Alert Plan, operational since September 2002, is a voluntary partnership between law enforcement, broadcasters and others to immediately involve the public, especially motorists, in the search for abducted children; and

**Whereas**, AMBER Alert information is disseminated in many ways including: highway variable message signs, lottery in-store ticket terminals, New York State

Thruway Authority toll barriers, Department of Motor Vehicle issuing office message boards, and websites such as those of the New York State AMBER Alert System, New York State Division of Criminal Justice Services, and the National Center for Missing and Exploited Children; and

**Whereas**, Despite numerous approaches to the circulation of AMBER Alert information, some changeable message signs (CMS) and motorist information systems have limitations since they require a staff member to operate them 24 hours a day; and

**Whereas**, In 2002 the Federal Highway Administration suggested using other types of traveler information such as a Highway Advisory Radio ("HAR") because HAR is capable of transmitting information within minutes of a child abduction in the same way radio stations are alerted during tornadoes, hurricanes, or other civil emergencies; and

**Whereas**, The New York State Department of Transportation and the New York State Thruway Authority currently have HAR stations that broadcast information pertaining to traffic hazards, detours, dangerous driving conditions and motor vehicle laws but do not broadcast AMBER Alert information; and

**Whereas**, Many of the highways within New York City, such as the Long Island Expressway, the Brooklyn-Queens Expressway and Grand Central Parkway, are managed by the New York State Department of Transportation and the New York State Thruway Authority, leaving city motorists without a dedicated HAR station to tune into for child abduction notifications; and

**Whereas**, In contrast to New York State, other states' departments of highways and transportation, such as those in Rhode Island, Virginia and Maryland, all broadcast AMBER Alert notifications on their respective HAR frequencies; and

**Whereas**, The New York State Department of Transportation and the New York State Thruway Authority, as AMBER Alert partners, can play a stronger role in recovering abducted children by utilizing their radio frequencies to broadcast all AMBER Alerts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Department of Transportation and the New York State Thruway Authority to broadcast all AMBER Alerts on the Highway Advisory Radio frequencies they utilize.

Referred to the Committee on Public Safety.

Res. No. 722

**Resolution calling upon the New York State Legislature to amend the Penal Law by increasing the penalty for individuals who impersonate police officers or illegally sell police uniforms.**

By Council Members Vallone Jr., Nelson, Recchia and Gentile.

**Whereas**, In January 2005, James Gottlieb, a bank manager from Franklin Square, Long Island, was pulled over by a man dressed in what resembled a police uniform; in an attempt to commit robbery, the police impersonator shot and killed Gottlieb; and

**Whereas**, In May 2010, Sisto Jaime Jr. was robbed in the Bronx by two individuals who, impersonating police officers, entered his home after claiming to be conducting a police investigation; and

**Whereas**, In the same month, a man impersonating a police officer in Queens raped two women and threatened to arrest them for prostitution if they reported him to the police; and

**Whereas**, Terrorist groups have used police uniforms to mask their identities and gain access to their targets, such as government buildings and offices, without arousing suspicion; and

**Whereas**, Under the current law, criminal impersonation in the second degree (Penal Law §190.25), a class A misdemeanor that carries a penalty of up to one year in prison and a \$1,000 fine, takes place when an individual "pretends to be a public servant, or wears, or displays without authority any uniform, badge, insignia or facsimile thereof by which such public servant is lawfully distinguished," and intends "to induce another to submit to such pretended official authority, to solicit funds or to otherwise cause another to act in reliance upon that pretense;" and

**Whereas**, Under current law criminal impersonation in the first degree (Penal Law §190.26), a class E felony that carries a penalty of up to four years in prison and a \$5,000 fine, occurs when an individual "pretends to be a police officer... or wears or displays without authority, any uniform, badge or other insignia or facsimile thereof, by which such police officer is... lawfully distinguished or expresses by his words or actions that he or she is acting with the approval or authority of any police department" and intends "to induce another to submit to such pretended official authority or to act in reliance upon said pretense and in the course of such pretense commits or attempts to commit a felony;" and

**Whereas**, Under current law the criminal sale of a police uniform (Penal Law §190.27), a class A misdemeanor that carries a penalty of up to one year in prison and a \$1,000 fine, takes place when an individual "sells or offers for sale the uniform of any police officer to any person, unless presented with valid identification showing that the purchaser is a member of the police department

which has authorized the requested uniform;" and

**Whereas**, With New York on high alert after the September 11, 2001 terrorist attacks, security is being heightened throughout the City and terrorists must be deterred from using replicas of official identification and uniforms to get through security checkpoints or gain access to sensitive locations; and

**Whereas**, The increasing proliferation of individuals and companies that sell high-quality imitation or toy identification badges and uniforms is a related issue that increases the possibility of such items being used to facilitate future terrorist attacks and further complicates efforts to prevent other criminal acts committed by police impersonators; and

**Whereas**, The current penalties are not severe enough to deter police impersonators from utilizing police uniforms and imitation badges to commit crimes by preying on innocent victims who rely on the false pretense that the impersonator is vested with official authority; and

**Whereas**, In order to make these penalties fit the crime, the penalty for criminal impersonation in the first degree (Penal Law § 190.26) should be changed from a class E felony to a class D felony, that carries a penalty of up to seven years in prison and a \$5,000 fine; the penalty for criminal impersonation in the second degree (Penal Law § 190.25) should be changed from a class A misdemeanor to a class E felony; and the penalty for the criminal sale of a police uniform (Penal Law § 190.27) should be changed from a class A misdemeanor to a class E felony; and

**Whereas**, Terrorists and criminals may illegally acquire official identification and uniforms as an effective way to increase access to high security areas and/or decrease scrutiny in furtherance of committing criminal activities; and

**Whereas**, Increasing the penalties under the current law for criminal impersonation of a police officer and the criminal sale of a police uniform will better safeguard the public from the dangerous consequences that may result when criminals and terrorists impersonate police officers; 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 by increasing the penalty for individuals who impersonate police officers or illegally sell police uniforms.

Referred to the Committee on Public Safety.

Int. No. 526

By Council Member Van Bramer, Ferreras, James, Mendez and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to notification of discolored water or reduction of water pressure.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-366 to read as follows:

§24-366 *Notification of discolored water or reduction of water pressure. a. Except as provided herein, the department shall notify via electronic mail all relevant community boards and all relevant district offices of all council members at least forty-eight hours prior to the undertaking of any work by the department or under the auspices of the department which the department reasonably knows could lead to discolored water, or the reduction or loss of water pressure at water faucets within such district.*

*b. The notice requirements of subdivision a of this section shall not apply in situations where such work must proceed due to an imminent risk to public health or public safety. In such cases, where such forty-eight hour notice is not given, the department shall within five days of the conclusion of such work, inform via electronic mail all such relevant community boards and the district offices of relevant council members of the reason that the notice was not provided.*

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

Referred to the Committee on Environmental Protection.

Int. No. 527

By Council Members Van Bramer, Ferreras, James, Mark-Viverito, Mendez, Williams, Gentile, Eugene and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation shall give certain notice of permanent street sign changes that will affect parking.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of Section 19-175.2 of the administrative code of the city of New York is amended to read as follows:

§19-175.2 Notification of changes in parking restrictions. a. Following any permanent change in parking restrictions posted by the department, the department shall post notice, in the affected areas, indicating the effective date of such change. *Such notice shall be posted at least seventy-two hours before the effective date of such street sign change.* An owner of a motor vehicle parked in the affected areas who receives a notice of a parking violation that occurred within five days of posting of the notice of the parking restriction change shall have an affirmative defense that the vehicle of the owner was parked in compliance with the applicable parking restriction that was in effect prior to such change. Within one business day of making a permanent change in parking restrictions, such change will be reflected on the website containing parking restrictions as required by section 19-175.1 of the code.

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

Referred to the Committee on Transportation.

Res. No. 723

**Resolution calling upon the New York State Legislature to pass the "corporate political activity accountability to shareholders act," requiring that corporate political spending be approved by a majority of shareholders in advance, and for detailed spending reports to be made available to shareholders and the general public.**

By Council Members Van Bramer, Chin, Ferreras, James, Koppell, Lander and Williams.

**Whereas**, In 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

**Whereas**, A major implication of this decision is corporate freedom to spend unlimited amounts on political advertising without a requirement that the recipients of the funding disclose the sources of their funding; and

**Whereas**, As a result of this decision, 30 percent of outside group spending in the 2010 congressional mid-term elections was anonymous; and

**Whereas**, High levels of anonymous election spending by corporations and other groups significantly hinders transparency and accountability in the political process; and

**Whereas**, Reduced transparency in campaign finance increases the risk of political corruption and undue influence by special interest groups over the political process; and

**Whereas**, A corporation's shareholders have an interest in overseeing the use of corporate funds; and

**Whereas**, The New York State Legislature is currently considering the "corporate political activity accountability to shareholders act" (S.00101 and A.00696), introduced by State Senator Daniel Squadron and Assemblyman Rory Lancman respectively, which would amend the Business Corporation Law by requiring corporations to obtain shareholder approval prior to making any political contributions or independent expenditures in New York State; the Act would also require these entities to submit a report to shareholders, as well as to the New York Secretary of State who would be required to publish the report online, detailing these expenditures, including the business rationale for them; and

**Whereas**, If enacted this bill would increase the transparency of political spending and help ensure that shareholders, as well as the general public, are aware of how entity resources are spent, and whether this spending is consistent with their interests; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass the "corporate political activity accountability to shareholders act," requiring that corporate political spending be approved by a majority of shareholders in advance, and for detailed spending reports to be made available to shareholders and the general public.

Referred to the Committee on Governmental Operations.

Res. No. 724

**Resolution calling upon the New York City Housing Authority to stop charging tenants a debit card "convenience fee" when a rent payment is made using a debit card.**

By Council Members Van Bramer, Dickens, Ferreras, James, Lander, Mark-Viverito, Williams, Gentile, Levin and Nelson.

**Whereas**, The New York City Housing Authority (NYCHA) is the largest public housing agency (PHA) in the country, primarily funded through federal programs; and

**Whereas**, NYCHA has 336 developments containing 2,607 buildings spread

throughout New York City (the City); and

**Whereas**, NYCHA provides affordable housing for approximately 404,000 tenants residing in approximately 179,000 apartments; and

**Whereas**, According to NYCHA, the average family income for families in public housing is \$23,187; and

**Whereas**, According to NYCHA, 49.5% of NYCHA residents have incomes below the poverty line and Social Security, Supplemental Security Income, a pension or Veteran's benefits, provide the means of financial support for 41.9% of families residing in NYCHA; and

**Whereas**, NYCHA currently collects a "convenience fee" when a resident elects to pay rent using a debit card; and

**Whereas**, According to NYCHA, the amount of the convenience fee depends upon the amount of a tenant's monthly rent with NYCHA charging a tenant an average of 2.5% of the tenant's monthly rent to process his or her rent using a debit card; and

**Whereas**, For example, the average monthly rent for a NYCHA resident is \$408, which according to NYCHA, would require an additional fee of \$9.50 when paying rent with a debit card; and

**Whereas**, In light of the number of NYCHA residents who are below the poverty line or live on fixed incomes, NYCHA should not charge its residents a "convenience fee" when residents pay their rent using a debit card; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to stop charging tenants a debit card "convenience fee" when a rent payment is made using a debit card.

Referred to the Committee on Public Housing.

Res. No. 725

**Resolution calling upon the Department of Education to change regulation A-670 to allow the transportation of students on same-day field trips to sites located outside of the five boroughs if it is within reasonable proximity to the school.**

By Council Members Weprin, Dromm, Fidler, James, Lander, Mendez, Williams, Halloran and Nelson.

**Whereas**, The Department of Education (DOE) currently serves over one million school children in New York City; and

**Whereas**, Within the DOE, the Office of Pupil Transportation provides transportation services to over 600,000 students in public and non-public schools; and

**Whereas**, Chancellor's regulation A-670 sets forth the rules and procedures governing school trips for students at all levels; and

**Whereas**, The regulation above acknowledges that school trips afford students the opportunity to observe, explore, discover, and engage in hands-on experiences; and

**Whereas**, The regulation allows and provides guidelines for out of the city, overnight and international field trips; and

**Whereas**, Schools have been severely impacted by significant budgetary cuts to schools; and

**Whereas**, With additional budgetary cuts pending, schools are required to cut costs; and

**Whereas**, In many instances, taking a field trip to a site within close proximity to the school would cut transportation costs; and

**Whereas**, Allowing same-day field trips in contiguous counties would minimize travel time and as a result would reduce the city's carbon footprint overall; and

**Whereas**, The DOE's current policy does not allow for same day field trips to any location outside of the five boroughs; and

**Whereas**, This policy prevents students from visiting educational sites that are located in parts of New York that are within close proximity to New York City; and

**Whereas**, This policy is not efficient and not aligned with the best interests of the New York City and its school children; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Department of Education to change regulation A-670 to allow the transportation of students on same-day field trips to sites located outside of the five boroughs if it is in reasonable proximity to the school.

Referred to the Committee on Education.

Int. No. 528

By Council Members Williams, Cabrera, Chin, Fidler, James, Koppell, Mendez, Halloran, Koo, Van Bramer, Lappin, Recchia, Vallone Jr., Gentile and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to improving 311 service during emergencies.**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 3 to read as follows:

*Chapter 3. NON-EMERGENCY CITY SERVICES*

*§22-301 Tracking information provided. 311 citizen service center call takers shall provide their name and the tracking number of the call at the beginning of every call.*

*§22-302 High call volume protocol. Not later than September 30, 2011, the department of information technology and telecommunications shall implement a 311 citizen service center high call volume protocol for responding to high call volume incidents. Such protocol shall include, but not be limited to: (i) a system to efficiently and effectively answer, direct and track all calls; (ii) increased utilization of automated telephone messages, short message service (SMS), social media, email alerts, and the city's website to disseminate information and to reduce non-critical information requests; and (iii) a plan to ensure adequate staffing both in anticipation of, and in response to, high call volume incidents. A copy of such protocol shall be provided to the Council upon request.*

§ 2. This local law shall take effect one hundred eighty days after its enactment; provided, however, that the commissioner of information technology and telecommunications shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Public Safety.

Int. No. 529

By Council Members Williams, Cabrera, Fidler, James, Koppell, Recchia, Halloran, Koo, Gentile, Levin and Mark-Viverito.

**A Local Law to amend the administrative code of the city of New York, in relation to borough-specific coordination of snow event response and communication.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.2 to read as follows:

*§ 16-124.2 Borough-specific snow event coordinator. a. The commissioner shall designate a department supervisor or manager within each borough who, during a snow event, as such term is defined in subdivision g of section 15 of chapter 1 of the charter, shall be responsible for the following:*

*(1) Implementing the borough-specific snow plan pursuant to section 16-124.1 of this chapter;*

*(2) Directing communication with the office of emergency management, the commissioner, other relevant agencies and offices, and relevant city employees, non-city workers and private entities involved in snow removal activities within the borough;*

*(3) Directing communication with borough elected officials and community boards in order to receive and respond to information from such elected officials and community boards regarding snow event conditions, and to provide snow management-related information to such elected officials and community boards;*

*(4) Coordinating borough-wide snow removal activities of all relevant agencies and offices, city employees, non-city workers and private entities based on snow event conditions.*

*Such designated supervisor or manager within each borough shall include contact information on any plan issued to the council or the public relating to snow removal.*

§ 2. This local law shall take effect on the same day as the local law amending the Charter relating to the annual snow preparedness and response report and the local law amending title 16 of the administrative code to establish snow removal plans for each borough.

Referred to the Committee on Sanitation and Solid Waste Management.

L.U. No. 340

By Council Member Recchia:

**Section 202 Supportive Housing Program for the Elderly, Markham Gardens Manor Senior Housing , 1440 Richmond Terrace, Block: 169 Lot: Part of 35, Staten Island, Council District No. 49.**



Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 341

By Council Member Recchia:

**Robert Fulton Terrace, Block 2610, Lot 12 Bronx, Council District No. 16**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 342

By Council Member Recchia:

**Bryant Avenue Apartments, Block 2996, Lot 27, Block 3001, Lot 20, Bronx, Council District No. 15**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 343

By Council Member Recchia:

**Fordham Towers, Block 3057, Lot 11, Bronx, Council District No. 15.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 344

By Council Member Recchia:

**300 Manhattan Avenue, Block 1847, Lot 39, Manhattan, Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 345

By Council Member Recchia:

**315 West 113th Street, Block 1847, Lot 46, Manhattan, Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 346

By Council Member Comrie:

**Application no. 20115546 HAM, an Urban Development Action Area Project located at 110 West 114<sup>th</sup> Street, 241 West 137<sup>th</sup> Street, 271 West 150<sup>th</sup> Street and 2049 Fifth Avenue, Council District no. 9, Borough of Manhattan.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 347

By Council Member Comrie:

**Application no. 20115547 HAM, an Urban Development Action Area Project located at 8 St. Nicholas Terrace, Council District no. 7, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 348

By Council Member Comrie:

**Application no. 20115548 HAK, an Urban Development Action Area Project located at 365 Jay Street, Council District no. 33, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 349

By Council Member Comrie:

**Zoning Resolution Amendment application no. N 110165 ZRM, pursuant to Sections 197-d and 201 of the New York City Charter, for an amendment to the Zoning Resolution concerning the Inclusionary Housing Program.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 350

By Council Member Comrie:

**Uniform Land Use Review Procedure application no. C 110125 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 8c, Borough of Manhattan, Council District no. 3**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 351

By Council Member Comrie:

**Uniform Land Use Review Procedure application no. C 110126 HAM, an Urban Development Action Area Designation and Project, located at 533/543 West 52<sup>nd</sup> Street, and the disposition of such property, Borough of Manhattan, Council District no. 3.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 352

By Council Member Comrie:

**Application no. 20115509 HAK, approval of a conveyance from the current owner to the new owner for property located at Block 1851/Lots 58 and 61, Council District no. 36, Borough of Brooklyn.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 353

By Council Member Comrie:



**Application no. 20115510 HAK, approval of a modification to a plan and project located at 11, 12, 37, 39 Kingston Avenue; 305 Decatur Street; 28, 29, 35, 40 MacDounough Street, Council District no. 36, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 354

By Council Member Comrie:

**Application no. 20115006 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mussels & More, Ltd. to establish, maintain and operate an unenclosed sidewalk café located at 510 80<sup>th</sup> Street, Borough of Brooklyn, Council District no.43. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 355

By Council Member Comrie:

**Application no. M 900604 (A) ZMX submitted by G.B.G., Inc. for a modification to Restrictive Declaration D-140 (C 900604 ZMX) involving property located at 166-175 Marine Street (Block 5639, Lots 23 and 40, and Block 5640, Lots 90 and 150), within the Special City Island District, Council District 13.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 356

By Council Member Comrie:

**Application no. N 070384 ZRX submitted by G.B.G. pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas), Council District 13.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 357

By Council Member Comrie:

**Application no. C 100232 ZMK submitted by Kingswood Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an R5B District to an C4-4A District, Section No. 22d, Council District 48.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 358

By Council Member Comrie:

**Application no. 20105725 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Corner 47<sup>th</sup> Restaurant Corp. d.b.a. Pietrasanta, to establish, maintain and operate an unenclosed sidewalk café located at 683 Ninth Avenue, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 359

By Council Member Comrie:

**Application no. C 070579 ZMK submitted by S & H Glazer Bros., Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an M1-1 District to an R6B District, Section No. 17b.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 360

By Council Member Comrie:

**Application no. C 090225 ZMK submitted by the Center for Negative Thinking LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an C8-2 District to an R6A District, and establishing within an R6A District a C2-4 District, Section No. 16a.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 361

By Council Member Comrie:

**Application no. C 110118 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an M1-1 District to an R6B District, Section No. 16a.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 362

By Council Member Comrie:

**Application no. N 110167 ZRM submitted by the Department of City Planning, the Office of the Manhattan Borough President, and Community Board 1, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 111-20 (Special Bulk Provisions for Area A1 through A7) relating to the Special Tribeca Mixed Use District, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 363

By Council Member Comrie:

**Application no. 20115422 HKK (N 110194 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Child's Restaurant Building (List No.437, LP-2410), located at 1208 Surf Avenue, (Block 8694, Lot 18), Council District no. 3.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 364

By Council Member Comrie:

Application no. 20115462 HKM (N 110195 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Haskins and Sells Building (List No.437, LP-2417), located at 35 West 39<sup>th</sup> Street (Block 841, Lot 18), Council District no. 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**New York City Council Fiscal Year 2012 Preliminary Budget, Mayor’s FY ’11 Preliminary Management Report and Agency Oversight Hearings**

**Thursday, March 24, 2011**

**10:00 a.m.Cultural Affairs, Libraries & International Intergroup Relations Committee – 250 Broadway, 14<sup>th</sup> Floor - Committee Room**

- 10:00 a.m.Department of Cultural Affairs
- 11:30 a.m.Libraries (joint with Select Committee on Libraries)
- 1:00 p.m. Public

**★Note New Location**

**10:00 a.m.General Welfare Committee – ★Emigrant Savings Bank ~ 49-51 Chambers Street**

- 10:00 a.m.Department of Homeless Services
- 12:00 p.m.Human Resources Administration / Department of Social Services
- 1:30 p.m. Administration for Children’s Services (Agency for Child Development) joint with Women’s Issues Committee
- 3:30 p.m. Administration for Children’s Services (Juvenile Justice Issues) joint with Juvenile Justice Committee
- 4:15 p.m. Public

**Friday, March 25, 2011**

**★Note Date and Time Change**

**★10:00 a.m. Youth Services Committee – 250 Broadway, 16<sup>th</sup> Floor - Committee Room**

- ★10:00 a.m.Department of Youth and Community Development (★ Joint with Community Development Committee)
- ★11:30 a.m.Public

**★Note Date and Time Change**

**★11:00 a.m. Civil Rights Committee – 250 Broadway, 14<sup>th</sup> Floor - Committee Room**

- ★ 11:00 a.m.Equal Employment Practices Commission
- ★ 11:30 a.m. Public

**Monday, March 28, 2011**

**10:00 a.m.Health Committee – 250 Broadway, 16<sup>th</sup> Floor - Committee Room**

- 10:00 a.m. Medical Examiner
- 10:30 a.m. Department of Health & Mental Hygiene
- 12:30 p.m. Health & Hospitals Corporation
- 2:00 p.m. Public

**★Addition**

**10:00 a.m.Public Housing Committee – 250 Broadway, 14<sup>th</sup> Floor - Committee Room**

- 10:00 a.m. NYC Housing Authority
- 11:00 a.m. Public

**1:00 p.m. Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services Committee – 250 Broadway, 14<sup>th</sup> Floor - Committee Room**

- 1:00 p.m. Department of Health & Mental Hygiene (joint with Subcommittee on Drug Abuse)
- 2:30 p.m. Public

**Tuesday, March 29, 2011**

**★Note Date and Time Changes**

**★12:00 p.m. Standards and Ethics Committee – 250 Broadway, 16<sup>th</sup> Floor - Committee Room**

- ★12:00 p.m. Conflicts of Interest Board
- ★12:45 p.m. Public

**Wednesday, March 30, 2011**

**10:00 a.m.Education Committee – 250 Broadway, 16<sup>th</sup> Floor - Committee Room**

- 10:00 a.m. Department of Education (Expense)
- 12:00 p.m. Department of Education and School Construction Authority (Capital)
- 2:00 p.m. Public

**Thursday, March 31, 2011**

**10:00 a.m.Parks & Recreation Committee – 250 Broadway, 16<sup>th</sup> Floor - Committee Room**

- 10:00 a.m. Department of Parks & Recreation (Expense)
- 11:30 p.m. Department of Parks & Recreation (Capital)
- 12:00 p.m. Public

**Monday, April 4, 2011**

Subcommittee on **ZONING & FRANCHISES** .....**9:30 A.M.**  
**See Land Use Calendar** Available Wednesday, March 30, 2011  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**  
**See Land Use Calendar** Available Wednesday, March 30, 2011  
 Committee Room– 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**  
**See Land Use Calendar** Available Wednesday, March 30, 2011  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** jointly with the Committee on **WOMEN’S ISSUES** and the Committee on **CIVIL RIGHTS**..... **1:00 P.M.**  
**Oversight** - Exploring the Availability of Suicide Prevention Services for Adolescent Latinas in New York City  
 Committee Room– 250 Broadway, 14<sup>th</sup> Floor ..... Oliver G. Koppell, Chairperson  
 .....Julissa Ferreras, Chairperson  
 ..... Deborah Rose, Chairperson

**Tuesday, April 5, 2011**

Committee on **LAND USE**.....**10:00 A.M.**  
 All items reported out of the subcommittees  
**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

Committee on **TRANSPORTATION**.....**1:00 P.M.**  
 Proposed Int. 458-A - By Council Members Garodnick, Brewer, Cabrera, Ferreras, Fidler, Gennaro, Gentile, James, Mealy, Mendez, Nelson, Palma, Rodriguez, Williams, Mark-Viverito, Van Bramer and Koo - 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 closures and temporary parking regulation changes on the internet.  
 Int 490 - By Council Members Gennaro, Cabrera, Chin, Comrie, Fidler, Gentile, James, Lander, Mealy, Nelson, Reyna, Rose, Williams and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to cancelling tickets upon showing of valid receipt.  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....James Vacca, Chairperson

**Wednesday, April 6, 2011**

Committee on **FINANCE**..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> 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, April 6, 2011.

ALISSA FUENTES, Deputy City Clerk  
 Acting Clerk of the Council

*Editor’s Local Law Note: Int Nos. 26-A, 291-A, and 371-A, adopted at the March 2, 2011 Stated Council Meeting, were signed by the Mayor into law on March 16, 2011 as, respectively, Local Law Nos. 15, 16, and 17 of 2011.*









