

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, JULY 28, 2011

THE COUNCIL

Minutes of the STATED MEETING

of
Thursday, July 28, 2011, 3:10 p.m.

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

Council Members

Christine C. Quinn, Speaker

Charles Barron	Sara M. Gonzalez	James S. Oddo
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	Eric A. Ulrich
Erik Martin Dilan	G. Oliver Koppell	James Vacca
Daniel Dromm	Karen Koslowitz	Peter F. Vallone, Jr.
Mathieu Eugene	Bradford S. Lander	James G. Van Bramer
Julissa Ferreras	Jessica S. Lappin	Mark S. Weprin
Lewis A. Fidler	Stephen T. Levin	Jumaane D. Williams
Daniel R. Garodnick	Melissa Mark-Viverito	Ruben Wills
James F. Gennaro	Darlene Mealy	
Vincent J. Gentile	Michael C. Nelson	

Excused: Council Members Arroyo, Foster, Mendez, Palma, Sanders, Seabrook, and Vann.

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

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

There were 44 Council Members marked 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 Council Member Fernando Cabrera.

Let's bow our heads, please.

Father, we come before you,
asking you as Council Members,
to truly do this work
from the bottom of our hearts.
We ask you for favor,
we ask you that your presence
will be among us, Lord.
That in everything we do,
we will do it with a consciousness.
The people in this City
are counting upon
every decision that we make.
Lord, we thank you
that you have given us
the power and the grace to do it.
We pray these things in thy mighty name,
and everyone says:
Amen.

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

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

Lance Corporal Jabari Thompson, 22, of Brownsville, Brooklyn, died on July 17, 2011 of wounds sustained while rushing to the aid of an injured friend during combat operations in Helmand Province, Afghanistan. Lance Corporal Thompson was assigned to the Third Battalion, Second Marine Regiment based out of Camp Lejeune in North Carolina.

At this point, the Speaker (Council Member Quinn) also asked for a Moment of Silence for the victims and families of the July 17, 2011 Norway massacre including those struck down by the attack carried out by a gunman at a youth camp.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-566

Communication from the Bronx Borough President - Submitting the name of Orlando Marin to the Council for its advice and consent regarding his appointment to the New York City Planning Commission, pursuant to Section 192 of the City Charter.

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

Referred to the Committee on Rules, Privileges and Elections.

M-567

Communication from the Democratic Committee of Richmond County - Submitting for the Advice & Consent of the Council, the name of Maria R. Guastella, for appointment as the Richmond County Democratic

Commissioner of Elections, pursuant to Section 3 – 204 (2) of the Election Law.

July 19, 2011

Honorable Michael McSweeney
City Clerk
1 Centre Street, Room 265
Municipal Building
New York, N.Y. 10007

Dear Mr. McSweeney:

Enclosed please find a Certificate of Recommendation for the appointment of Maria R. Guastella, Esq. as Richmond County Democratic Commissioner of Elections.

Ms. Guastella is an extremely qualified candidate for the position of Commissioner of Elections. She has been a trial lawyer for over 17 years and is currently in private practice in Richmond County, specializing in litigation in the State and Federal Courts. The Democratic Committee of Richmond County's Executive Committee voted unanimously for her to fill this vacancy.

This appointment is very important to me on both a personal and professional level. I want to thank you in advance for your time and consideration in this regard.

Sincerely Yours,

John P. Gulino
County Chairman

Referred to the Committee on Rules, Privileges and Elections.

M-568

Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2011 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-4)



The City of New York
Office of Management and Budget
75 Park Place • New York, New York 10007-2146
Telephone: (212) 788-6900 • Fax: (212) 788-6300
Mark Page
Director

July 27, 2011

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2011 to implement changes in the City's expense budget.

As requested by the City Council, this modification (MN-4) reallocates appropriations that were reflected in the FY 2011 Adopted Budget to fund City Council local initiatives.

Your approval of modification MN-4 is respectfully requested.

Yours truly,

Mark Page

(For text of the MN-4 numbers, please see the Attachment to Res No. 963 that follows the Report of the Committee on Finance for M-568 printed in these Minutes)

Referred to the Committee on Finance.

M-569

Communication from the Department of Housing Preservation and Development - Submitting Third Party Transfer Program Brooklyn, In Rem Action No. 52, Community Districts No. 12, 14, 16, 18, Council Districts No. 37, 40, 46, 48.

Honorable Christine C. Quinn
Speaker of the Council
City Council
City Hall
New York, N.Y. 10007

Attention: Gary Altman

Re: Third Party Transfer Program
Brooklyn, In Rem Action No. 52
Community District No. 12, 14, 16, 18
Council District No. 37, 40, 46, 48

Dear Madame Speaker:

Enclosed for your review is a list of properties ("Transfer Parcels") which are the subject of a final judgment of foreclosure in the referenced In Rem Action.

Pursuant to Administrative Code S 11-412.1, the judgement authorizes the Commissioner of Finance to execute and deliver deeds conveying such Transfer Parcels to transferees selected by the Commissioner of Housing Preservation and Development. Pursuant to Administrative Code S 11-412.2, the enclosed list identifies the proposed transferee of each Transfer Parcel. Pursuant to Administrative Code S 11-412.2, such conveyances will be deemed approved 45 days from the date hereof unless disapproved by local law during such period.

I recommend approval of this matter in the manner provided in Administrative Code S11-412.2 and request that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

David M.
Frankel

Referred to the Committee on Housing and Buildings.

M-570

Communication from the Department of Housing Preservation and Development - Submitting Third Party Transfer Program Brooklyn, In Rem Action No. 52, Community Districts No. 3, 4, 8, 12, 16, Council Districts No. 34, 36, 40, 41.

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

Referred to the Committee on Housing and Buildings.

M-571

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

July 22, 2011

The Honorable Speaker Christine C. Quinn
Attention: Mr. Gary Altman
Council of the City of New York
250 Broadway, 15th Floor
New York, New York 10007

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

Dear Speaker Quinn:

Please be advised that on July 21, 2011 the Taxi & Limousine Commission voted to approve the following for-hire-vehicle base license applications:

NEW (4):	LICENSE #	COUNCIL DISTRICT
Dollar Express Car & Limo., Inc.	B02284	24
J & B Car & Limo. Service Inc.	B02488	45
Mathes Service, Inc. D/b/a Nunu Rochdale Car Service	B02477	28
Ten One Con Corp.	B02481	26
RENEWAL (34):	LICENSE #	COUNCIL DISTRICT
810 Car Service Corp.	B01016	37
910 Car Service Inc.	B00459	37
Barrios Car Service	B01065	8
Bee-Bee Car & Limo. Corp.	B00856	42
Belle Rock of Beach Channel Inc.	B01546	32
Boulevard Trans. Inc.	B00369	29

Caprice Car Service No. 2 Inc.	B01045	20
Cobblehill Car Service Inc.	B00233	33
Community Car Service Corp.	B00029	12
Delince Car Livery Service Corp.	B00385	35
Dial 7 Car & Limousine Service Inc. D/b/a Tel Aviv Car &	B00887	26
F.J.A. Livery Corp. D/b/a Village Car Service	B00023	50
Flushing Limo. Transportation Corp.	B01711	19
Habirah Inc. D/b/a Elat Car & Limousine	B00378	44
Liberty Car Service Inc.	B00095	34
Llama Limo. Car Service Corp.	B00811	16
MAJ Management Inc. D/b/a City & Ride Car & Limo. Service	B00593	44
Mega Mex Inc.	B02163	40
Metro Luxury Inc.	B01389	8
Moe Limo. & Car Service Inc.	B02034	21
Moisha Express Inc.	B00373	39
N.Y. Kings Transportation Inc. D/b/a Kings Car Service	B01650	47
Premium Bronx Corp.	B00457	15
Professional Car Service Inc.	B00221	10
Queens Village Inc.	B00031	27
Rechev of Brooklyn Inc.	B00727	44
Safari Transportation Inc.	B02288	36
SHMT Inc. D/b/a Mill Basin Car Service	B01733	46
T-D Maintenance Corp.	B00009	30
The New Brooklyn Car Service Inc.	B01259	33
USA Car Service Inc.	B01977	43
Wakefield Leasing Maintenance Corp.	B00597	11
Washington Radio Dispatch Inc.	B01737	10
Williamsburg Car & Messenger Service LLC	B01231	43
RENEWAL & RELOCATION(1):	LICENSE #	COUNCIL DISTRICT
Mazin Car & Limo. Service	B02050	32
RENEWAL & OWNERSHIP CHANGE(5):	LICENSE #	COUNCIL DISTRICT
Mirage Limousine Service, Inc. D/b/a UFO Private Car & Limousine Service	B00990	26
New Commando Car Service Corp. D/b/a N.Y. Saeta	B01738	21

New Mexicana Car Service II Inc. D/b/a Azteca Express	B00131	38
Royal Car & Limo. Service	B00653	32
S.I. Speed Inc.	B01537	51
RELOCATION (2):	LICENSE #	COUNCIL DISTRICT
Freedom Limo. & Car Service	B01454	41
Kennedy Radio Dispatch Inc.	B01300	7

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-572

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-573

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Mathes Service, Inc. D/b/a Nunu Rochdale Car Service, Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-574

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Ten One Con Corp., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-575

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 810 Car

Service Corp, Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-576

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 910 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 TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-577

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-578

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bee-Bee Car & Limo. Corp., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-579

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-580

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-581

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Caprice Car Service No. 2 Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-582

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-583

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Community Car Service Corp., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-584

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-585

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Dial 7 Car & Limousine Service Inc. D/b/a Tel Aviv Car & Limousine Service, Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-586

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station F.J.A. Livery Corp. D/b/a Village Car Service, Council District 50, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-587

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-588

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-589

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-590

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-591

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-592

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-593

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-594

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-595

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-596

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license N.Y. Kings Referred to the Committee on Transportation. Inc. D/b/a Kings Car Service, Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-597

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-598

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-599

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-600

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-601

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Safari Referred to the Committee on Transportation. Inc., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-602

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-603

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-604

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-605

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-606

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-607

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-608

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-609

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-610

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Freedom Limo. & Car Service, Council District 41, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-611

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-612

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-613

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license New Commando Car Service Corp. D/b/a N.Y. Saeta, Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-614

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-615

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

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-616

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license S.I. Speed Inc., Council District 51, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-571 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-617

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 28 Seventh Avenue South, CB 2 Application no. 20115580 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-618

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 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 627 Ninth Avenue, CB 4 Application no. 20115475 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-619

By Council Member Levin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 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 128 Smith Street, CB 2, Application no. 20115653 TCK shall be subject to review by the Council.

Coupled on Call – Up Vote

M-620

By Council Member Reyna:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 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 318 Grand Street, CB 1, Application no. 20115678 TCK shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **44**.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Contracts

Report for Int. No. 452-A

Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the purchase of New York state food.

The Committee on Contracts, to which the annexed amended proposed local law was referred on January 18, 2011 (Minutes, page 142), respectfully

REPORTS:

Introduction

On July 26, 2011, the Committee on Contracts (the Committee), chaired by Council Member Darlene Mealy, will meet to vote on two bills and two resolutions proposing reform in the area of food procurement: Proposed Int. No. 452-A, a bill that would amend the administrative code of the city of New York, in relation to the purchase of New York state food; Proposed Int. No. 461-A, a bill that would amend the administrative code of the city of New York, in relation to establishing packaging reduction guidelines for contractors with city agencies; Res. No. 627, a resolution calling upon the New York State Legislature to amend the General Municipal Law to allow New York City to institute procurement preferences for the purchase of food originating within the New York region; and Res. No. 628, a resolution calling upon the New York State Legislature to pass and the Governor to enact legislation that regulates the amount and type of packaging used to encase goods procured by the State and all localities.

The Committee held a hearing on the resolutions and prior versions of both bills on February 28, 2011.

Background

In 2010, New York City Council Speaker Christine Quinn introduced FoodWorks (the Plan), the Council's detailed assessment of New York City's current food system and policy prescriptions aimed to strengthen that system. One of the primary policy objectives outlined in the Plan is increasing New York City's procurement of regional food.¹ In 2009, New York State produced approximately \$3.7 billion worth of agricultural products.² Almost half of this total came from dairy products, which accounted for 7 percent of the national total. New York also accounted for 11 percent of U.S. apple production, and 1.3 percent of total U.S. agricultural output.³

By procuring food that is grown, produced, harvested, or processed regionally, the City could reduce transportation costs (which account for 4 percent of food costs), reduce vulnerability to short-term price shocks in the international food market, improve the environment, and help support regional farmers to ensure that agriculture remains a prosperous and sustainable industry in New York State.⁴ Proposed Int. No. 452-A, which requires the City to develop guidelines to encourage agencies to make best efforts to procure New York State food and monitor agencies' implementation of those guidelines, and Res. No. 627, which seeks to have the New York State Legislature allow localities to extend a preference for local food to food produced in states neighboring the State, are crafted to help achieve these ends.

The Plan also examines the challenges associated with food disposal and identifies reduced packaging as one area where costs can be further decreased. Packaging for food comprises approximately 8 percent of total costs to consumers,⁵ and can be as high as 40 percent for other goods.⁶ In addition to these up-front costs, packaging also incurs disposal and environmental costs. Proposed Int. No. 461-A, which requires the City to develop guidelines for contracting agencies to minimize packaging waste, and Res. No. 628, which seeks to have the New York State legislature regulate the amount and type of packaging used in goods procured by the State and its localities, intend to minimize such costs.

for the Lower Ma_____

¹ "FoodWorks: A Vision to Improve NYC's Food System." New York City Council, November 22, 2010, available at http://council.nyc.gov/html/food/files/foodworks_fullreport_11_22_10.pdf.

² United States Department of Agriculture, Economic Research Service, State Fact Sheets: New York, September 10, 2010, available at <http://www.ers.usda.gov/statefacts/ny.htm#TCEC>.

³ *Id.*

⁴ *Supra* note 1.

⁵ "Food Marketing System in the U.S.: Where Does Your Food Dollar Go?" United States Department of Agriculture, Economic Research Service, 2006, available at <http://www.ers.usda.gov/Publications/eib48/spreads/17/index.htm>.

⁶ Prendergast, Gerard and Pitt, Leyland. "Packaging, marketing, logistics and the environment: are there trade-offs?" *International Journal of Physical Distribution & Logistics Management*, April 1996, available at <http://www.emeraldinsight.com/journals.htm?issn=0960-0035&volume=26&issue=6&articleid=846610&show=pdf>.

New York City agencies spend approximately \$1.5 billion on goods,⁷ of which \$175 million is for food.⁸ In light of the scope of the City’s procurement, the development of City guidelines that encourage the procurement of locally produced food, as well as reduced packaging for all goods, could substantially help achieve greater food security, improve the environment, and safeguard regional jobs.

On February 28, 2011, the Committee held a hearing to discuss Int. No. 452 and Int. No. 461, bills that would establish procurement guidelines for the purchase of New York State food and the minimization of product packaging materials, respectively, and Res. No. 627 and Res. No. 628, two companion resolutions to support the goals of increased regional food procurement and reduced packaging waste. During the hearing, the Administration testified in support of the goals of the legislation and proposed amendments to the two bills.

Proposed Int. No. 452-A

Proposed Int. No. 452-A would require the city chief procurement officer to encourage city agencies to make best efforts to purchase New York State food—food that is grown, produced, harvested, or processed in New York—by: (1) developing guidelines for agencies pursuant to New York State General Municipal Law § 103 (8-a); (2) publishing such guidelines on the MOCS website; (3) training agency contracting personnel on implementing such guidelines; (4) monitoring each agency’s implementation of such guidelines; and (5) submitting an annual report to the Speaker of the Council detailing each agency’s efforts to implement such guidelines, including information reported from vendors pertaining to the dollar amount of New York state food that each agency procured. The legislation makes plain that the implementation of the guidelines established pursuant to this bill does not require agencies to purchase more costly food. Further, the guidelines would not apply to emergency procurements, small purchases,⁹ or small amounts of food purchased in connection with larger social service contracts.

This bill was revised to enable the City to track its progress towards increasing the purchase of New York State food. In order to address the Administration’s concerns about the City’s ability to provide information to satisfy the legislation’s reporting requirements, Proposed Int. No. 452-A now requires agencies to request vendors to provide detailed information concerning food procured under City contracts, and to report such information to the extent known and practicable. In another change, Proposed Int. No. 452-A exempts from the guidelines food procured in partial fulfillment of larger social service contracts when purchased in dollar amounts totaling annually less than the small purchase limits.

Proposed Int. No. 461-A

Proposed Int. No. 461-A would require the director of citywide environmental purchasing, in consultation with the Mayor’s Office of Long Term Planning and Sustainability, to, for all contracts entered into by city agencies for the purchase of goods: (i) establish; (ii) make available to city agencies; and (iii) publish online guidelines to assist in the reduction of packaging. Additionally, to encourage vendors to reduce unnecessary waste, such guidelines would require agencies to include in their requests for bids, thereby permitting agencies to consider as criteria: (1) the elimination of packaging wherever possible or use of the minimum amount necessary for product protection; (2) the use of packaging that is reusable or recyclable; and (3) the reuse of pallets and packaging materials by contractors whenever practicable. The bill would also require the director of citywide environmental purchasing, in consultation with the Office of Long Term Planning and Sustainability, to establish a program to identify city contractors that consistently further the goals of such packaging reduction guidelines.

The packaging reduction bill has changed in two ways since its first hearing. First, responding to concerns that the City lacks a significant capacity to compost, Proposed Int. No. 461-A now requires that the packaging reduction guidelines developed by the Administration include the use of packaging material that is reusable or recyclable, but not compostable. In addition, the City’s website would now highlight only those city contractors who further the goals of packaging reduction guidelines.

Res. No. 627

Res. No. 627 calls for the New York State Legislature to amend the state’s General Municipal Law to expand its preference for food originating or processed in New York State to allow New York City to institute procurement preferences for the purchase of food originating within the greater New York region, including nearby states such as New Jersey, Connecticut, Massachusetts, Vermont, and New Hampshire.

Res. No. 628

Res. No. 628 calls for the New York State Legislature to regulate the amount and type of packaging used to encase goods procured by New York State and its localities.

for the Lower Ma_____

⁷ Mayor’s Office of Contract Services, *Agency Procurement Indicators, Fiscal Year 2010*, available at http://www.nyc.gov/html/mocs/downloads/pdf/procurement_indicators_2010.pdf.

⁸ *Supra* note 1.

⁹ Small purchases are defined as those valued from \$5,000 to \$100,000. *Supra* note 7 at 25.

This is a legislative package that furthers the goals of Speaker Quinn’s FoodWorks program. Taken together, the proposed legislation intends to generate savings to the City, improvements to the environment, and increased support to regional farmers.

(The following is the text of the Fiscal Impact Statement for Int. No. 452-A:)



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

PROPOSED INTRO. NO: 452-A

COMMITTEE: Contracts

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

SPONSORS: Council Members Brewer, Cabrera, Foster, James, Lander, Palma, Rodriguez, Rose, Williams, Levin, Chin, Van Bramer, Lappin, Recchia, Vallone, Crowley, Mark-Viverito, Garodnick, Gonzalez, Weprin, Koppell, Wills and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. 452-A would amend the administrative code of the city of New York by adding a new section 6-130. The bill would require the city chief procurement officer to encourage city agencies to make best efforts to purchase New York State food—food that is grown, produced, harvested, or processed in New York—by employing the following methods: (1) developing guidelines for agencies pursuant to New York State General Municipal Law § 103 (8-a); (2) publishing such guidelines on the MOCS website; (3) training agency contracting personnel on implementing such guidelines; (4) monitoring each agency’s implementation of such guidelines; and (5) submitting an annual report to the Speaker of the Council detailing each agency’s efforts to implement such guidelines and documenting the City’s progress towards increasing the amount of New York State food purchased based on available data reported by vendors. Proposed Int. 452-A makes plain that the implementation of the guidelines established pursuant to this bill may not require agencies to purchase more costly food. Further, the guidelines would not apply to emergency procurements, small purchases, or food purchased in small amounts in partial fulfillment of larger social service contracts.

EFFECTIVE DATE: This local law would take effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees, including but not limited to the city chief procurement officer, shall take such actions as are necessary for its implementation prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: 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

ESTIMATE PREPARED BY: John Lisyanskiy, Legislative Financial Analyst
Scott Crowley, Deputy Director

HISTORY: Hearing held by the Committee on February 28, 2011 and the legislation was laid over by the Committee. Subsequent to this hearing Int 452 was amended and is scheduled to be voted on by the Committee on July 26, 2011 and the Full Council on July 28, 2011 as Proposed Int. 452-A.

DATE SUBMITTED TO COUNCIL: JANUARY 18, 2011

(For text of Int No. 461-A, Res No. 627, and Res No. 628, please see the Report of the Committee on Contracts for Int 461-A in this section as well as the Reports of the Committee on Contracts for Res No. 627 and Res No. 628 printed in the voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends the adoption of Int No. 452-A, Int No. 461-A, Res No. 627, and Res 628.

(The following is the text of Int. No. 452-A:)

Int. No. 452-A

By Council Members Brewer, Cabrera, Foster, James, Lander, Palma, Rodriguez, Rose, Williams, Levin, Chin, Van Bramer, Lappin, Recchia, Vallone, Crowley, Mark-Viverito, Garodnick, Gonzalez, Weprin, Koppell, Wills, Jackson, Gennaro, Barron and Ulrich.

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

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title six of the administrative code of the city of New York is amended by adding a new section 6-130 to read as follows:

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

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

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

(3) "Food products" shall mean the types of fresh fruits, vegetables and field crops identified on the list promulgated by the New York state commissioner of agriculture and markets pursuant to subdivision eight-a of New York general municipal law section one hundred three.

(4) "Food purchase contract" shall mean any contract entered into by an agency for the direct purchase of food products or processed food.

(5) "Food-related services contract" shall mean any contract for services entered into by an agency, that includes the provision of food products or processed food.

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

(7) "Processed food" shall mean the types of foods that have been altered from their natural state, using methods including, but not limited to, canning, freezing, cooking, mixing, chopping, refrigeration, dehydration, liquefaction, and emulsification identified on the list promulgated by the New York state commissioner of agriculture and markets pursuant to subdivision eight-a of New York general municipal law section one hundred three.

b. The city chief procurement officer shall encourage agencies to make best efforts to purchase New York state food in ways including, but not limited to:

(1) within one hundred eighty days of the effective date of the local law that added this section, establishing guidelines for agencies that will assist in increasing the purchase of New York state food products, pursuant to the process set forth in subdivision eight-a of New York general municipal law section one hundred three, applicable to both food purchase contracts and food-related services contracts;

(2) publishing such New York state food products purchasing guidelines on the mayor's office of contract services website, disseminating such guidelines to agencies and training agency contracting personnel on implementing such guidelines; and

(3) monitoring agency implementation of such guidelines.

c. Within one hundred eighty days of the effective date of the local law that added this section, the commissioner of the department of citywide administrative services, with respect to food purchase contracts, and the city chief procurement officer, with respect to food-related services contracts, shall ensure that the city guidelines and the listing of New York state food products promulgated by the New York state commissioner of markets and agriculture pursuant to subdivision eight-a of New York general municipal law section one hundred three are made a part of each solicitation for all such contracts and shall request that each vendor supplying food products or processed food under a contract issued as a result of such solicitations:

(1) review the list of New York state food products to determine whether any such products are being provided under such contract(s);

(2) report to the procuring agency all of the food products and processed food procured under such contract(s), categorized by specific type, together with the dollar value of each such type procured under such contract(s), to the extent practicable and known to such vendor; and

(3) for each such type of food product or processed food included on the listing of New York state food products, report to the procuring agency, to the extent practicable and known to such vendor: (a) any such New York state food product procured under such contract(s), together with the dollar value of each such type procured under such contract(s); (b) any such food product from outside of New York state procured under such contract(s) during its listed New York state availability period, together with the dollar value of each such type procured under such contract(s); and (c) any other such food product from outside of New York state or processed food from facilities outside of New York state procured under such contract(s) from outside New York state, together with the dollar value of each such type procured under such contract(s).

d. The city chief procurement officer shall collect the information provided by vendors pursuant to subdivision c of this section.

e. This section shall not be construed as requiring that the guidelines developed pursuant to this section require the purchase of more costly food products or processed food, or that such guidelines be made applicable to: (1) emergency procurements pursuant to section three hundred fifteen of the charter; (2) food purchases in dollar amounts less than the small purchase limits set forth in section three hundred fourteen of the charter; or (3) food procured from vendors in partial fulfillment of larger contracts for social services, where food is purchased in dollar amounts totaling annually less than the small purchase limits set forth in section three hundred fourteen of the charter.

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

g. Not later than October first of each year, the city chief procurement officer shall submit to the mayor and the speaker of the city council, and publish on the mayor's office of contract services website, a report detailing the city's efforts during the preceding fiscal year to implement the city guidelines for the purchase of New York state food, adopted pursuant to subdivision eight-a of New York general municipal law section one hundred three. Such report shall include, at minimum:

(1) a description of the city's efforts to improve and increase the tracking of information relating to New York state food procured by agencies;

(2) a list of vendors that provided information pursuant to subdivision c of this section, in connection with covered solicitations; and

(3) the information collected pursuant to paragraph three of subdivision c of this section, compiled to provide the following, disaggregated by food product and processed food: (a) the total dollar value of New York state food products procured by agencies; (b) the total dollar value of food products from outside of New York state procured by agencies during their listed New York state availability periods; and (c) the total dollar value of all other food products from outside of New York state and processed food from facilities outside of New York state.

§2. This local law shall take effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees, including but not limited to the city chief procurement officer, shall take such actions as are necessary for its implementation prior to such effective date.

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, Committee on Contracts, July 26, 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. 461-A

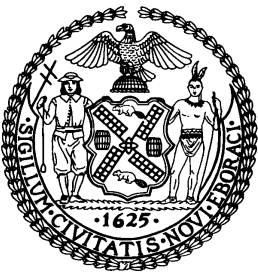
Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing packaging reduction guidelines for contractors with city agencies.

The Committee on Contracts, to which the annexed amended proposed local law was referred on January 18, 2011 (Minutes, page 153), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for Int No. 452-A printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 461-A:)



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

PROPOSED INTRO. NO: 461-A

COMMITTEE: Contracts

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

SPONSORS: By Council Members Palma, Brewer, Cabrera, Chin, Foster, Gentile, James, Koppell, Rose, Williams, Nelson, Mark-Viverito, Levin, Van Bramer, Lappin, Recchia, Vallone, Crowley, Lander, Garodnick, Gonzalez, Weprin, Wills and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. No. 461-A would amend chapter 3 of title 6 of the administrative code of the city of New York by adding a new subchapter 7. The bill would require the director of citywide environmental purchasing, in consultation with the mayor's office of long term planning and sustainability, to, for all contracts entered into by city agencies for the purchase of goods: establish, make available to city agencies, and publish online guidelines to assist in the reduction of packaging. To encourage vendors to reduce unnecessary waste, such guidelines would require agencies to include in their requests for bids, thereby permitting agencies to consider as criteria: (1) the elimination of packaging wherever practicable or use of the minimum amount necessary for product protection; (2) the use of packaging that is reusable or recyclable; and (3) the reuse of pallets and packaging materials by contractors whenever practicable. The bill would also require the director of citywide environmental purchasing, in consultation with the office of long term planning and sustainability, to establish a program to identify city contractors that further the goals of the packaging reduction guidelines.

EFFECTIVE DATE: This local law would take effect ninety days after it shall become a law except that city agencies, officers and employees, including but not limited to the director of citywide environmental purchasing and the director of the office of long-term planning and sustainability, shall take such actions as are necessary for its implementation prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. Guidelines will be developed using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

ESTIMATE PREPARED BY: John Lisyskiy, Legislative Financial Analyst
Scott Crowley, Deputy Director

HISTORY: The legislation was introduced to the Full Council on January 18, 2011 as Int. 461. The Committee on Contracts held a hearing on the legislation on February 28, 2011 and the legislation was laid over. An amended version, Proposed Int. 461-A, is scheduled to be voted on by the Committee on July 26, 2011 and the Full Council on July 28, 2011.

DATE SUBMITTED TO COUNCIL: JANUARY 18, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 461-A:)

Int. No. 461-A

By Council Members Palma, Brewer, Cabrera, Chin, Foster, Gentile, James, Koppell, Rose, Williams, Nelson, Mark-Viverito, Levin, Van Bramer, Lappin,

Recchia, Vallone, Crowley, Lander, Garodnick, Gonzalez, Weprin, Wills, Jackson, Gennaro, Barron and Ulrich.

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

Be it enacted by the Council as follows:

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

Subchapter 7: Packaging Reduction

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

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

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

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

e. The director of citywide environmental purchasing, after consultation with the office of long-term planning and sustainability, shall establish a program through the city website, and any other relevant means of media or communication, to identify and recognize city agency contractors that consistently further the goals of the packaging reduction guidelines established pursuant to this section.

§ 2. This local law shall take effect ninety days after it shall become a law except that city agencies, officers and employees, including but not limited to the director of citywide environmental purchasing and the director of the office of long-term planning and sustainability, shall take such actions as are necessary for its implementation prior to such effective date.

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, Committee on Contracts, July 26, 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 Finance

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-568

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2011 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-4)

The Committee on Finance, to which the annexed communication was referred on July 28, 2011, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on July 28, 2011, the Committee on Finance received a communication, dated July 27, 2011, from the Office of Management and Budget of The City of New York, of a proposed request, (the "Modification"), to modify units of appropriation and transfer city funds between units of appropriation in the Fiscal 2011 Expense Budget (as defined below) pursuant to Section 107(b) of the Charter of the City of New York (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 (the "Fiscal 2011 Expense Budget"). This Modification reallocates

appropriations that were reflected in the Fiscal 2011 Expense Budget. This Modification reallocates appropriations that were reflected in the Fiscal 2011 Expense Budget to fund City Council local initiatives.

This modification transfers a total of \$716,130 between various agencies in Fiscal Year 2011 to implement changes in the City's expense budget. Funding in various amounts will be removed from the Staten Island Borough President (U/A 001), the Department for the Aging, the Department for Youth and Community Development, the Department of Small Business Services, the Housing, Preservation, and Development, the Department of Health and Mental Hygiene, and the Department of Parks and Recreation, and will be transferred to the Staten Island Borough President (U/A 002), Department of Education, CUNY, the Department of Cultural Affairs, the Department of Health and Mental Hygiene.

Please see Appendix A of the budget modification for more detail.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another or such that the transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, Section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

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

TO: Honorable Christine Quinn
Speaker

Honorable Domenic M. Recchia, Jr.
Chairman, Finance Committee

FROM: Preston Niblack, Director, Finance Division
Jeffrey Rodus, First Deputy Director, Finance Division
Tanisha Edwards, Counsel, Finance Division

DATE: July 28, 2011

SUBJECT: A budget modification (MN-4) for Fiscal Year 2011 to reallocate appropriations in the FY 2011 Adopted Budget.

INITIATION: By letter dated July 27, 2011, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds totaling \$716,130, between various agencies in Fiscal Year 2011 to implement changes in the City's expense budget.

BACKGROUND: MN-4 reallocates appropriations that were reflected in the FY 2011 Adopted Budget to fund City Council initiatives.

FISCAL IMPACT: MN-4 represents the reallocation of appropriations. The net effect of this modification is zero.

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

Res. No. 963

Resolution approving the appropriation and the transfer of city funds between agencies proposed by the Mayor pursuant to section 107(b) of the Charter of the City of New York.

By Council Member Recchia.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on July 28, 2011, the Committee on Finance received a communication, dated July 27, 2011, from the Office of Management and

Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$716, 130 between various agencies in the Fiscal Year 2011 expense budget as adopted by the Council on June 29, 2010, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.

2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:



The City of New York
Office of Management and Budget
75 Park Place • New York, New York 10007-2146
Telephone: (212) 788-5900 • Fax: (212) 788-6300

Mark Page
Director

July 27, 2011

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2011 to implement changes in the City's expense budget.

As requested by the City Council, this modification (MN-4) reallocates appropriations that were reflected in the FY 2011 Adopted Budget to fund City Council local initiatives.

Your approval of modification MN-4 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2011 Budget Modification

**- MN 4 -
FROM**

014	President, Borough of S.I.	
001	Personal Services	(\$20,000)
125	Department for the Aging	
003	Community Programs - OTPS	(\$62,500)
260	Youth & Community Development	
005	Community Development - OTPS	(\$286,338)
312	Other Than Personal Service	(\$35,214)
801	Dept. Small Business Services	
002	Dept of Business Serv. - OTPS	(\$6,500)
806	Housing Preservation & Dev.	
009	Office of Development-OTPS	(\$30,000)
816	Dept Health & Mental Hygiene	
113	Hlth Promo & Disease Prev-OTPS	(\$254,578)
846	Dept of Parks and Recreation	
006	Maintenance & Operations-OTPS	(\$21,000)
	TOTAL	(\$716,130)

Fiscal Year 2011 Budget Modification

**- MN 4 -
TO**

014	President, Borough of S.I.	
002	Other Than Personal Services	\$20,000
040	Department of Education	
402	GE Instr. & School Leadership	\$108,214
042	City University	
001	Community College-OTPS	\$406,838
098	Miscellaneous	
002	OTPS	\$129,578
126	Department of Cultural Affairs	
003	Cultural Programs	\$22,000
816	Dept Health & Mental Hygiene	
112	OTPS - Disease Intervention	\$25,000
120	Mental Health	\$1,000
121	Mental Retardation Services	\$3,500
	TOTAL	\$716,130

APPENDIX A

FROM

014	President, Borough of S.I.	
001	Personal Services	
	Borough President-Staten Island	(\$20,000)
	Subtotal for Personal Services	(\$20,000)
	Subtotal for President, Borough of S.I.	(\$20,000)
125	Department for the Aging	
003	Community Programs - OTPS	
	Discipleship Outreach Ministries, Inc. (d/b/a Turning Point)	(\$45,000)
	Elders Share the Arts, Inc.	\$8,500
	Federazione Italo-Americana di Brooklyn and Queens, Inc.	\$3,000
	Friends and Relatives of Institutionalized Aged, Inc.	(\$5,000)
	Glenridge Senior Citizen Multi-Service & Advisory Center, Inc.	(\$5,000)
	United Chinese Association of Brooklyn	\$40,000
	United Senior Citizen Center of Sunset Park, Inc.	(\$55,000)
	Woodhaven Richmond Hill Volunteer Ambulance Corps	(\$4,000)
	Subtotal for Community Programs - OTPS	(\$62,500)
	Subtotal for Department for the Aging	(\$62,500)
260	Youth & Community Development	
005	Community Development - OTPS	
	Center for Law and Social Justice, Medgar Evers College	(\$61,850)
	City University of New York School of Law Foundation, Inc., The	(\$61,800)
	Discipleship Outreach Ministries, Inc. (d/b/a Turning Point)	\$55,000
	Friends of Firefighters, Inc.	(\$1,000)
	Greater Ridgewood Restoration Corporation	(\$1,000)
	Hispanic Federation, Inc.	\$20,000
	Lower East Side Tenement Museum, The	(\$5,000)

APPENDIX A

FROM

260	Youth & Community Development	
005	Community Development - OTPS	
	New Amsterdam Public Market Association, Inc.	(\$5,000)
	New York City Park Advocates, Inc.	\$11,000
	Research Foundation of the City University of New York	(\$137,550)
	Research Foundation of the City University of New York - Citizenship NOW	(\$100,638)
	Resource Center for Community Development, Inc.	\$5,000
	Ridgewood Property Owners and Civic Association	(\$4,000)
	Triple Candie, Inc.	(\$3,500)
	Woodhaven Richmond Hill Volunteer Ambulance Corps	\$4,000
	Subtotal for Community Development - OTPS	(\$286,338)
312	Other Than Personal Service	
	African Diaspora Film Festival	(\$5,000)
	Behind the Book, Inc.	(\$4,000)
	Bloomingdale Family Program, Inc.	(\$4,500)
	Brooklyn Ballers Sports, Youth and Educational Corp.	\$25,000
	Center for Law and Social Justice, Medgar Evers College	\$3,500
	Child Abuse Prevention Program, Inc.	(\$10,714)
	Earsay, Inc.	(\$3,500)
	Education Through Music, Inc.	(\$7,500)
	Elders Share the Arts, Inc.	(\$8,500)
	Federazione Italo-Americana di Brooklyn and Queens, Inc.	(\$3,000)
	Friends of the Upper East Side Historic Districts	(\$5,000)
	Friends United Youth Center	(\$5,000)
	Greenwich Village Little League	\$10,000
	Lowell School, The	\$60,000
	Neighborhood Initiatives Development Corporation (NIDC)	(\$1,000)

APPENDIX A
FROM:

260	Youth & Community Development		
312	Other Than Personal Service		
	New Life Center of Truth, Inc.		(\$4,000)
	Our Firefighters' Children's Foundation		(\$8,500)
	Reach for the Stars Learning Center		(\$3,500)
	S.P.A.R.E., Inc.		(\$5,000)
	Staten Island Mental Health Society, Inc.		(\$15,000)
	United Chinese Association of Brooklyn		(\$40,000)
	Subtotal for Other Than Personal Service		(\$35,214)
	Subtotal for Youth & Community Development		(\$321,552)
801	Dept. Small Business Services		
002	Dept of Business Serv. - OTPS		
	Greater Ridgewood Restoration Corporation		\$3,000
	Hispanic Federation, Inc.		(\$20,000)
	New Amsterdam Public Market Association, Inc.		\$5,000
	New York Women's Chamber of Commerce, Inc.		\$3,500
	Ridgewood Property Owners and Civic Association		\$2,000
	Subtotal for Dept of Business Serv. - OTPS		(\$6,500)
	Subtotal for Dept. Small Business Services		(\$6,500)
806	Housing Preservation & Dev.		
009	Office of Development-OTPS		
	Brooklyn Housing and Family Services, Inc.		\$5,000
	East New York Urban Youth Corps		(\$25,000)
	We Stay-Nos Quedamos, Inc.		(\$10,000)
	Subtotal for Office of Development-OTPS		(\$30,000)

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APPENDIX A
FROM:

	Subtotal for Housing Preservation & Dev.		(\$30,000)
816	Dept Health & Mental Hygiene		
113	Hlth Promo & Disease Prev-OTPS		
	Cooperative, Health, Active, Motivated, Positive Students (CHAMPS) (DOE)		(\$125,000)
	Department of Health and Mental Hygiene		(\$129,578)
	Subtotal for Hlth Promo & Disease Prev-OTPS		(\$254,578)
	Subtotal for Dept Health & Mental Hygiene		(\$254,578)
846	Dept of Parks and Recreation		
006	Maintenance & Operations-OTPS		
	New York City Park Advocates, Inc.		(\$11,000)
	Pier Park & Playground Association, Inc., The		(\$10,000)
	Subtotal for Maintenance & Operations-OTPS		(\$21,000)
	Subtotal for Dept of Parks and Recreation		(\$21,000)
	TOTAL		<u><u>(\$716,130)</u></u>

Wednesday, July 27, 2011

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APPENDIX A
TO

014	President, Borough of S.I.		
002	Other Than Personal Services		
	Borough President-Staten Island		\$20,000
	Subtotal for Other Than Personal Services		\$20,000
	Subtotal for President, Borough of S.I.		\$20,000
040	Department of Education		
402	GE Instr. & School Leadership		
	African Diaspora Film Festival		\$5,000
	Beacon Parents Forum		\$5,000
	Behind the Book, Inc.		\$4,000
	Bloomingtondale Family Program, Inc.		\$4,500
	Chess-in-the-Schools, Inc.		(\$3,500)
	Child Abuse Prevention Program, Inc.		\$10,714
	Cooperative, Health, Active, Motivated, Positive Students (CHAMPS) (DOE)		\$125,000
	Junior High School 166K - George Gershwin		\$5,000
	Lowell School, The		(\$60,000)
	Our Firefighters' Children's Foundation		\$8,500
	Public School 139K		\$4,000
	Subtotal for GE Instr. & School Leadership		\$108,214
	Subtotal for Department of Education		\$108,214
042	City University		
001	Community College-OTPS		
	Center for Law and Social Justice, Medgar Evers College		\$61,850
	City University of New York School of Law Foundation, Inc. - Community I		\$66,300
	City University of New York School of Law Foundation, Inc., The		\$61,800
	Kingsborough Community College		\$45,000

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042	City University		
001	Community College-OTPS		
	Research Foundation of the City University of New York - Citizenship NOW		\$171,888
	Subtotal for Community College-OTPS		\$406,838
	Subtotal for City University		\$406,838
098	Miscellaneous		
002	OTPS		
	Kingsbridge Heights Community Center		\$43,193
	Mt. Sinai Sexual Assault & Violence Intervention Program		\$43,193
	St. Luke's-Roosevelt Intervention Program		\$43,192
	Subtotal for OTPS		\$129,578
	Subtotal for Miscellaneous		\$129,578
126	Department of Cultural Affairs		
003	Cultural Programs		
	Bronx Council on the Arts, Inc.		\$1,000
	Earsay, Inc.		\$3,500
	Education Through Music, Inc.		\$7,500
	Friends of the Upper East Side Historic Districts		\$5,000
	Lower East Side Tenement Museum, The		\$5,000
	Subtotal for Cultural Programs		\$22,000
	Subtotal for Department of Cultural Affairs		\$22,000
816	Dept Health & Mental Hygiene		
112	OTPS - Disease Intervention		
	Comunilife, Inc.		\$10,000
	Staten Island Mental Health Society, Inc.		\$15,000

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TO

816 Dept Health & Mental Hygiene	
Subtotal for OTPS - Disease Intervention	\$25,000
120 Mental Health	
Friends of Firefighters, Inc.	\$1,000
Subtotal for Mental Health	\$1,000
121 Mental Retardation Services	
Reach for the Stars Learning Center	\$3,500
Subtotal for Mental Retardation Services	\$3,500
Subtotal for Dept Health & Mental Hygiene	\$29,500
	TOTAL
	\$716,130

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DOMENIC C. RECCHIA, JR., Chair; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, JR., LEWIS FIDLER, ROBERT JACKSON, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES VAN BRAMER, JAMES S. ODDO, VINCENT IGNIZIO. July 28, 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 Res. No. 960

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

The Committee on Finance, to which the annexed resolution was referred on July 28, 2011, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"). On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

Analysis. This Resolution, dated July 28, 2011, amends the description for the Description/Scope of Services for the Sunnyside Community Services Center, Inc. an organization receiving local discretionary funding in the amount of \$40,000 within the budget of the Department of Youth and Community Development. The

Description/Scope of Services for this organization for such organization listed in the Fiscal 2012 Expense Budget read: "To support our youth and family services. Youth programs include: two after-school programs that provide academic and cultural enrichment, recreation, and leadership development; a Beacon Community Center in Elmhurst where children, teens, and families engage in educational and recreational activities; a Family Literacy Program that enables parents and children of immigrant families to develop important English language and literacy skills; a College Readiness Program that helps youth who are disadvantaged in the college application process prepare for and succeed in higher education; and a Green Jobs Internship Program provided in partnership with Trees New York that connects underserved youth to opportunities in a growing job sector and prepares them to be stewards of the environment." This Resolution now changes the agency in which this organization receives funding to the Department for the Aging, which will be effectuated by a budget modification, and the Description/Scope of Services to read: "To sustain adult day services for seniors; expand programming and case assistance in new Center for active older adults."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Department of Sanitation (Queens West), an agency receiving local discretionary funding in the amount of \$21,000. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2012 Expense Budget read: "16 Custom Baskets (\$525.00 each) Roosevelt Avenue from 82nd St to 104th Street; cost to provide litter basket service on alternate Sunday \$5,395.26 for FY12; additional service on Saturday's for 2hrs for 26 weeks = \$8,094." This Resolution now changes the Description/Scope of Services to read: "Custom Baskets along Roosevelt Ave from 82nd Street to 104th Street and cost to provide litter basket service on alternate Sunday and additional service on Saturdays for 2hrs for 26 weeks."

Also, this Resolution amends the description for the Description/Scope of Services for

Centro Altigracia de Fe y Justicia, an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2012 Expense Budget read: "Each profile features a five or six page story about an individual neighborhood, including information about its history and culture, attractions, shopping and dining, photographs, public transportation, and a street map." This Resolution now changes the Description/Scope of Services to read: "This expansion of our current community organizing program would consist of week-long service projects for youth, ages 13-18, to be conducted during the school breaks in the summer and mid-winter. The intended service projects would be conducted at various locations within Community Board 12, such as senior center, parks, churches, CBOs, etc. Each service day would conclude with a reflectionary session, giving the participants an opportunity to share their experiences as well as receive additional information regarding some of the big picture questions. For example, participants working on a project at a senior center, would reflect on the perceptions, treatment and care of the elderly in our society."

Moreover, this Resolution amends the description for the Description/Scope of Services for Ansof Center for Refugees, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "Funding in support of its Immigration Legal Services Program." This Resolution now changes the Description/Scope of Services to read: "Funding in support of its English Language Program."

Additionally, this Resolution amends the description for the Description/Scope of Services for Elmcot Youth and Adult Activities, Inc., an organization receiving local discretionary funding in the amount of \$12,857 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "to be used for two programs \$5,000 (Women's Conference) \$5,000 (Black History)." This Resolution now changes the Description/Scope of Services to read: "To be used for two events – Black History and Women's Conference."

Moreover, this Resolution amends the description for the Description/Scope of Services for CIVITAS Citizens, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "CIVITAS proposes a program to address air quality in the Community Board 8 district (CB8) through education and outreach to encourage stakeholders to convert to clean forms of heating oil for residential buildings." This Resolution now changes the Description/Scope of Services to read: "Funding for a Design Ideas Competition for the East River Esplanade to consider useful and original concepts to improve user experience and access to this important park. The area encompassed by the Competition will be 60th Street to 125th Street. The purpose of the program is to generate ideas and build community support for the Esplanade. When the CB8 Esplanade is connected to the existing greenway south of 34th Street, there will likely be an increase in stakeholders using the continuous waterfront pathway. Improvements to the CB8 Esplanade will be a long-term project. A Design Ideas

Competition is an important first step. There is a dire need for improved conditions as it is one of few parks in a neighborhood that lacks green space. CB8 has less than .5 acre per 1,000 residents. This is below the optimal ratio (2.5 acres per 1,000 residents) in other NYC neighborhoods. With its narrow footprint between FDR Drive and the river, the Esplanade presents a design challenge to maximize the use and enjoyment of this important amenity. Furthermore, in sections there are

limited, difficult to locate or unsafe access points to the Esplanade. A notable example is the dangerous grade crossing at 96th Street that traverses multiple FDR Drive entry and exit ramps. The competition will include a call for entries to designers, a juried selection process and a public display of entries. To continue to generate community support, the entries will also be available for review on a website after the display has been removed. The project will be administered by CIVITAS staff and volunteers. The overall budget of the project is 30,000

and CIVITAS requests 10,000 in funding. This includes: costs of administering the program and publicizing the program via the public display and website.”

Also, this Resolution amends the description for the Description/Scope of Services for Forest Park Trust, Inc. an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Parks and Recreation. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “To fund Forest Park’s 2nd annual 5K race.” This Resolution now changes the Description/Scope of Services to read: “To support the 5K run and concerts in the Sueffert Bandshell.”

Moreover, this Resolution amends the description for the Description/Scope of Services for Flushing Town Hall, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “Funds are requested to support a Cultural After-School Adventure program.” This Resolution now changes the Description/Scope of Services to read: “To support arts programming for District 30.”

Additionally, this Resolution adds a description for the Description/Scope of Services for Guardians of the Sick, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: “The Family Crisis Intervention Program assists families whose children are at risk for abuse and neglect, as well as with situations of domestic violence. Referrals are made to our office from any number of sources, including neighbors, relatives, or school principals/teachers. The staff then arranges a home visit and makes a complete assessment. Our intervention serves as a safety net for thousands of children by guiding parents into therapy, assisting with payment for counseling, and providing food and clothing vouchers redeemable in local stores. Our bi-weekly parenting classes offer guidance and coping techniques in relation to real-life problems and concerns. Additionally, a support group for victims of domestic violence meets regularly under the program’s auspices. When a familial situation deems it necessary, children are sponsored during the summer to day or overnight camps. We also provide big brothers/big sisters who serve as positive role models, by giving one on one attention to at-risk children. Volunteers advocate and assist families with employment, housing, and school placement. A Sunday morning art class for pre-teen girls is facilitated both by a professional artist and social work interns. Through artistic expression these children build self-confidence and self-esteem. Built into the program is social skills training led by the social work interns. The City Council’s grant for the Family Crisis Intervention Program helps ensure the continued existence of this vital community program.”

Additionally, this Resolution adds a description for the Description/Scope of Services for Agudath Israel of America Community Services, Inc., an organization receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: “To provide career counseling, training, placement, advice and referrals to individuals seeking employment or facing job related or other economic or social issues, many of whom are low income.”

Additionally, this Resolution amends the description for the Description/Scope of Services for Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “Support for educational programs in local schools on animal cruelty.” This Resolution now changes the Description/Scope of Services to read: “Funds to support the neutering of animals.”

Also, this Resolution adds description for the Description/Scope of Services for Maspeth Town Hall, Inc., an organization receiving local discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget to read: “Funds to support general operating expenses.”

Further, this Resolution amends the description for the Description/Scope of Services for Greenpoint Manufacturing and Design Center Local Development Corporation, an organization receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Small Business Services within the Fiscal 2011 Expense Budget. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “To help preserve and create jobs for low-income New Yorkers by purchasing and renovating dilapidated industrial buildings.” This Resolution now changes the Description/Scope of Services to read: “GMDC will provide services to businesses located in GMDC owned buildings. The services include referrals and accessing incentives.”

Additionally, this Resolution amends the description for the Description/Scope of Services for United Senior Citizen Center of Sunset Park, Inc., an organization receiving aging discretionary funding in the amount of \$18,750 within the budget of the Department for the Aging within the Fiscal 2011 Expense Budget. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “This will fund the Senior Center United provide them with meals, case management services. Also to fund events in the district.” This Resolution now changes the Description/Scope of Services to read: “For the purchase of equipment and renovations.”

Lastly, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget. This Resolution also approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 and Fiscal 2010 Expense Budgets.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012, Fiscal 2011, and Fiscal 2010 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget, as described in Charts 4-6; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to the Fiscal 2011 Expense Budget, as set forth in Charts 7-12; and sets forth new designations and changes in the designation of organizations that will receive funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 13.

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011, the Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010, or Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009; name of the organization; organization’s Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Earned Income tax Credit (EITC) Assistance Program Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 5 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Expansion at New Amsterdam Market Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to senior center closures in accordance with the Fiscal 2012 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to Runaway and Homeless Youth Services in accordance with the Fiscal 2012 Expense Budget.

Chart 8 indicates an Initiative Funding Transfer in accordance with the Fiscal 2012 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 12 indicates an Initiative Fund Transfer in accordance with the Fiscal 2011 Expense Budget between various initiatives.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2012, 2011 and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

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

Res. No. 960

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Member Recchia.

Whereas, On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Sunnyside Community Services Center, Inc., an organization receiving local discretionary funding in the amount of \$40,000 within the budget of the Department of Youth and Community Development to read: "To sustain adult day services for seniors; expand programming and case assistance in new Center for active older adults."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Sanitation (Queens West), an agency receiving local discretionary funding in the amount of \$21,000 to read: "Custom Baskets along Roosevelt Ave from 82nd Street to 104th Street and cost to provide litter basket service on alternate Sunday and additional service on Saturdays for 2hrs for 26 weeks."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Centro Altagracia de Fe y Justicia, an organization receiving local discretionary funding to read: "This expansion of our current community organizing program would consist of week-long service projects for youth, ages 13-18, to be conducted during the school breaks in the summer and mid-winter. The intended service projects would be conducted at various locations within Community Board 12, such as senior center, parks, churches, CBOs, etc. Each service day would conclude with a reflectionary session, giving the participants an opportunity to share their experiences as well as receive additional information regarding some of the big picture questions. For example, participants working on a project at a senior center, would reflect on the perceptions, treatment and care of the elderly in our society."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Ansoh Center for Refugees, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development to read: "Funding in support of its English Language Program."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Elmcour Youth and Adult Activities, Inc., an organization receiving local discretionary funding in the amount of \$12,857 within the budget of the Department of Youth and Community Development to read: "To be used for two events - Black History and Women's Conference."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for CIVITAS Citizens, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development to read:

"Funding for a Design Ideas Competition for the East River Esplanade to consider useful and original concepts to improve user experience and access to this important park. The area encompassed by the Competition will be 60th Street to 125th Street. The purpose of the program is to generate ideas and build community support for the Esplanade. When the CB8 Esplanade is connected to the existing greenway south of 34th Street, there will likely be an increase in stakeholders using the continuous waterfront pathway. Improvements to the CB8 Esplanade will be a long-term project. A Design Ideas Competition is an important first step. There is a dire need for improved conditions as it is one of few parks in a neighborhood that lacks green space. CB8 has less than .5 acre per 1,000 residents. This is below the optimal ratio (2.5 acres per 1,000 residents) in other NYC neighborhoods. With its narrow footprint between FDR Drive and the river, the Esplanade presents a design challenge to maximize the use and enjoyment of this important amenity. Furthermore, in sections there are limited, difficult to locate or unsafe access points to the Esplanade. A notable example is the dangerous grade crossing at 96th Street that traverses multiple FDR Drive entry and exit ramps. The competition will include a call for entries to designers, a juried selection process and a public display of entries. To continue to generate community support, the entries will also be available for review on a website after the display has been removed. The project will be administered by CIVITAS staff and volunteers. The overall budget of the project is 30,000 and CIVITAS requests 10,000 in funding. This includes: costs of administering the program and publicizing the program via the public display and website."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Forest Park Trust, Inc. an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Parks and Recreation to read: "To support the 5K run and concerts in the Sueffert Bandshell."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Flushing Town Hall, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "To support arts programming for District 30."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new

Description/Scope of Services for Guardians of the Sick an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "The Family Crisis Intervention Program assists families whose children are at risk for abuse and neglect, as well as with situations of domestic violence. Referrals are made to our office from any number of sources, including neighbors, relatives, or school principals/teachers. The staff then arranges a home visit and makes a complete assessment. Our intervention serves as a safety net for thousands of children by guiding parents into therapy, assisting with payment for counseling, and providing food and clothing vouchers redeemable in local stores. Our bi-weekly parenting classes offer guidance and coping techniques in relation to real- life problems and concerns. Additionally, a support group for victims of domestic violence meets regularly under the program's auspices. When a familial situation deems it necessary, children are sponsored during the summer to day or overnight camps. We also provide big brothers/big sisters who serve as positive role models, by giving one on one attention to at- risk children. Volunteers advocate and assist families with employment, housing, and school placement. A Sunday morning art class for pre-teen girls is facilitated both by a professional artist and social work interns. Through artistic expression these children build self-confidence and self-esteem. Built into the program is social skills training led by the social work interns. The City Council's grant for the Family Crisis Intervention Program helps ensure the continued existence of this vital community program."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Agudath Israel of America Community Services, Inc., an organization receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "To provide career counseling, training, placement, advice and referrals to individuals seeking employment or facing job related or other economic or social issues, many of whom are low income."; and

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

Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "Funds to support the neutering of animals."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Maspeth Town Hall, Inc., an organization receiving local discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "Funds to support general operating expenses."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Greenpoint Manufacturing and Design Center Local Development Corporation, an organization receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Small Business Services within the Fiscal 2011 Expense Budget to read: "GMDC will provide services to businesses located in GMDC owned buildings. The services include referrals and accessing incentives."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for United Senior Citizen Center of Sunset Park, Inc., an organization receiving aging discretionary funding in the amount of \$18,750 within the budget of the Department of the Aging within the Fiscal 2011 Expense Budget to read: "For the purchase of equipment and renovations."; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local and aging discretionary funding in the Fiscal 2011 Expense Budget; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Earned Income Tax Credit (EITC) Assistance Program Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Expansion

at New Amsterdam Market in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to senior center closures in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6.

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to Runaway and Homeless Youth Services in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7.

Resolved, That the City Council approves an Initiative Fund Transfer, as set forth in Chart 8.

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigration Opportunity Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to an Initiative Fund Transfer in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 13.

ATTACHMENT:

CHART 1: Local Initiatives

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agr #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Lists various local initiatives and their funding details.

CHART 1: Local Initiatives (continued)

Continuation of CHART 1: Local Initiatives table, listing additional organizations and funding amounts.

CHART 2: Aging Discretionary

Table with columns: Member, Organization, EIN Number, Agency, Amount, Agr #, U/A, Fiscal Conduit/Sponsoring Organization, Fiscal Conduit EIN. Lists aging discretionary initiatives and their funding details.

CHART 1: Local Initiatives (continued)

Continuation of CHART 1: Local Initiatives table, listing additional organizations and funding amounts.

* Indicates pending completion of pre-qualification review.

CHART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Wills	Reunited Celebration Center, Inc., The	11-3507899	DYCD	(\$1,000.00)	260	312		
Wills	LP Farms Youth Organization, Inc.	11-3489299	DYCD	\$1,000.00	260	312		
Wills	Southeast Queens Kids Wrestling Association	11-3489299	DYCD	\$1,000.00	260	312		
Wills	13-3179546	DYCD	\$1,000.00	260	312			
Dickens	Wideside Crime Prevention Program	13-3087168	DYCD	(\$3,500.00)	260	312		
Dickens	New York Junior Tennis League, Inc.	23-7425256	DYCD	\$3,500.00	260	312		
Jackson	Hugs for Harlem, Inc.	41-2090776	DYCD	(\$3,500.00)	260	312		
Jackson	Russian American Cultural Heritage Center, Inc., The	02-0712132	DYCD	\$3,500.00	260	312		
Rose	Brothers Care, Inc.	26-1622385	DYCD	(\$8,000.00)	260	312		
Rose	Brothers Care, Inc.	26-1622385	DYCD	\$8,000.00	260	312		
Valone	Young Boys and Girls of Queens, Inc.	06-1517118	DYCD	\$3,500.00	260	312		
Valone	Young Women's Leadership Network	13-1624225	DYCD	(\$3,000.00)	260	312		
Rodriguez	Albert Einstein College of Medicine of Yeshiva University	13-1624225	DYCD	(\$3,000.00)	260	312		
Rodriguez	Alanza Dominicana, Inc.	13-3402057	DYCD	(\$6,000.00)	260	312		
Rodriguez	SAKRACK LEARNING CENTER INC	27-1668344	DYCD	\$9,000.00	260	312		
Rodriguez	Broadway League, Inc., The	13-0951470	DYCD	(\$1,000.00)	260	312		
Rodriguez	Chess-in-the-Schools, Inc.	13-8119036	DYCD	(\$1,000.00)	260	312		
Rodriguez	Chess-in-the-Schools, Inc.	13-8119036	DYCD	(\$1,000.00)	260	312		
Rodriguez	Children's Aid Society, The	13-3422660	DYCD	(\$1,000.00)	260	312		
Rodriguez	Ernst, Inc.	13-3422660	DYCD	(\$1,000.00)	260	312		
Rodriguez	Fort Washington Collegiate Church	13-5564117	DYCD	(\$1,000.00)	260	312		
Rodriguez	Frankford de Los Angeles, Inc.	58-2672102	DYCD	(\$1,000.00)	260	312		
Rodriguez	Fresh Youth Initiatives, Inc.	13-3723207	DYCD	(\$1,000.00)	260	312		
Rodriguez	Friends of Payson Avenue, Inc.	55-0905983	DYCD	(\$2,000.00)	260	312		
Rodriguez	New York Junior Tennis League, Inc.	23-7425256	DYCD	(\$1,000.00)	260	312		
Rodriguez	Reverend's Synagogue, Inc.	13-3168360	DYCD	(\$1,000.00)	260	312		
Rodriguez	Science Schools Initiative, L.L.C.	20-8365360	DYCD	(\$2,000.00)	260	312		
Rodriguez	Washington Heights Tennis Association	13-3965091	DYCD	(\$1,000.00)	260	312		
Rodriguez	Young Men's and Young Women's Hebrew Association of Washington Heights and Inwood	13-1653308	DYCD	(\$1,000.00)	260	312		
Rodriguez	Washington Heights and Inwood	13-1653308	DYCD	\$17,000.00	260	312		
Rodriguez	Hispanic Federation, Inc.	13-5732859	DYCD	\$17,000.00	260	312		
Crowley	14th Precinct	33-1086110	DYCD	\$2,000.00	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	104th Precinct Law Enforcers	33-1086110	DYCD	\$2,000.00	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	Blau-Weiss Goetzche, Inc.	11-6074351	DYCD	(\$5,000.00)	260	312		
Crowley	Blau-Weiss Goetzche, Inc.	11-6074351	DYCD	\$5,000.00	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	Ridgewood, Glendale, Middle Village, Maspeth, Little League	90-0147560	DYCD	(\$12,000.00)	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	Ridgewood, Glendale, Middle Village, Maspeth, Little League	90-0147560	DYCD	\$12,000.00	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	Sacred Heart School	11-2202789	DYCD	(\$5,000.00)	260	312		
Crowley	Sacred Heart School	11-2202789	DYCD	(\$5,000.00)	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	Sacred Heart School	11-2202789	DYCD	(\$5,000.00)	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	Sacred Heart School	11-2202789	DYCD	(\$5,000.00)	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	St. Margaret's Sports Association	11-1723800	DYCD	(\$8,000.00)	260	312	Greater Ridgewood Youth Council, Inc.	11-2518141
Crowley	St. Margaret's Sports Association	11-1723800	DYCD	\$8,000.00	260	312	Maspeth Town Hall, Inc.	23-7259702
Crowley	St. Stanislaus Athletic Association	11-1981305	DYCD	(\$8,000.00)	260	312		
Crowley	St. Stanislaus Athletic Association	11-1981305	DYCD	(\$8,000.00)	260	312	Maspeth Town Hall, Inc.	23-7259702
Crowley	Warnek Polish Folk Dance Company, Inc.	26-3601689	DYCD	(\$3,000.00)	260	312		
Crowley	Warnek Polish Folk Dance Company, Inc.	26-3601689	DYCD	\$3,000.00	260	312	Maspeth Town Hall, Inc.	23-7259702

CHART 5: Expansion at New Amsterdam Market

Organization	EIN Number	Agency	Amount	Agy #	U/A
New Amsterdam Public Market**	20-5559159	DYCD	(\$45,000.00)	260	005
New Amsterdam Public Market**	20-5559159	DSBS	\$45,000.00	801	002

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

CHART 6: Senior Center Closures - PEG Restoration

Organization	EIN Number	Agency	Amount	Agy #	U/A
Church on the Hill Older Adult (COTHOA) Luncheon Club, Inc. - Wilson M. Morris Senior Center	13-3273604	DFTA	(\$20,000.00)	125	003
Church on the Hill Older Adult (COTHOA) Luncheon Club, Inc. - Wilson M. Morris Senior Center	13-3608860	DFTA	\$20,000.00	125	003
Lutheran Medical Center - Shore Hill Housing Senior Center	23-7405105	DFTA	(\$70,000.00)	125	003
Lutheran Medical Center - Shore Hill Housing Senior Center	11-1839567	DFTA	\$70,000.00	125	003

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

CHART 4: Earned Income Tax Credit (EITC) Assistance Program

Organization	EIN Number	Agency	Amount	Agy #	U/A
Hanwell Home**	13-3179546	DYCD	(\$150,000.00)	260	005
Food Bank for New York City**	13-3179546	DSS	\$150,000.00	089	105

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

CHART 7 : Runaway and Homeless Youth Services - PEG Restoration

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Runaway and Homeless Youth Services PEG Restoration	13-6400434	DYCD	(\$1,170,000)	260	312
All Fomey Center	30-0104507	DYCD	\$206,262	260	312
All Fomey Center	30-0104507	DYCD	\$620,620	260	312
All Fomey Center	30-0104507	DYCD	\$287,376	260	312
Bronx Community Pride Center, Inc.	06-1552851	DYCD	\$85,031	260	312
Covenant House New York/Under 21, Inc.	13-3076376	DYCD	\$974,176	260	312
Covenant House New York/LGBTQ	13-3076376	DYCD	\$173,960	260	312
Girls Educational and Mentoring Services (GEMS), Inc.	13-4150972	DYCD	\$81,332	260	312
Good Shepherd Services	13-5598710	DYCD	\$84,000	260	312
Green Chimneys Children's Services, Inc.	14-1668025	DYCD	\$504,000	260	312
Ineary, Inc.	26-0774611	DYCD	\$83,000	260	312
Inwood House	13-562254	DYCD	\$501,084	260	312
Project Hospitality, Inc.	13-3234441	DYCD	\$294,000	260	312
Project Hospitality, Inc.	13-3234441	DYCD	\$20,000	260	312
Safe Horizon, Inc.	13-2946970	DYCD	\$630,000	260	312
Safe Horizon, Inc.	13-2946971	DYCD	\$6,633	260	312
Safe Horizon, Inc.	13-2946971	DYCD	\$75,000	260	312
Safe Horizon, Inc.	13-2946972	DYCD	\$200,000	260	312
Safe Horizon, Inc.	11-1711014	DYCD	\$168,000	260	312
Safe Space, Inc.	11-1711014	DYCD	\$70,000	260	312
Safe Space, Inc.	11-2777066	DYCD	\$280,000	260	312
SCO Family of Services	11-2777066	DYCD	\$280,000	260	312
SCO Family of Services	11-2777066	DYCD	\$751,626	260	312
SCO Family of Services	11-2777066	DYCD	\$569,900	260	312
SCO Family of Services	11-2777066	DYCD	\$294,000	260	312
SCO Family of Services	11-2777067	DYCD	\$70,000	260	312
Door, The - A Center of Alternatives, Inc.	13-6127348	DYCD	\$70,000	260	312
Cardinal McCloskey Services	11-5234032	DYCD	\$70,000	260	312

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

CHART 8 : Initiative Funding Transfer

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Mental Hygiene Contracted Services Partial PEG Restoration - Chemical Dependency/ADUPCT - Women in Need, Inc.	13-3164477	DOHMH	(\$113,747.00)	816	122
Mental Hygiene Contracted Services Partial PEG Restoration - Chemical Dependency/ADUPCT - Women in Need, Inc.	13-3164477	DOHMH	(\$61,512.00)	816	122
Partial PEG Restoration for HHC Substance Abuse Services	13-6400434	DOHMH	\$175,259.00	816	122

* Indicates pending completion of pre-qualification review.

CHART 9 : Local Initiatives - FY2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/EIN
CC	Discipleship Outreach Ministries, Inc. (d/b/a Turning Point)	11-2838138	DFTA	(\$45,000.00)	125	003	
CC	Kingborough Community College	13-6400434	CUNY	\$45,000.00	042	001	
Nelson	American Association of Jews from the former USSR, Inc.	13-3040193	DFTA	(\$5,000.00)	125	003	
Nelson	American Association of Jews from the former USSR, Inc.	11-3040193	DFTA	\$5,000.00	125	003	
Gentile	Emergency Response Team - CERT 1 NYC	20-7591111	OEM	(\$1,000.00)	017	002	St. Rosella-Regina Pius Neighborhood Improvement 11-2897931
Gentile	Emergency Response Team - CERT 1 NYC	20-7591111	OEM	\$1,000.00	017	002	
Lander	Brooklyn Historical Society, The	11-6330813	DYCD	(\$2,000.00)	260	312	
Lander	Brooklyn Historical Society, The	11-6330813	DCA	\$2,000.00	126	003	
Koppell	Manhattan College Holocaust Resource Center	13-1740468	DCA	(\$5,000.00)	126	003	
Koppell	Manhattan College Holocaust Resource Center	13-1740468	DYCD	\$5,000.00	260	312	
Garonchok	New York City Park Advocates, Inc.	14-1883533	DPR	(\$3,000.00)	846	006	
Vannoy	New York City Park Advocates, Inc.	14-1883533	DPR	(\$3,000.00)	846	006	
Viverto	New York City Park Advocates, Inc.	14-1883533	DYCD	(\$500.00)	260	005	
Crowley	Woodhaven Richmond Hill Volunteer Ambulance Corps	11-2075437	DFTA	(\$4,000.00)	125	003	
Crowley	Woodhaven Richmond Hill Volunteer Ambulance Corps	11-2075437	DYCD	\$4,000.00	260	005	
Sanders, Jr	Margret Community Corporation	11-2534790	DYCD	(\$7,000.00)	260	312	
Sanders, Jr	A Better Jamaica, Inc.	11-3804421	DYCD	\$7,000.00	260	312	

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

CHART 10: Youth Discretionary - FY2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/EIN
Rose	Brothers Care, Inc.	26-1622585	DYCD	(\$5,000.00)	260	312	
Rose	Brothers Care, Inc.	26-1622585	DYCD	\$8,000.00	260	312	
Gentile	Asian Community United Society, Inc.	26-4184117	DYCD	(\$1,000.00)	260	312	Jewish Community Council of Greater Cony Island, Inc. 11-2865181
Gentile	Asian Community United Society, Inc.	26-4184117	DYCD	\$1,000.00	260	312	St. Rosella-Regina Pius Neighborhood Improvement Association, Inc. 11-2897931
Boya	El Puente de Williamsburg	11-2614265	DYCD	(\$10,000.00)	260	312	

* Indicates pending completion of pre-qualification review.

CHART 12: Initiative Funding Transfer - FY2011

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Asthma Control Program	13-6400434	DO-HMH	(\$40,000.00)	816	113
Cancer Initiative	13-6400434	DO-HMH	(\$89,578.00)	816	113
Local Initiatives	13-2613809	MISC	\$43,182.67	088	002
Local Initiatives	13-6171197	MISC	\$43,182.67	088	002
Local Initiatives	13-2897301	MISC	\$43,182.67	088	002

* Indicates pending completion of pre-qualification review.

CHART 11: Immigrant Opportunities Initiative (IOI) - FY2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit Organization	EIN
Queens	Flushing Jewish Community Council	11-2695559	DYCD	(\$6,000.00)	260	006	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Queens	Flushing Jewish Community Council	11-2695559	DYCD	\$6,000.00	260	006	Jewish Poverty, Inc.	
Staten Island	St. Stanislaus Kosoba Church	13-5584133	DYCD	(\$60,000.00)	260	006	Polishans Organized to Minister Our Community (POMOC), Inc.	11-2584500
Staten Island	St. Stanislaus Kosoba Church	13-5584133	DYCD	\$60,000.00	260	006		

* Indicates pending completion of pre-qualification review.

CHART 13: Local Initiatives - FY2010

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit Organization	EIN
Queens	Preservation League of Staten Island	13-3000468	DYCD	(\$100,000.00)	260	006	Urban League of Staten Island	13-2921393
Queens	Preservation League of Staten Island	13-3000468	DYCD	\$20,000.00	260	006	Jewish Community Center of Staten Island, Inc.	13-5582258

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

DOMENIC C. RECCHIA, JR., Chair; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, JR., LEWIS FIDLER, ROBERT JACKSON, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES VAN BRAMER, JAMES S. ODDO, VINCENT IGNIZIO. July 28, 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. 435
Report of the Committee on Finance in favor of approving Findlay Teller, Block 2435, Lots 44 and 45, Bronx, Council District No. 16.

The Committee on Finance, to which the annexed resolution was referred on July 28, 2011, respectfully

REPORTS:

July 28, 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 July 28, 2011-Resolution approving tax exemptions for two preconsidered Land Use Items (Council District's 16 and 17).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: Lafayette Boynton located at Block 3623, Lot 1 in

Councilmember Arroyo’s District; and Findlay Teller located at 2435, Lots 44 and 45 in Councilmember Foster’s District.

Lafayette Boynton contains four buildings that will provide 972 units of rental housing for low income families. The sponsor, HP Lafayette Boynton Housing Development Fund Company, will acquire these properties from a previous owner and enter into a regulatory agreement with HPD which will establish affordability for this project. In exchange for entering into a regulatory agreement, this project will receive a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$679,000 in the first year of the exemption and \$51 million over the 40-year length of the exemption.

Findlay Teller contains 3 buildings that will preserve 162 units of affordable rental housing for low income families. The sponsor, Findlay Teller Housing Development Fund Corporation will finance the acquisition and rehabilitation of these properties with loans from the New York City Housing Development Corporation, HPD, and low income housing tax credits. All units will be rented to families whose incomes do not exceed 60% of area median income and the project is expected to receive project-based Section 8 rental assistance. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$400,000 in the first year and \$30 million over the 40-year length of the exemption.

These items have the approval of Councilmember’s Arroyo and Foster.

(For text of the coupled resolution for LU No. 436, please see the Res No. 966 following the Report of the Committee on Finance for LU No. 436 printed in this section; for text of coupled resolution for LU No. 435, please see Res No. 965 immediately below)

Accordingly, this Committee recommends the adoption of LU Nos. 435 and 436.

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

Res. No. 965

Resolution approving an exemption from real property taxes for property located at (Block 2435, Lots 44 and 45), The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 435).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 20, 2011 that the Council take the following action regarding a housing project to be located at (Block 2435, Lots 44 and 45), 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 July, 28, 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) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that Owner enters into the Regulatory Agreement.

- (b) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2435, Lots 44 and 45 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean Findlay Teller Housing Development Fund Corporation.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "New Exemption" shall mean the exemption from real property taxation provided hereunder.
- (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (h) "Partnership" shall mean Findlay Teller, L.P.
- (i) "Prior Exemption" shall mean the exemption from real property taxation for part of the Exemption Area approved by the New York City Council on July 29, 2009 (Cal. No. 2097), as amended by the New York City Council on September 17, 2009 (Cal. No. 2179).
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

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

DOMENIC C. RECCHIA, JR., Chair; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, JR., LEWIS FIDLER, ROBERT JACKSON, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES VAN BRAMER, JAMES S. ODDO, VINCENT IGNIZIO. July 28, 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. L.U. 436

Report of the Committee on Finance in favor of approving Lafayette Boynton, Block 3623, Lots 1, Bronx, Council District No. 17

The Committee on Finance, to which the annexed resolution was referred on July 28, 2011, respectfully

REPORTS:

(For text of memo, please see the Report of the Committee on Finance for LU No. 435 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 966

Resolution approving an exemption from real property taxes for property located at (Block 3623, Lot1), The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 436).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 20, 2011 that the Council take the following action regarding a housing project to be located at (Block 3623, Lot1), 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 July, 28, 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 the Lafayette-Boynton Apartment Corporation.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and 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 3623, Lot 1 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 Lafayette Boynton Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "J-51 Program" shall mean the program of exemption from and abatement of real property taxation authorized pursuant to Real Property Tax Law §489 and Administrative Code §11-243.
- (i) "Owner" shall mean, collectively, the HDFC and the Company.
- (j) "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.
- (k) "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.
- (l) "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 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. Notwithstanding the foregoing, the Exemption Area may receive any exemption from and/or abatement of real property taxation pursuant to the J-51 Program, provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Shelter Rent Tax for such twelve month period pursuant to the Exemption.

DOMENIC C. RECCHIA, JR., Chair; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, JR., LEWIS FIDLER, ROBERT JACKSON, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES VAN BRAMER, JAMES S. ODDO, VINCENT IGNIZIO. July 28, 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 Governmental Operations

Report for Int. No. 248-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on May 25, 2011 (Minutes, page 4565), respectfully

REPORTS:

I. Introduction

Today, the Committee on Governmental Operations, chaired by Council Member Gale Brewer, will meet to vote on two bills relating to New York City Council Speaker Christine Quinn's FoodWorks initiative: Proposed Int. No. 615-A, a bill that would amend the administrative code of the city of New York, in relation to establishing reporting requirements regarding the production, processing, distribution and consumption of food in and for the city and to repeal section 17-325.2 of the administrative code of the city of New York, relating to reports on green carts; and Proposed Int. No. 248-A, a bill that would amend the administrative code of the city of New York, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property.

The Committee held a hearing on prior versions of both bills on June 16, 2011.

II. Background

In November 2010, Speaker Quinn released FoodWorks, the Council's comprehensive blueprint for improving the New York City food system.¹ As detailed in the FoodWorks report, our food system, both nationally and locally, faces a number of critical challenges: high energy usage and waste throughout all phases of the system; an aging farming population; loss of farmland to development and degradation; an obesity epidemic; and households that suffer from hunger.² For instance, eighty percent of the increase in energy flows in the United States between 1997 and 2002 were related to the food system, in large part due to increased consumption of processed foods.³ With respect to waste, consumers discard more than 27 percent of food that is prepared, which nationally costs approximately \$1 billion in disposal.⁴ Yet, there are also unacceptably high levels of hunger and obesity. In New York City, for instance, there are 1.4 million New Yorkers who live in households that cannot afford an adequate supply of nutritious food.⁵ At the same time, there is a national obesity epidemic: over the past 20 years, obesity among children and adults has doubled.⁶

Here, in New York City, these challenges are especially acute. Over the next two decades New York City's population is expected to expand by nearly 1 million new residents, putting additional strain on New York City's food system.⁷

The FoodWorks initiative aims to address these challenges. The FoodWorks plan outlines 12 policy goals and 59 concrete recommendations that span all phases of the food system: production, processing, distribution, consumption and post-consumption. These twelve goals are:

- Preserve and increase regional food production.
- Increase urban food production.
- Generate growth and employment in the food manufacturing sector.

- Increase regional products processed in and for New York City.
- Reduce the environmental impact associated with food processing in New York City.
- Improve food distribution in New York City through infrastructure enhancements, technological advances, alternative transportation, and integrated planning.
- Create a healthier food environment.
- Strengthen the safety net of hunger and nutrition programs.
- Improve the nutrition of institutional meals.
- Increase quantity and quality of opportunities for food, nutrition and cooking knowledge.
- Decrease waste throughout the food system.
- Increase resource recapture in the food system.

The two bills being heard today relate to several of these FoodWorks goals and seek to promote a food system that improves health, economic, and environmental outcomes for all New Yorkers.

III. Proposed Int. No. 615-A

A. Background

In order to adequately monitor and address the challenges facing New York City's food system, policymakers and members of the public must have access to full and accurate information. During the course of the Council's work on the FoodWorks report, it became apparent that there are gaps in the basic available data about food the City buys and serves and the impact of various food-related programs. For instance, among other things, there is a lack of easily available data regarding where City-purchased food comes from, the extent to which local processors are benefiting from City programs, the reach and quality of the City's agency meal programs, and the City's progress toward eliminating hunger and combating obesity. Many of those who advocate for the betterment New York City's food system believe that more comprehensive data on these areas would assist them to better understand the current state of affairs, monitor changes, measure the effectiveness of current efforts, and develop future initiatives.

The proposed legislation would establish "metrics" at each phase of the food system, and require the Mayor's Office of Long Term Planning and Sustainability (OLTPS) to prepare and submit to the Mayor and City Council an annual report containing information on each of these metrics. Each metric relates to one or more of FoodWorks' twelve policy goals and 59 recommendations.

B. The First Hearing

At the previous hearing held on June 16, 2011, Kim Kessler, New York City's Food Policy Coordinator, testified on behalf of the Administration. Ms. Kessler testified that although the Administration supported the goals of the legislation, many of the reporting requirements were not feasible. Ms. Kessler specifically noted that some of the metrics would involve working with complex information sets or require information from third parties who do not track the information requested. She also testified that there would be significant costs associated with collecting certain types of information (particularly information that must be requested of vendors and third parties).

In some cases, the Administration's current data collection and monitoring already overlap with the data requested. In other cases, according to Ms. Kessler, the proposed legislation requested information not currently captured by agencies that would be difficult or impossible to obtain. Finally, Ms. Kessler testified that the Administration sought a more extended timetable in advance of the first reporting deadline.

Several community organizations and members of the public testified in favor of the proposed legislation, including the Natural Resources Defense Council (NRDC), WE ACT for Environmental Justice, NYC Coalition Against Hunger, Food Systems Network NYC, UPROSE, and parents of local school children.

C. The Amended Bill

Several amendments were made to Proposed Int. 615-A in order to address the issues raised by the Administration at the June 16, 2011 hearing.

First, the first reporting date was moved from December 1, 2011 to September 1, 2012. This extended reporting period will provide the Administration sufficient time to collect and compile the necessary data. Proposed Int. 615-A was also amended to clarify that data is to be reported for the prior fiscal year.

Second, for metrics that involve the collection of information from vendors or other third parties, revisions were made to ease the burden of such collection. For example, the bill clarifies that for reporting on information about the amount of grocery store space (metric #6), OLTPS shall request this information from the New York State Department of Agriculture and Markets – the agency that collects this information – and include it in the report to the extent it is available. On the other hand, for metrics where it was not possible to ease the burden of collection from third parties, the metrics were removed.

Third, in instances where the requested information is not currently captured by an agency, the metric was revised to permit the reporting of similar information that the agency does or could capture with existing resources. For example, the Department of Education (DOE) does not collect information about the state of origin of the food products it purchases. Accordingly, this metric (metric #2) now requires DOE to report, to the extent the information is available, information about whether the milk and fresh whole produce it purchases from within the United States is “local” or “regional” – information that DOE has been able to collect in the past. Similarly, with respect to agency compliance with the agency food standards established pursuant to Executive Order No. 122 (metric #11), the Administration does not track the percentage of agency meals that are in compliance with the standards, as was previously required by this metric. Instead, this metric now requires the administration to report the number of agency programs and entities that are in and out of compliance with each agency food standard, which is consistent with how the Administration currently tracks this information.

In order to create one comprehensive food-centered report, Proposed Int. 615-A would repeal the current “green cart” reporting requirements, currently codified by § 17-325.2 of administrative code, and move them to the annual city food system metrics report created by this bill. Identical reporting on green carts will continue, with the addition of reporting on the number of permit holders who accept electronic benefit transfer (EBT)/food stamps, to the extent such information is available.

Finally, two metrics have been removed from Proposed Int. 615-A in order to more fully study and evaluate the Administration’s current policies and offer more comprehensive legislative action: reporting on (1) the Administration’s practice of requiring finger imaging of applicants for supplemental nutrition assistance program benefits; and (2) the Administration’s efforts to track food insecurity in the City. The Committee, along with the Committee on General Welfare, will take up both issues in short order.

IV. Proposed Int. No. 248-A

A. Background

New York City and its related authorities own or lease a diverse inventory of about 18,500 properties. The City’s inventory of real property includes public facilities (such as schools, police stations, libraries, and health centers); agency facilities (such as offices, warehouses, pollution control plants, and highway maintenance yards); properties leased out by the city (such as parking lots, storefronts, and piers); residential properties (such as apartment buildings, row houses, and Housing Authority buildings); and properties with no current use (such as vacant land, abandoned buildings, and land under water).

It is important to ensure that city-owned and leased property is being put to its most efficient and best use. A searchable database of all city-owned and leased properties could help members of the public and community groups identify property that is not being utilized to its fullest extent or for its most efficient purpose. For example, unused or underused city property might be repurposed for economic development (including industrial, commercial, or retail uses), affordable housing, community uses (including gardening, urban agriculture, or open space), or other similar purposes. Indeed, as noted in the FoodWorks report, with widespread and growing interest in gardening and urban farming, identifying and publicizing available space for cultivation could help increase urban food production.⁸

In order to properly assess the suitability of city-owned and leased property for these potential purposes, however, the public must have easy access to full and complete data regarding the City’s inventory of real property. Currently, this information is available in various forms, but is not collected in one, user-friendly database. The Department of Citywide Administrative Services (DCAS) publishes a biennial report, called the Gazetteer, which lists city-owned and leased properties by borough, community district, tax block/lot, address, type of use and agency.⁹ The Gazetteer, however, does not include specific information about the characteristics of the properties that would enable a reader to determine whether any particular parcel is suitable for some other use and is not searchable and sortable. Additionally, the Department of City Planning (DCP) produces the Primary Land Use Tax Lot Output data files, otherwise known as “PLUTO.” PLUTO is a software program that includes information about all properties in the five boroughs, including both privately and city-owned property. Although PLUTO contains very detailed information about the characteristics of city-owned properties, it is only available for purchase (for \$250). Lastly, there is an online application called NYCityMap¹⁰ that displays information about city-owned properties, but it is not searchable by property feature (such as square footage, current use, or zoning classification) and does not include all of the information found in the Gazetteer and PLUTO.

Proposed Int. No. 248-A would require DCAS to keep and maintain a searchable database of all city-owned and leased real property, including information regarding the location and current use of all such property. The searchable database would include all information that is currently collected and made available by PLUTO, as well as the information about city-owned property currently included in the Gazetteer. This searchable database would be required to be made available to the public at no charge on the City’s website.

B. The First Hearing

At the previous hearing held on June 16, 2011, Randal Fong, First Assistant Commissioner of Asset Management for DCAS, and Carolyn Grossman, Director of Governmental Affairs for DCP, testified on behalf of the Administration. Mr. Fong testified that while the Administration supported “the spirit of the legislation as it relates to government transparency and information

sharing,” it did not support the bill as drafted. The Administration’s main objection to Proposed Int. 248-A was that the data that would be required to be collected in the new database is already publicly available as part of the NYC DataMine, the Gazetteer, and other sources. During the hearing, however, Ms. Grossman acknowledged that this data is not all contained in a single database that is available to the public free of charge. Mr. Fong also testified that DCAS collects only a small subset of the seventy-four required data fields, stating that the majority of the other data fields are maintained by other city agencies, namely DCP and the Economic Development Corporation, and thus DCAS could not ensure the integrity of this data.

Representatives of several community organizations testified in favor of Proposed Int. No. 248-A, including Just Food, Stone Barn Center for Food and Agriculture, Urban Design Lab, Farming Concrete, NYC Foodscape, Brooklyn Food Coalition, and VI Farms.

C. The Amended Bill

Proposed Int. 248-A was amended to accurately reflect the information that is currently compiled and made available via PLUTO and the Gazetteer. Several non-essential data fields that were previously contained in PLUTO are no longer included in that database and thus were eliminated from the database to be created by Proposed Int. 248-A. In addition, in response to the testimony of several of the community organizations that testified in favor of the bill, a field for “agency contact information” was added to assist members of the public in making inquiries about the status and availability of city-owned property.

¹ “FoodWorks: A Vision to Improve NYC’s Food System,” New York City Council, November 22, 2010 (“FoodWorks Report”), available at: http://council.nyc.gov/html/food/files/foodworks_fullreport_11_22_10.pdf.

² FoodWorks Report at 2.

³ *Id.* at 6.

⁴ *Id.*

⁵ *Id.* at 7.

⁶ *Id.*

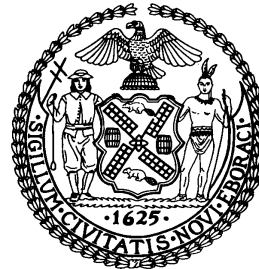
⁷ *Id.* at 2.

⁸ See FoodWorks Report at 28. In the most recent PlaNYC report, the Mayor has also promised to “take a full inventory of municipal land and identify properties that could be suitable for urban agriculture.” “PlaNYC: A Greener, Greater New York,” The City of New York, Update April 2011, at 37.

⁹ <http://www.nyc.gov/html/dcp/html/pub/gazetteer2010.shtml>.

¹⁰ <http://gis.nyc.gov/doit/nycitymap/>.

(The following is the text of the Fiscal Impact Statement for Int. No. 248-A):



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

PROPOSED INTRO. NO.248-A

COMMITTEE:
Governmental
Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property

SPONSORS: By Council Members Fidler, Brewer, Chin, Gentile, Koppell, Lander, Mark-Viverito, Nelson, Sanders Jr., Vann, Williams, Rodriguez, Dickens, Weprin, Van Bramer, Lappin, Jackson, Halloran and Koo

SUMMARY OF LEGISLATION: The Department of Citywide Administrative Services (DCAS) shall keep and maintain a complete list of the location and current use of all real property owned or leased by the city. The legislation identifies 65 reporting requirements to the extent such information is available. The legislation also requires that DCAS include the percentage of usable space actually occupied by a tenant or tenants for each property managed by the City’s Economic Development Corporation. Such list shall be made available to the public at no charge on a website maintained by the city of New York.

EFFECTIVE DATE: This local law would take effect one hundred twenty days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Currently, the Department of Citywide Planning produces the Primary Land Use Tax Lot Output data files (PLUTO) which is a software program that includes information about all properties (private and City-owned) in the City and is available for purchase for \$250. Though this local law would create a searchable database that would include all information about city-owned property that is currently collected and made available by Pluto, revenues are not expected to be impacted because subscribers primary use of the software is to access information associated with privately owned buildings

IMPACT ON EXPENDITURES: There would be no impact on expenditures as the goals of this legislation can be achieved using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Senior Legislative Financial Analyst
Andy Grossman, Deputy Director

HISTORY: This legislation was introduced to the full Council on May 25, 2010 as Int. 248 and referred to the Committee on Governmental Operations. On June 16, 2011, the Committee hearing was held regarding this legislation, an amendment was proposed and the bill was laid over. An amended version of the legislation, Proposed Intro. 248-A, will be considered by the Committee on July 27, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 248-A:)

Int. No. 248-A

By Council Members Fidler, Brewer, Chin, Gentile, Koppell, Lander, Mark-Viverito, Nelson, Sanders Jr., Vann, Williams, Rodriguez, Dickens, Weprin, Van Bramer, Lappin, Jackson, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-208 to read as follows:

§ 4-208. *List of City-Owned and Operated Real Property.* a. *The department of citywide administrative services shall keep and maintain a complete list of the location and current use of all real property owned or leased by the city. For each parcel of property, such list shall include, but need not be limited to, the following information to the extent such information is available:*

- 1) *the map on which the property appears in the most recent atlas of the property;*
- 2) *the tax block number;*
- 3) *the tax lot number;*
- 4) *the address or name of the property, if applicable;*
- 5) *the agency to which the property is assigned;*
- 6) *sufficient information to determine the property's current use or to determine that it has no current use;*
- 7) *total area of the property, expressed in square feet and rounded to the nearest integer;*
- 8) *whether the property contains the presence of an open petroleum spill;*
- 9) *whether the property is enrolled in a government cleanup program, and if so, the name of such program;*
- 10) *the year construction of the structure or structures was completed and whether such year is an estimate, where applicable;*
- 11) *the number of structures, where applicable;*
- 12) *total gross area of all structures expressed in square feet and rounded to the nearest integer, where applicable;*
- 13) *ratio of building floor area to the area of the property, where applicable;*
- 14) *allowable ratio of building floor area to the area of the property, where applicable;*

- 15) *land use category as defined by the department of city planning;*
- 16) *the community district;*
- 17) *the most recent census tract;*
- 18) *the most recent census block;*
- 19) *the community school district;*
- 20) *the city council district;*
- 21) *the zip code;*
- 22) *the fire company that services the property;*
- 23) *the health area;*
- 24) *the health center district;*
- 25) *the police precinct;*
- 26) *the major use of the structure or structures, where applicable;*
- 27) *the number of easements, where applicable;*
- 28) *the exterior dimensions of the portion of the structure or structures allocated for commercial use, where applicable;*
- 29) *the exterior dimensions of the portion of the structure or structures allocated for residential use, where applicable;*
- 30) *the exterior dimensions of the portion of the structure or structures allocated for office use, where applicable;*
- 31) *the exterior dimensions of the portion of the structure or structures allocated for retail use, where applicable;*
- 32) *the exterior dimensions of the portion of the structure or structures allocated for garage use, where applicable;*
- 33) *the exterior dimensions of the portion of the structure or structures allocated for storage or loft use, where applicable;*
- 34) *the exterior dimensions of the portion of the structure or structures allocated for factory use, where applicable;*
- 35) *the exterior dimensions of the portion of the structure or structures allocated for a use or uses other than residential, office, retail, garage, storage, loft or factory use, where applicable;*
- 36) *the number of full and partial stories starting from the ground floor in the primary structure, where applicable;*
- 37) *the sum of residential units in all structures, where applicable;*
- 38) *the sum of residential and non-residential units in all structures, where applicable;*
- 39) *the frontage, measured in feet;*
- 40) *the depth, measured in feet;*
- 41) *the frontage along the street, measured in feet;*
- 42) *the depth of the structure or structures, which is the effective perpendicular distance, measured in feet, where applicable;*
- 43) *whether the structure or structures are detached, semi-detached or attached to neighboring structures, where applicable;*
- 44) *whether the property is irregularly shaped;*
- 45) *the location relative to another lot or the water, expressed as mixed or unknown, block assemblage, waterfront, corner, through, inside, interior, island, alley or submerged land;*
- 46) *a description of the basement, expressed as none, full basement that is above grade, full basement that is below grade, partial basement that is above grade, partial basement that is below grade or unknown;*
- 47) *the actual assessed value as of the most recent fiscal year;*
- 48) *the actual exempt land value as of the most recent fiscal year;*
- 49) *the actual exempt total value as of the most recent fiscal year;*
- 50) *the year of the most recent alteration, where applicable;*
- 51) *the year of the second most recent alteration, where applicable;*
- 52) *the name of the historic district, where applicable;*
- 53) *whether the property is a landmark and, if so, the name of such landmark, where applicable;*
- 54) *the condominium number assigned to the complex, where applicable;*
- 55) *the coordinate of the XY coordinate pair that depicts the property's approximate location as expressed in the New York-Long Island state plane coordination system;*
- 56) *the e-designation number associated with the property, where applicable;*
- 57) *whether the property is located in an industrial business zone;*
- 58) *the primary zoning classification of the property;*
- 59) *the zoning designation occupying the second greatest percentage of the property's area, where applicable;*
- 60) *the primary commercial overlay assigned to the property, where applicable;*
- 61) *the commercial overlay occupying the second greatest percentage of the property's area, where applicable;*
- 62) *the special purpose or limited height district assigned to the property, where applicable;*
- 63) *the special purpose or limited height district assigned to the property occupying the second greatest percentage of the property's area, where applicable;*
- 64) *whether the land is potentially suitable for urban agriculture; and*
- 65) *agency contact information, including name, telephone number and email address.*

b. For each property managed by the economic development corporation, such list shall include the percentage of usable space actually occupied by a tenant or tenants.

c. Such list shall be made available to the public at no charge on a website maintained by or on behalf of the city of New York in a sortable and searchable format and for download at no charge from such website in a non-proprietary database format. Such list shall be completely updated no less than once every two years.

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

GALE A. BREWER, Chairperson; PETER F. VALLONE, JR., INEZ E. DICKENS, Committee on Governmental Operations, July 27, 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. 615-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements regarding the production, processing, distribution and consumption of food in and for the city, and to repeal section 17-325.2 of the administrative code of the city of New York, relating to reports on green carts.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on June 29, 2011 (Minutes, page 2665), respectfully

REPORTS:

I. Introduction

Today, the Committee on Governmental Operations, chaired by Council Member Gale Brewer, will meet to vote on two bills relating to New York City Council Speaker Christine Quinn's FoodWorks initiative: Proposed Int. No. 615-A, a bill that would amend the administrative code of the city of New York, in relation to establishing reporting requirements regarding the production, processing, distribution and consumption of food in and for the city and to repeal section 17-325.2 of the administrative code of the city of New York, relating to reports on green carts; and Proposed Int. No. 248-A, a bill that would amend the administrative code of the city of New York, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property.

The Committee held a hearing on prior versions of both bills on June 16, 2011.

II. Background

In November 2010, Speaker Quinn released FoodWorks, the Council's comprehensive blueprint for improving the New York City food system.¹ As detailed in the FoodWorks report, our food system, both nationally and locally, faces a number of critical challenges: high energy usage and waste throughout all phases of the system; an aging farming population; loss of farmland to development and degradation; an obesity epidemic; and households that suffer from hunger.² For instance, eighty percent of the increase in energy flows in the United States between 1997 and 2002 were related to the food system, in large part due to increased consumption of processed foods.³ With respect to waste, consumers discard more than 27 percent of food that is prepared, which nationally costs approximately \$1 billion in disposal.⁴ Yet, there are also unacceptably high levels of hunger and obesity. In New York City, for instance, there are 1.4 million New Yorkers who live in households that cannot afford an adequate supply of nutritious food.⁵ At the same time, there is a national obesity epidemic: over the past 20 years, obesity among children and adults has doubled.⁶

Here, in New York City, these challenges are especially acute. Over the next two decades New York City's population is expected to expand by nearly 1 million new residents, putting additional strain on New York City's food system.⁷

The FoodWorks initiative aims to address these challenges. The FoodWorks plan outlines 12 policy goals and 59 concrete recommendations that span all phases of the food system: production, processing, distribution, consumption and post-consumption. These twelve goals are:

- Preserve and increase regional food production.
-
- Increase urban food production.
-
- Generate growth and employment in the food manufacturing sector.
-

- Increase regional products processed in and for New York City.
-
- Reduce the environmental impact associated with food processing in New York City.
-
- Improve food distribution in New York City through infrastructure enhancements, technological advances, alternative transportation, and integrated planning.
-
- Create a healthier food environment.
-
- Strengthen the safety net of hunger and nutrition programs.
-
- Improve the nutrition of institutional meals.
-
- Increase quantity and quality of opportunities for food, nutrition and cooking knowledge.
-
- Decrease waste throughout the food system.
-
- Increase resource recapture in the food system.

The two bills being heard today relate to several of these FoodWorks goals and seek to promote a food system that improves health, economic, and environmental outcomes for all New Yorkers.

III. Proposed Int. No. 615-A

C. Background

In order to adequately monitor and address the challenges facing New York City's food system, policymakers and members of the public must have access to full and accurate information. During the course of the Council's work on the FoodWorks report, it became apparent that there are gaps in the basic available data about food the City buys and serves and the impact of various food-related programs. For instance, among other things, there is a lack of easily available data regarding where City-purchased food comes from, the extent to which local processors are benefiting from City programs, the reach and quality of the City's agency meal programs, and the City's progress toward eliminating hunger and combating obesity. Many of those who advocate for the betterment New York City's food system believe that more comprehensive data on these areas would assist them to better understand the current state of affairs, monitor changes, measure the effectiveness of current efforts, and develop future initiatives.

The proposed legislation would establish "metrics" at each phase of the food system, and require the Mayor's Office of Long Term Planning and Sustainability (OLTPS) to prepare and submit to the Mayor and City Council an annual report containing information on each of these metrics. Each metric relates to one or more of FoodWorks' twelve policy goals and 59 recommendations.

D. The First Hearing

At the previous hearing held on June 16, 2011, Kim Kessler, New York City's Food Policy Coordinator, testified on behalf of the Administration. Ms. Kessler testified that although the Administration supported the goals of the legislation, many of the reporting requirements were not feasible. Ms. Kessler specifically noted that some of the metrics would involve working with complex information sets or require information from third parties who do not track the information requested. She also testified that there would be significant costs associated with collecting certain types of information (particularly information that must be requested of vendors and third parties).

In some cases, the Administration's current data collection and monitoring already overlap with the data requested. In other cases, according to Ms. Kessler, the proposed legislation requested information not currently captured by agencies that would be difficult or impossible to obtain. Finally, Ms. Kessler testified that the Administration sought a more extended timetable in advance of the first reporting deadline.

Several community organizations and members of the public testified in favor of the proposed legislation, including the Natural Resources Defense Council (NRDC), WE ACT for Environmental Justice, NYC Coalition Against Hunger, Food Systems Network NYC, UPROSE, and parents of local school children.

B. The Amended Bill

Several amendments were made to Proposed Int. 615-A in order to address the issues raised by the Administration at the June 16, 2011 hearing.

First, the first reporting date was moved from December 1, 2011 to September 1, 2012. This extended reporting period will provide the Administration sufficient time to collect and compile the necessary data. Proposed Int. 615-A was also amended to clarify that data is to be reported for the prior fiscal year.

Second, for metrics that involve the collection of information from vendors or other third parties, revisions were made to ease the burden of such collection. For example, the bill clarifies that for reporting on information about the amount

of grocery store space (metric #6), OLTPS shall request this information from the New York State Department of Agriculture and Markets – the agency that collects this information – and include it in the report to the extent it is available. On the other hand, for metrics where it was not possible to ease the burden of collection from third parties, the metrics were removed.

Third, in instances where the requested information is not currently captured by an agency, the metric was revised to permit the reporting of similar information that the agency does or could capture with existing resources. For example, the Department of Education (DOE) does not collect information about the state of origin of the food products it purchases. Accordingly, this metric (metric #2) now requires DOE to report, to the extent the information is available, information about whether the milk and fresh whole produce it purchases from within the United States is “local” or “regional” – information that DOE has been able to collect in the past. Similarly, with respect to agency compliance with the agency food standards established pursuant to Executive Order No. 122 (metric #11), the Administration does not track the percentage of agency meals that are in compliance with the standards, as was previously required by this metric. Instead, this metric now requires the administration to report the number of agency programs and entities that are in and out of compliance with each agency food standard, which is consistent with how the Administration currently tracks this information.

In order to create one comprehensive food-centered report, Proposed Int. 615-A would repeal the current “green cart” reporting requirements, currently codified by § 17-325.2 of administrative code, and move them to the annual city food system metrics report created by this bill. Identical reporting on green carts will continue, with the addition of reporting on the number of permit holders who accept electronic benefit transfer (EBT)/food stamps, to the extent such information is available.

Finally, two metrics have been removed from Proposed Int. 615-A in order to more fully study and evaluate the Administration’s current policies and offer more comprehensive legislative action: reporting on (1) the Administration’s practice of requiring finger imaging of applicants for supplemental nutrition assistance program benefits; and (2) the Administration’s efforts to track food insecurity in the City. The Committee, along with the Committee on General Welfare, will take up both issues in short order.

IV. Proposed Int. No. 248-A

J. Background

New York City and its related authorities own or lease a diverse inventory of about 18,500 properties. The City’s inventory of real property includes public facilities (such as schools, police stations, libraries, and health centers); agency facilities (such as offices, warehouses, pollution control plants, and highway maintenance yards); properties leased out by the city (such as parking lots, storefronts, and piers); residential properties (such as apartment buildings, row houses, and Housing Authority buildings); and properties with no current use (such as vacant land, abandoned buildings, and land under water).

It is important to ensure that city-owned and leased property is being put to its most efficient and best use. A searchable database of all city-owned and leased properties could help members of the public and community groups identify property that is not being utilized to its fullest extent or for its most efficient purpose. For example, unused or underused city property might be repurposed for economic development (including industrial, commercial, or retail uses), affordable housing, community uses (including gardening, urban agriculture, or open space), or other similar purposes. Indeed, as noted in the FoodWorks report, with widespread and growing interest in gardening and urban farming, identifying and publicizing available space for cultivation could help increase urban food production.

In order to properly assess the suitability of city-owned and leased property for these potential purposes, however, the public must have easy access to full and complete data regarding the City’s inventory of real property. Currently, this information is available in various forms, but is not collected in one, user-friendly database. The Department of Citywide Administrative Services (DCAS) publishes a biennial report, called the Gazetteer, which lists city-owned and leased properties by borough, community district, tax block/lot, address, type of use and agency.⁹ The Gazetteer, however, does not include specific information about the characteristics of the properties that would enable a reader to determine whether any particular parcel is suitable for some other use and is not searchable and sortable. Additionally, the Department of City Planning (DCP) produces the Primary Land Use Tax Lot Output data files, otherwise known as “PLUTO.” PLUTO is a software program that includes information about all properties in the five boroughs, including both privately and city-owned property. Although PLUTO contains very detailed information about the characteristics of city-owned properties, it is only available for purchase (for \$250). Lastly, there is an online application called NYCityMap¹⁰ that displays information about city-owned properties, but it is not searchable by property feature (such as square footage, current use, or zoning classification) and does not include all of the information found in the Gazetteer and PLUTO.

Proposed Int. No. 248-A would require DCAS to keep and maintain a searchable database of all city-owned and leased real property, including information regarding the location and current use of all such property. The searchable database would include all information that is currently collected and made available by PLUTO, as well as the information about city-owned property currently included in

the Gazetteer. This searchable database would be required to be made available to the public at no charge on the City’s website.

B. The First Hearing

At the previous hearing held on June 16, 2011, Randal Fong, First Assistant Commissioner of Asset Management for DCAS, and Carolyn Grossman, Director of Governmental Affairs for DCP, testified on behalf of the Administration. Mr. Fong testified that while the Administration supported “the spirit of the legislation as it relates to government transparency and information sharing,” it did not support the bill as drafted. The Administration’s main objection to Proposed Int. 248-A was that the data that would be required to be collected in the new database is already publicly available as part of the NYC DataMine, the Gazetteer, and other sources. During the hearing, however, Ms. Grossman acknowledged that this data is not all contained in a single database that is available to the public free of charge. Mr. Fong also testified that DCAS collects only a small subset of the seventy-four required data fields, stating that the majority of the other data fields are maintained by other city agencies, namely DCP and the Economic Development Corporation, and thus DCAS could not ensure the integrity of this data.

Representatives of several community organizations testified in favor of Proposed Int. No. 248-A, including Just Food, Stone Barn Center for Food and Agriculture, Urban Design Lab, Farming Concrete, NYC Foodscape, Brooklyn Food Coalition, and VI Farms.

C. The Amended Bill

Proposed Int. 248-A was amended to accurately reflect the information that is currently compiled and made available via PLUTO and the Gazetteer. Several non-essential data fields that were previously contained in PLUTO are no longer included in that database and thus were eliminated from the database to be created by Proposed Int. 248-A. In addition, in response to the testimony of several of the community organizations that testified in favor of the bill, a field for “agency contact information” was added to assist members of the public in making inquiries about the status and availability of city-owned property.

¹ “FoodWorks: A Vision to Improve NYC’s Food System,” New York City Council, November 22, 2010 (“FoodWorks Report”), available at: http://council.nyc.gov/html/food/files/foodworks_fullreport_11_22_10.pdf.

² FoodWorks Report at 2.

³ *Id.* at 6.

⁴ *Id.*

⁵ *Id.* at 7.

⁶ *Id.*

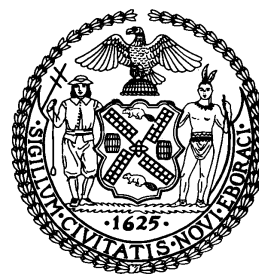
⁷ *Id.* at 2.

⁸ See FoodWorks Report at 28. In the most recent PlaNYC report, the Mayor has also promised to “take a full inventory of municipal land and identify properties that could be suitable for urban agriculture.” “PlaNYC: A Greener, Greater New York,” The City of New York, Update April 2011, at 37.

⁹ <http://www.nyc.gov/html/dcp/html/pub/gazetteer2010.shtml>.

¹⁰ <http://gis.nyc.gov/doitt/nycitymap/>.

(The following is the text of the Fiscal Impact Statement for Int. No. 615-A:)



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

PROPOSED INTRO. NO.615-A

**COMMITTEE:
Governmental
Operations**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements regarding the production, processing, distribution and consumption of food in and for the city, and to repeal section 17-325.2 of the administrative code of the city of New York, relating to reports on green carts.

SPONSORS: By Council Members Dickens, Comrie, Gonzalez, James, Lander, Brewer, Van Bramer, Lappin, Chin, Levin and Jackson.

SUMMARY OF LEGISLATION: No later than September 1, 2012, and every September first thereafter, the Office of Long-term Planning and Sustainability shall prepare and submit to the mayor and the speaker of the city council a report regarding the production, processing, distribution and consumption of food in and for the city of New York during the previous fiscal year. The legislation identifies 19 reporting requirements. Each annual report shall be made available to the public at no charge on a website maintained by or on behalf of the city of New York. Furthermore, the legislation repeals section 17-325.2 of the administrative code of the city of New York, relating to reports on green carts.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures as the goals of this legislation can be achieved using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Senior Legislative Financial Analyst
Andy Grossman, Deputy Director

HISTORY: On June 16, 2011, the Committee on Governmental Operations held a hearing on a pre-considered version of this bill, which was laid over. The legislation was subsequently introduced to the full Council on June 29, 2011 as Int. 615 and referred back to the Committee on Governmental Operations. An amended version of the legislation, Proposed Intro. 615-A, will be considered by the Committee on July 27, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 615-A:)

Int. No. 615-A

By Council Members Dickens, Comrie, Gonzalez, James, Lander, Brewer, Van Bramer, Lappin, Chin, Levin, Jackson, Gennaro and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to establishing reporting requirements regarding the production, processing, distribution and consumption of food in and for the city, and to repeal section 17-325.2 of the administrative code of the city of New York, relating to reports on green carts.

Be it enacted by the Council as follows:

Section 1. Sections 3-101 to 3-113 of chapter 1 of title 3 of the administrative code of the city of New York are designated as subchapter 1 and a new subchapter 2 is added to read as follows:

Subchapter 2

OFFICE OF LONG-TERM PLANNING AND SUSTAINABILITY

§ 3-120 Annual city food system metrics report. a. No later than September first, two thousand twelve, and no later than every September first thereafter, the office of long-term planning and sustainability shall prepare and submit to the mayor and the speaker of the city council a report regarding the production, processing, distribution and consumption of food in and for the city of New York during the previous fiscal year. Such report shall include:

1. the number, size in acres, county and type of production of, and annual dollar amount of city financial support received by, farms participating in the watershed agricultural program;

2. the total dollar amount of expenditures by the department of education on milk and other food products that are subject to the United States department of agriculture country of origin labeling requirements, disaggregated and sorted by the

product and country of origin in which the essential components of such food products were grown, agriculturally produced and harvested, to the extent such information is reported to the department of education. For any such product where there are multiple countries of origin, the total dollar amount of expenditures, disaggregated by product, shall be separately listed, to the extent such information is reported to the department of education. If the country of origin of milk or fresh whole produce is the United States, for the report due no later than September first, two thousand thirteen, and in every report thereafter, and to the extent such information is reported to the department of education, such report shall include the total dollar amount of expenditures on such milk or fresh whole produce that is local or regional. For purposes of this paragraph, milk or fresh whole produce shall be considered "local" if grown, agriculturally produced and harvested within New York state, and shall be considered "regional" if such food products were grown, agriculturally produced and harvested within the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia or West Virginia;

3. the location, sorted by community board and size in square feet, of each community garden located on city-owned property that is registered with and licensed by the department of parks and recreation, and whether each such garden engages in food production;

4. the number of food manufacturers receiving monetary benefits from the economic development corporation or industrial development agency and the annual dollar amount of such benefits per food manufacturer. For purposes of this paragraph, "food manufacturer" shall mean any natural person, partnership, corporation or other association that processes or fabricates food products from raw materials for commercial purposes, provided that it shall not include any establishment engaged solely in the warehousing, distribution or retail sale of products;

5. the daily number of truck and rail trips to or through Hunts Point Market for the purpose of delivering food to Hunts Point Market, to the extent such information is available. For purposes of this paragraph, "Hunts Point Market" shall mean the food distribution center located in Hunts Point in the borough of the Bronx, and shall include the meat, fish and produce markets operating at such location;

6. for the report due no later than September first, two thousand thirteen, and in every fifth report thereafter, the amount of grocery store space per capita, sorted by community board, and the number of grocery stores that opened during the past five calendar years, sorted by community board, to the extent such information is available. The office of long-term planning and sustainability shall request such information, as necessary, from the New York state department of agriculture and markets;

7. the number, community board, and number of employees, of grocery stores receiving financial benefits under the food retail expansion to support health program;

8. the number of establishments participating in the healthy bodega initiative administered by the department of health and mental hygiene, sorted by borough;

9. the number of job training programs administered by the department of small businesses services or the workforce investment board to aid individuals seeking work in food manufacturing, food supply, food service or related industries, sorted by borough;

10. the total number of meals served by city agencies or their contractors, including but not limited to meals served in public schools, hospitals, senior centers, correctional facilities, and homeless shelters, and not including food sold in vending machines or by a concessionaire, sorted by agency;

11. for each required city agency food standard developed pursuant to executive order number one hundred twenty-two, dated September nineteenth, two thousand eight, the total number of programs or other relevant entities that purchase, prepare or serve meals, not including food sold in vending machines or by a concessionaire, that are in full compliance with each such standard and the total number that are not in full compliance with each such standard, sorted by agency;

12. the number of and amount of annual revenue earned from vending machines located in facilities operated by the department of education;

13. the number of persons sixty-five years or older receiving benefits through the supplemental nutritional assistance program ("SNAP") administered by the United States department of agriculture;

14. the number and description of, and dollar amount spent by, the human resources administration on SNAP outreach programs;

15. the number and description of, and dollar amount spent on, nutrition education programs administered by the human resources administration and department of health and mental hygiene;

16. the number of salad bars in public schools and in hospitals operated by the health and hospitals corporation, respectively, sorted by borough;

17. the total amount expended by the department of citywide administrative services to purchase water other than tap water;

18. information concerning the green cart initiative administered by the department of health and mental hygiene, including the number of applications for permits, the number of permits issued, the number of persons on the waiting list, the number of violations issued to green carts, the location of such carts when such violations were issued and, to the extent such information is available, the number of permit holders who accept electronic benefit transfer, sorted by borough; and

19. the number of vendors at greenmarkets, farmers' markets and similar markets operated by the council on the environment of New York city or any successor entity, and the average number of vendors at such markets, sorted by borough.

b. Each annual report prepared pursuant to subdivision a of this section shall be made available to the public at no charge on a website maintained by or on behalf of the city of New York.

§ 2. Section 17-325.2 of the administrative code of the city of New York is REPEALED.

§ 3. This local law shall take effect immediately.

GALE A. BREWER, Chairperson; PETER F. VALLONE, JR., INEZ E. DICKENS, Committee on Governmental Operations, July 27, 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 Housing and Buildings

Report for Int. No. 338-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York City building code, in relation to greenhouses.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on September 29, 2010 (Minutes, page 4076), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On July 28, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 338-A, "A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to greenhouses" and Res. No. 507, a "Resolution calling upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants." On October 20, 2010, the Committee conducted an initial hearing on these legislative items and received testimony from the Mayor's Office of Long-Term Planning and Sustainability, the Department of Buildings and other persons interested in these items.

By enacting Local Law 22 of 2008, New York City committed to reducing its greenhouse gas emissions by 30% by 2017 for government operations and by 30% citywide by 2030.¹ Buildings are responsible for about 80 percent of the City's greenhouse gas emissions.² Energy use in buildings (private and city-owned) is the largest contributing sector to the greenhouse gas emissions inventory. In 2007, collectively, energy use in the form of electricity, natural gas, fuel oil, steam, and coal to heat, cool, power, and light City government buildings accounted for 64% of emissions.³ Due to increasing greenhouse gas emissions and the city's density, the City is experiencing a gradual increase in temperature. According to a 2001 study by the Columbia Earth Institute for the U.S. Global Change Research Program, *Climate Change and a Global City*, there has been an increase of approximately 2°F in the New York region since 1900. New York City is warmer than the surrounding suburbs (average temperatures in the largest cities can range from 5° to 10° warmer)⁴ this phenomenon, known as the Urban Heat Island Effect is caused by large areas of dark absorbent surfaces such as roofs, roadways and parking lots, and a lack of vegetation.

New York City has almost one billion square feet of roof area.⁵ Conventional roof surfaces can reach temperatures of up to 185°F on a 90° day during the summer because traditional roofing materials (asphalt, bare metal or metallic) absorb and retain solar energy as heat which contributes not only to a hotter roof but also to warmer air temperatures nearby.⁶ A roof's absorption of solar heat sometimes leads to heat gain within the rest of the building, thereby causing discomfort for building inhabitants and increasing local cooling loads-particularly in older buildings, which tend to have less insulation.⁷ Because warm building temperatures can lead to high energy demand during the summer months and to address environmental problems like the Urban Heat Island Effect and combined sewer overflows, in recent years there has been growing interest in "green" (planted) roofs.

A green or vegetated roof is the roofing of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane, which protects the integrity of the underlying roof.⁸ Vegetated green roofs offer a variety of benefits when measured against conventional roofs. First, economic benefits include energy savings due to the reduced need to heat and cool the building; green roofs also protect a roof's membrane, which often means green roofs can significantly extend the life of the roof and a properly installed green roof should last a minimum of three times as long

as a conventional roof. Second, green roofs have the ability to absorb stormwater and release it slowly over a period of several hours.⁹

The mitigation of stormwater runoff is considered to be one of the primary benefits of green roofs in urban areas because of the prevalence of impervious surfaces. The rapid runoff from such roof surfaces can result in flooding, increased erosion, and may result in raw sewage being discharged directly into rivers.¹⁰ Large amounts of runoff can also result in a greater quantity of water that must be treated before it is potable.¹¹ Green roof systems have been shown to retain 60-100% of the stormwater they receive.¹² Third, rooftop vegetation improves air quality by removing pollution. These plants take in nitrous oxides, carbon dioxide and airborne particles and in turn, release cleaner air.¹³

Finally, green roofs can be used for food production; for example, the Fairmount Waterfront Hotel in Vancouver saves an estimated \$30,000 per year in food costs by growing herbs, flowers, and vegetables on its roof farm. This also reduces the need to transport these items from places around the world, reducing greenhouse gas emissions even further.

Despite the numerous ecological, aesthetic and environmental benefits of a green roof, the cost of installation still remains at a premium and deters major investment in this technology. Thus, City residential homeowners and commercial developers are often reluctant to install green roofs because the cost of installation can be more than twice as expensive compared to the installation of a conventional roof. According to the U.S. Environmental Protection Agency, the up-front cost of an extensive green roof in the United States starts at about \$8 per square foot, which includes materials, preparation work, and installation (this may even be higher for New York City where construction costs are higher than average), whereas a regular roof costs around \$4 to \$6 per square foot.¹⁴

In general, green roofs cost more than traditional roofs because they require more material and labor for installation. In addition, U.S. green roof contractors are limited in number.¹⁵ However, as the demand for this technology increases in the U.S., and as additional contractors come into business, up-front costs would likely decrease.

Proposed Int. No. 338-A

There is growing interest in using rooftops as agricultural spaces.¹⁶ However, a number of property owners who are interested in building a rooftop agricultural greenhouse have faced barriers, including zoning regulations pertaining to permitted uses, the maximum allowable floor area of a building and height restrictions in the New York City Building Code (Building Code). The Building Code presently allows certain rooftop structures to be excluded from maximum allowable floor area calculations when the structures do not cover more than 33 and 1/3 percent of the roof area.¹⁷ This bill would add greenhouses to the list of rooftop structures that are excluded from Buildings Code height limitations and from being considered an additional story when the greenhouse and any other permitted structure on the roof would occupy in the aggregate no more than 33 and 1/3 percent of the roof area. The provisions of this bill will apply to "existing buildings" (buildings constructed under the 1938 and 1968 Building Code) and "new buildings" (buildings constructed pursuant to the 2008 Building Code). Additionally, this bill provides that this local law would take effect immediately upon enactment.

Amendments to Int. No. 338

- Technical changes were made to correct the bill title, typographical errors and to renumber bill sections.
- Bill section one was amended to add, to subdivision (c) of section 27-306 of Title 27 of the Administrative Code of the City of New York, "greenhouses" to the list of rooftop structures that are excluded from the maximum allowable floor area of a building provided that the structures identified in such section do not exceed 33 and 1/3 percent of the area of the roof of the building on which they are erected. Title 27 governs buildings constructed prior to the 2008 Building Code.

Resolution No. 507

In August 2008, New York State Governor David Paterson signed into law Chapter 461 of the Laws of 2008, which provides a one-year tax abatement to encourage construction and maintenance of green roofs in New York City. Specifically, the law provides for one-time tax abatement for the construction of a "green roof" on a class one, two or four building in the City of New York equal to \$4.50 per square foot, up to \$100,000 for green roof installations that cover at least 50% of the eligible rooftop. The Green Roof Tax Abatement, which is applied by the New York City Department of Finance and administered by the New York City Department of Buildings, is a pilot program that would sunset March 15, 2013.

The current abatement defines a green roof as "an addition to a roof of an eligible building that covers at least fifty percent of such building's eligible rooftop space and includes (a) a weatherproof and waterproof roofing membrane layer that complies with local construction and fire codes, (b) a root barrier layer, (c) an insulation layer that complies with the Energy Conservation Construction Code of New York state and local construction and fire codes, (d) a drainage layer that complies with local construction and fire codes and is designed so the drains can be inspected and cleaned, (e) a growth medium, including natural or simulated soil, with a depth of at least two inches, (f) if the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium, such as a non-woven fabric, pad or foam mat, unless the green roof is certified

not to need regular irrigation to maintain live plants, and (g) a vegetation layer, at least eighty percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species.” However, the current Green Roof Tax Abatement does not specifically make eligible for the tax abatement a green roof covered by food producing plants.

The Council believes that in addition to stormwater management and air pollution control, green roofs can provide new opportunities for urban agriculture. The Council also believes that there are many benefits to growing and distributing food locally, including support of the local economy; increased access to food; fresher produce; decreased travel time to market and related environmental costs; and control of soil, fertilizer and pesticides.

Additionally, the Council believes that amending section 499-aaa of the Real Property Tax Law to allow the Green Roof Tax Abatement to clearly be available for roofs used for food producing plants would allow for more green roof owners to take advantage of this Green Roof Tax Abatement and provide more locally grown produce.

¹ Recognizing the important role of building performance, Mayor Bloomberg and Speaker Quinn convened the New York City Green Codes Task Force in July of 2008. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies as well as the Mayor’s office and the Speaker’s office. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining each of New York City’s building codes, the Task Force presented 111 recommendations for “greening the codes.” The recommended improvements are intended to raise the bar for environmental performance in buildings throughout the City.

² Mayor’s Office of Long-Term Planning and Sustainability, September 2009. Inventory of New York City Greenhouse Gas Emissions.

³ Id.

⁴ New York City Department of Design & Construction, June 2007. DDC Cool & Green Roofing Manual.

⁵ Id.

⁶ U.S. Environmental Protection Agency Office of Atmospheric Programs. Reducing Urban Heat Islands: Compendium of Strategies, Cool Roofs.

⁷ See note 5.

⁸ Michigan State University, Department of Horticulture, *The Green Roof Research Program at MSU*, available at <http://www.hrt.msu.edu/greenroof/>

⁹ Michigan State University, Department of Horticulture, *The Green Roof Research Program at MSU*, available at <http://www.hrt.msu.edu/greenroof/>

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ D.C. Works, *Greenroof Cost Savings*, available at <http://www.dcgreenworks.org/LID/grbenefits.html> 1,000 square feet of rooftop vegetation removes 41 pounds of airborne particles annually.

¹⁴ United States Environmental Protection Agency, *Green Roofs- Heat Island Effect*, available at <http://www.epa.gov/heatisland/index.htm>

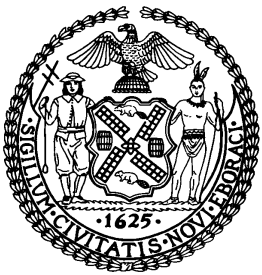
¹⁵ Id.

¹⁶ Miller, T. “New York City Farms and Community Gardens Gear Up for Spring with Increased Interest.”

New York Daily News. April 8, 2009. available at http://www.nydailynews.com/lifestyle/food/2009/04/09/2009-04-09_new_york_city_farms_and_community_gardens_gear_up_for_spring_with_increased_inte.html.

¹⁷ The floor area ratio (FAR) is the principal bulk regulation controlling the size of buildings. FAR is a ratio of total building floor area to the area of its zoning lot.

(The following is the text of the Fiscal Impact Statement for Int. No. 338-A:)



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

PROPOSED INTRO. NO: 338-A

COMMITTEE:
Housing & Buildings

TITLE: To amend the administrative code of the city of New York and the New York city building code, in relation to greenhouses.
SPONSOR: By Council Members Brewer, Gonzalez, James, Palma, Recchia Jr., Williams, Rodriguez and Garodnick

SUMMARY OF LEGISLATION: This legislation would amend title 27 of the administrative code and the building code by adding greenhouses to other rooftop structures such as bulkheads, penthouses, and parapet walls, as structures that will not be included in the height of the building or considered an additional story. So long as long all structures do not exceed 33 and one-third percent of the area of the roof on the building.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2012

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: The legislation will have no impact on City revenues

IMPACT ON EXPENDITURES: This legislation will have no impact on City expenditures

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

ESTIMATE PREPARED BY: Anthony Brito, Senior Legislative Financial Analyst
Latonia McKinney, Deputy Director

HISTORY: Introduced by City Council and referred to the Housing and Buildings Committee as Int. No. 338 on October 27, 2010. Hearing held by Committee on October 27, 2010, and amended version, Proposed Int. 338-A will be voted by Committee and full Council on July 28, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 338-A:)

Int. No. 338-A

By Council Members Brewer, Gonzalez, James, Palma, Recchia Jr., Williams, Rodriguez, Garodnick, Van Bramer, Vallone, Crowley, Chin, Comrie, Koppell, Lappin, Jackson, Barron and Reyna.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to greenhouses.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 27-306 of the administrative code of the city of New York is amended to read as follows:

(c) Roof structures, greenhouses, bulkheads, and penthouses.

§2. Section BC 504.3 of the New York city building code, as amended by local law numbers 20 and 22 for the year 2011, is amended to read as follows:

504.3 Rooftop structures. Rooftop structures including but not limited to roof tanks and their supports, ventilating, air conditioning, combined heat and power systems and similar building service equipment, bulkheads, penthouses, greenhouses, chimneys, and parapet walls 4 feet (1219 mm) or less in height shall not be included in the height of the building or considered an additional story unless the aggregate area of all such structures, exclusive of any solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment, exceeds 33 and one-third percent of the area of the roof of the building upon which they are erected. Rooftop structures shall be constructed in accordance with Section 1509.

Exception: Solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the

area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.

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

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing and Buildings, July 28, 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. 389

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 110250 HAK, an Urban Development Action Area Designation and Project, located at 21 Truxton Street, and the disposition of such property, Borough of Brooklyn, Council District no. 37. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 11, 2011 (Minutes, page 1526), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16 C 110250 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 21 Truxton Street (Block 1542, Lot 44) as an Urban Development Action Area;
 - 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 selected by HPD.

INTENT

To facilitate development of a five-story building with approximately 48 units.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: Two Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: July 28, 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:	Against:	Abstain:
Levin	None	
None		
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	
None		
Rivera		
Reyna		
Jackson		
Gonzalez		
Dickens		
Garodnick		
<u>Cont'd</u>		
Lappin		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

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

Res. No. 967

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 110250 HAK, approving the designation of property located at 21 Truxton Street (Block 1542, Lot 44), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 389; C 110250 HAK).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on June 24, 2011 its decision dated June 22, 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 21 Truxton Street (Block 1542, Lot 44), 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 five-story building with approximately 48 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program (the "Disposition"), Community District 16, Borough of Brooklyn (ULURP No. C 110250 HAK) (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 June 21, 2011 and submitted March 31, 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 July 25, 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 January 6, 2011 (CEQR No. 11HPD009K);

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 110250 HAK) and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

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

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

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

The Council approves the disposition of such property to a developer selected by the 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, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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. 429

Report of the Committee on Land Use in favor of approving Application no. C 080491 ZMK submitted by The Glef Ltd. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, establishing within an existing R6B District a C2-4 District, Council District no. 33.

The Committee on Land Use, to which the annexed Land Use item was referred on June 29, 2011 (Minutes, page 2708), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 080491 ZMK

City Planning Commission decision approving an application submitted by The Glef, Ltd. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 12c, by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 9th

Street and North 10th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street, as shown on a diagram (for illustrative purposes only) dated February 28, 2011.

INTENT

To facilitate commercial development along Berry Street in Brooklyn and the reactivation of a sidewalk café.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: Three
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	
None		
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Cont'd		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 2011.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter

Report for L.U. 430

Report of the Committee on Land Use in favor of approving Application no. C 100175 ZMQ submitted by TD Bank, NA pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, establishing within an existing R3A District a C1-2 District, Council District 19.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2011 (Minutes, page 2709), respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

C 100175 ZMQ

City Planning Commission decision approving an application submitted by TD Bank, NA pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 district bounded by 14th Avenue, Cross Island Parkway Service Road South, a line 100 feet northerly of 15th Avenue, and 148th Street, as shown on a diagram (for illustrative purposes only) dated February 14, 2011, and subject to the conditions of CEQR Declaration E-271.

INTENT

To facilitate the construction of a one-story bank building with an at-grade accessory parking lot and drive-thru teller facilities.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: Two
Two

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 968

Resolution approving the decision of the City Planning Commission on ULURP No. C 100175 ZMQ, a Zoning Map amendment (L.U. No. 430).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 24, 2011 its decision dated June 22, 2011 (the "Decision"), on the application submitted by TD Bank, NA, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to facilitate the construction of a one-story bank building with an at-grade accessory parking lot and drive-thru teller facilities in the Whitestone neighborhood of Queens, Community District 7, Borough of Queens (ULURP No. C 100175 ZMQ) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 25, 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 February 14, 2011 (CEQR No. 10DCP016Q);

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 100175 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 district bounded by 14th Avenue, Cross Island Parkway Service Road South, a line 100 feet northerly of 15th Avenue, and 148th Street, as shown on a diagram (for illustrative purposes only) dated February 14, 2011, and subject to the conditions of CEQR Declaration E-271, Community District 7, Borough of Queens.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, JR., LARRY

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2011 (Minutes, page 2709), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2 20115756 HKK (N 110345 HKK)

Designation by the Landmarks Preservation Commission (List 442/LP-2336), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Brooklyn Union Gas Company Building, located at 176 Remsen Street a.k.a. 172-178 Remsen Street (Tax Map Block 255, part of Lot 36), as an historic landmark.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: Three
None
Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Lander	None	None
Sanders, Jr.		
Williams		
Halloran		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 970

Resolution affirming the designation by the Landmarks Preservation Commission of the Brooklyn Union Gas Company Building located at 176 Remsen Street a.k.a. 172-178 Remsen Street (Tax Map Block 255, Lot 36 in part), Borough of Brooklyn, Designation List No. 442, LP-2336 (L.U. No. 432; 20115756 HKK; N 110345 HKK).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 18, 2011 a copy of its designation dated May 10, 2011 (the "Designation"), of the Brooklyn Union Gas Company Building located at 176 Remsen Street a.k.a. 172-178 Remsen Street, Community District 2, Borough of Brooklyn, as a landmark, and Tax Map Block 255, Lot 36 in part, 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 June 24, 2011, its report on the Designation dated June 22, 2011 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on July 25, 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, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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. 433

Report of the Committee on Land Use in favor of approving Application no. 20115757 HKM (N 110344 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Free Public Baths of the City of New York East 54th Street bath and Gymnasium (List No.442, LP-2335), located at 342-348 East 54th Street, (Block 1346, Lot 32), Council District no. 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2011 (Minutes, page 2710), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 6 20115757 HKM (N 110344 HKM)

Designation by the Landmarks Preservation Commission (List No. 442/LP-2435), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Free Public Baths of the City of New York, East 54th Street Bath and Gymnasium, located at 342-348 East 54th Street (Tax Map Block 1346, Lot 32), as an historic landmark.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Lander	None	None
Sanders, Jr.		
Williams		
Halloran		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 971

Resolution affirming the designation by the Landmarks Preservation Commission of the Free Public Baths of the City of New York, East 54th Street Bath and Gymnasium located at 342-348 East 54th Street (Tax Map Block 1346, Lot 32), Borough of Manhattan, Designation List No. 442, LP-2435 (L.U. No. 433; 20115757 HKM; N 110344 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 18, 2011 a copy of its designation dated May 10, 2011 (the "Designation"), of the Free Public Baths of the City of New York, East 54th Street Bath and Gymnasium, located at 342-348 East 54th Street, Community District 6, Borough of Manhattan, as a landmark, and Tax Map Block 1346, Lot 32, 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 June 24, 2011, its report on the Designation dated June 22, 2011 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on July 25, 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, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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. 434

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 110225 PPQ, pursuant to §197-c and §197-d of the New York City Charter concerning a change to the amount of public parking required in connection with development pursuant to the disposition of one city-owned property located at 28-10 Queens Plaza South, Borough of Queens, Council District no. 26. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d(b)(2) of the Charter or called up by vote of the Council pursuant to §197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2011 (Minutes, page 2710), respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

C 110225 PPQ

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a change to the amount of public parking required in connection with development pursuant to the disposition of one city-owned property located at 28-10 Queens Plaza South (Block 420), Borough of Queens, Community District 2, pursuant to zoning.

INTENT

To facilitate the construction and development of Phase II of the project known as Gotham Center.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: July 28, 2011

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

In Favor:	Against:	Abstain:
Levin	None	
None		
Gonzalez		

Dickens
Koo

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	
None		
Rivera		
Reyna		
Jackson		
Gonzalez		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Halloran		
Koo		

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

Res. No. 972

Resolution approving the decision of the City Planning Commission on ULURP No. C 110225 PPQ, for a modification to a previously approved disposition of one (1) city-owned property located at 28-10 Queens Plaza South (Block 420), Borough of Queens, pursuant to zoning (L.U. No. 434).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on June 24, 2011 its decision dated June 22, 2011 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Department of Citywide Administrative Services, for the modification to a previously approved disposition of one (1) city-owned property pursuant to zoning, located at 28-10 Queens Plaza South (Block 420), for a change to the amount of public parking required in connection with development, Community District 2, Borough of Queens;

WHEREAS, this formerly city-owned property was sold pursuant to a previously approved application (C 010260 PPQ), (L.U. No. 1118, Resolution 2026 of 2001) submitted by the Department of Citywide Administrative Services and approved by the City Council on July 26, 2001;

WHEREAS, the previously approved application required that development pursuant to the disposition include a specified amount of public parking;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 25, 2011; and

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on February 1, 2011 (CEQR No. 10DME003Q);

RESOLVED:

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

Pursuant to Section 197-d 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 110225 PPQ, 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, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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. 437

Report of the Committee on Land Use in favor of approving Application no. 20105361 SCQ, a proposed site for a new, approximately 800 seat Primary/Intermediate School Facility to be located at 97-36 43rd Avenue (Block 1628, Lot 21), Community School 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 July 28, 2011, respectfully

REPORTS:

SUBJECT

QUEENS CB - 4

20105361 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 785-Seat Intermediate School Facility and Schoolyard known as I.S. 311, Queens, to be located at 97-36 43rd Avenue (Tax Block 1628, Tax Lot 21), Community School District No. 24.

INTENT

To facilitate the construction of a new, approximately 785-Seat Intermediate School Facility and Schoolyard in Community School District 24, in Queens.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: One

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Lander	None	None
Sanders, Jr.		
Williams		
Halloran		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 973

Resolution approving the site plan for a new, approximately 785-Seat Intermediate School Facility and Schoolyard (I.S. 311, Queens), to be located at 97-36 43rd Avenue (Tax Block 1628, Tax Lot 21), Borough of Queens; (Non-ULURP No. 20105361 SCQ; Preconsidered L.U. No. 437).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on July 21, 2011, a site plan dated July 20, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 785-Seat Intermediate School Facility and Schoolyard known as I.S. 311, to be located at 97-36 43rd Avenue (Tax Block 1628, Tax Lot 21), serving students in the Corona section of Queens, Community School District No. 24, Borough of Queens, Community Board No. 4 (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 July 25, 2011;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 20, 2011 (SEQR Project Number 12-003); 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, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D.

WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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. 438

Report of the Committee on Land Use in favor of approving Application no. 20115806 SCM, a proposed site for a new, approximately 476 seat Primary School Facility to be located at 1 Peck Slip (Block 106, Lot 6), Community School District No. 2, Borough of Manhattan. 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 July 28, 2011, respectfully

REPORTS:SUBJECT

MANHATTAN CB - 1

20115806 SCM

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 476-Seat Primary School Facility to be located at 1 Peck Slip (Tax Block 106, Tax Lot 9), Community School District No. 2.

INTENT

To facilitate the construction of a new, approximately 476- Seat Primary School Facility in Community School District 2 in Manhattan.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Lander	None	None
Sanders, Jr.		
Williams		
Halloran		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		

Barron
 Jackson
 Sanders, Jr.
 Seabrook
 Gonzalez
 Dickens
 Garodnick
 Lappin
 Vacca
 Lander
 Levin
 Weprin
 Williams
 Ignizio
 Halloran
 Koo

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

Res. No. 974

Resolution approving the site plan for a new, approximately 476-Seat Primary School Facility to be located at 1 Peck Slip (Tax Block 106, Lot 9), Borough of Manhattan; (Non-ULURP No. 20115806 SCM; Preconsidered L.U. No. 438).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on July 21, 2011, a site plan dated July 20, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 476-Seat Primary School Facility, to be located at 1 Peck Slip (Tax Block 106, Tax Lot 9), serving students in Community School District No. 2, Borough of Manhattan, Community Board No. 1 (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 July 25, 2011;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 20, 2011 (SEQR Project Number 12-001); and

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

RESOLVED:

The Council finds that the action described herein will have no significant 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, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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. 439

Report of the Committee on Land Use in favor of approving Application no. 20125005 SCM, a proposed site for a new, approximately 1400 seat High School Facility to be located at 530 West 44th Street (Block 1072, Lot 15), Community School District No. 2, Borough of Manhattan. 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 July 28, 2011, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

20125005 SCM

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 1,440-Seat High School Facility (Beacon High School Replacement) to be located at 521 West 43rd Street (Tax Block 1072, Tax Lot 15), Community School District No. 2.

INTENT

To facilitate the construction of a new, approximately 1,440-Seat High School in Community School District No. 2 in Manhattan.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Lander	None	
None		
Sanders, Jr.		
Williams		
Halloran		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Weprin		

Williams
Ignizio
Halloran
Koo

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

Res. No. 975

Resolution approving the site plan for a new, approximately 1,440-Seat High School Facility to be located at 521 West 43rd Street (Tax Block 1072, Tax Lot 15), Borough of Manhattan; (Non-ULURP No. 20125005 SCM; Preconsidered L.U. No. 439).

By Council Members Comrie and Lander

WHEREAS, the New York City School Construction Authority submitted to the Council on July 21, 2011, a site plan dated July 20, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 1,440-Seat High School Facility, to be located at 521 West 43rd Street (Tax Block 1072, Tax Lot 15), serving students in Community School District No. 2, Borough of Manhattan, Community Board No. 4 (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 July 25, 2011;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 20, 2011 (SEQR Project Number 12-002); 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, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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. 440

Report of the Committee on Land Use in favor of approving Application no. 20125006 SCQ, a proposed site for a new, approximately 1100 seat Primary School Facility to be located at 96-18 43rd Avenue (Block 1613, Lot 17), Community School 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 July 28, 2011, respectfully

REPORTS:

SUBJECT

QUEENS CB - 4

20125006 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 1,100-Seat Primary School Facility and Schoolyard (P.S. 315, Queens), to be located at 96-18 43rd Avenue (Tax Block 1613, Tax Lot 17), Community School District No. 24.

INTENT

To facilitate the construction of a new, approximately 1,100-Seat Primary School Facility and Schoolyard in Community School District 24 in Queens.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:

Lander
None
Sanders, Jr.
Williams
Halloran

Against:

None

Abstain:

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:

Comrie
None
Rivera
Reyna
Barron
Jackson
Sanders, Jr.
Seabrook
Gonzalez
Dickens
Garodnick
Lappin
Vacca
Lander
Levin
Weprin
Williams
Ignizio
Halloran
Koo

Against:

None

Abstain:

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

Res. No. 976

Resolution approving the site plan for a new, approximately 1,100-Seat Primary School Facility and Schoolyard (P.S. 315, Queens), to be located at 96-18 43rd Avenue (Tax Block 1613, Tax Lot 17), Borough of Queens; (Non-ULURP No. 20125006 SCQ; Preconsidered L.U. No. 440).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on July 21, 2011, a site plan dated July 20, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 1,100-Seat Primary School Facility and Schoolyard known as P.S. 315, to be located at 96-18 43rd Avenue (Tax Block 1613, Tax Lot 17), serving students in the Corona section of Queens, Community School District No. 24, Borough of Queens, Community Board No. 4 (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 July 25, 2011;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 20, 2011 (SEQR Project Number 12-004); 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.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, JR., LARRY B. SEABROOK, SARA M. GONZALEZ, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIEN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, July 28, 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-567

Report of the Committee on Rules, Privileges and Elections approving the appointment of Maria R. Guastella as the Richmond County Democratic Commissioner of Elections.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on July 28, 2011, respectfully

REPORTS:

Topic I: New York City Soil and Water Conservation District Board—(Candidate for appointment by the Council)

- **Damien S. Griffin [Preconsidered-M-621]**

In 1991, pursuant to section 5, paragraph 4 of the *New York State Soil and Water Conservation Districts Law* (the "*Conservation Districts Law*"), the Mayor of the City of New York established a soil and water conservation District encompassing the five counties of New York City.

The District is governed by a Board of Directors who have the power to conduct surveys, investigations, and research relating to the character of soil erosion, floodwater, sediment damages, and nonpoint source water pollution, and the

preventive and control measures needed; and to publish the results of such surveys, investigations or research. Additionally, the Directors can disseminate information concerning preventive and control measures, and develop comprehensive plans.¹⁰ Some of the Board's other powers and responsibilities enumerated in section 9 of the *Conservation Districts Law* include the following:

- Within its appropriation, the Board may also enter into agreements to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the District in carrying on of erosion-control, flood prevention and sediment damage prevention operations, control and abatement of nonpoint sources of water pollution, and land use adjustments including ditching, draining and flood control operations for effective conservation and utilization of the lands and waters within the District.
- The Board can obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal or rights or interests therein. The Board is empowered to maintain, administer and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of the *Conservation Districts Law*. The Board may also sell, lease or dispose of any property or interests in furtherance of the purposes and provisions of the *Conservation Districts Law*.
- To make available, on such terms as it shall prescribe, to land occupiers within the District, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings and such other material or equipment, as will assist such land occupiers to carry on operations upon their lands for the effective conservation and utilization of soil and water resources, prevention and control of soil erosion, prevention of floodwater and sediment damages, and for the control and abatement of nonpoint sources of water pollution.
- Upon determination by the Board that conditions are appropriate, develop a plan to promote one or more recreational programs applicable to privately owned or leased lands and waters. Such a plan may also include a description of the activities, program and strategies intended to be used to promote recreational use of the lands and waters, which uses shall be compatible with the primary use of the land and which may enhance the economic well-being of the owner of the land as well as the economic viability of the general area. Included in such plan shall be rules that can be amended from time to time.

To carry out the purposes of the *Conservation Districts Law*, including but not limited to providing technical assistance to landowners, the state partially reimburses each soil and water conservation district. [Section 11-a of the *Conservation Districts Law*.]

Section 6, paragraph 4 of the *Conservation Districts Law* states that the Board shall consist of nine members, seven of whom shall be appointed by the Mayor, and two of whom shall be appointed by the City Council, all of whom shall be residents of the City. Of the members appointed by the Mayor, one shall be appointed upon the recommendation of each of the Borough Presidents, and such member shall be a resident of the borough of the Borough President making such recommendation. Each of the remaining two mayoral appointees may be a resident of any borough. All appointments are subject to confirmation of the City Council. Vacancies in the membership of the Board are filled in the manner provided for original appointment. Members serve three-year terms, commencing on January 1 and ending December 31. However, the statute required that of the members first appointed to the Board, two were appointed to serve a term of one year, and three were appointed to serve a term of two years.

Section 7 of the *Conservation Districts Law* expressly provides that members of the governing bodies of soil and water conservation districts are compensated on a per-diem basis, with reimbursement for mileage. However, it is unclear whether this provision applies to the New York City District. The New York City District established in 1991, was authorized by a 1990 amendment to the *Conservation Districts Law* and sets forth the appointment procedure, the filling of vacancies and the term of office. Section 7, which predated the 1990 amendment, also sets forth the term of office and the procedure for filling vacancies. It is the Council's Ethics Counsel's belief that Section 7 may therefore be interpreted to apply only to non-New York City districts. There is, however, no other provision for compensation to members of the New York City District. The Chair of the New York City District Board of Directors reported to the Council that none of the members of the Board are paid, nor do they receive reimbursement for mileage or "out of pocket expenses".

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¹⁰ As of June 1, 1997, in order to avoid duplication of educational activities, no District shall publish any such plans and information except in cooperation with the New York State College of Agriculture and with the approval of the State Soil Conservation Committee.

Upon appointment by the Council, Mr. Griffin, a resident of the Bronx, will be eligible to serve as a member of the New York City Soil and Water Conservation District Board of Directors for the remainder of a three-year term that expires on December 31, 2012. Mr. Griffin will fill a vacancy. A copy of Mr. Griffin's résumé and Committee report/ resolution is annexed to this briefing paper.

Topic II: New York City Board of Elections – (Richmond County Democratic Commissioner candidate for appointment by the Council)

• **Maria R. Guastella [Preconsidered M-567]**

The New York City Board of Elections ("BOE") consists of ten commissioners, two from each of the City's five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed. [*New York State Election Law § 3-200(3).*]

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners. [*New York State Election Law § 3-200(2).*] The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report¹¹ of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections. [*New York State Election Law § 3-212(4)(a).*]

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body. [*New York State Election Law § 3-204(1).*] In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a *Certificate of Party Recommendation* with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office. [*New York State Election Law § 3-204(4).*]

If at any time a vacancy occurs in the office of any elections commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.¹² *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve. [*New York State Election Law § 3-204(5).*]

BOE elects a President and a Secretary who cannot belong to the same political party. [*New York State Election Law § 3-312(1).*] The commissioners receive a \$300 per-diem for each day's attendance at meetings of the BOE or any of its committees, with a maximum of \$30,000 per year. [*New York State Election Law § 3-208.*]

A *Certificate of Party Recommendation* referencing Ms. Guastella was filed with the Office of the Clerk on July 21, 2011 at 11:33 a.m. The Chair of the Richmond County Democratic Committee signed this document, titled *Election Commissioner Certification* (see attachment). Ms. Guastella, a registered Democrat from Richmond County, is being recommended for appointment to serve the remainder of a four-year term that expires on December 31, 2012. Copies of Ms.

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¹¹ The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities. [*New York State Election Law § 3-212(4)(b).*]

¹² According to *New York State Public Officers Law § 5*, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor.

Guastella's résumé and Committee report/resolution are annexed to this briefing paper.

The Committee on Rules, Privileges and Elections respectfully reports:

After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointment of the nominees (for nominee Damien Griffin, please see the Report of the Committee on Rules, Privileges and Elections for M-621 printed in these Minutes; for nominee Maria R. Guastella, please see immediately below).

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Maria R. Guastella as the Richmond County Democratic Commissioner of Elections to serve the remainder of a four-year term that ends on December 31, 2012.

This matter was referred to the Committee on July 28, 2011.

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

Res. No. 977

Resolution approving the appointment of Maria R. Guastella as the Richmond County Democratic Commissioner of Elections.

By Council Member Rivera.

RESOLVED, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the appointment of Maria R. Guastella as the Richmond County Democratic Commissioner of Elections to serve the remainder of a four-year term that ends on December 31, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, Christine C. Quinn, Committee on Rules, Privileges and Elections, July 28, 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-621

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Council of Damien Griffin as a member of the New York City Soil and Water Conservation District Board.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on July 28, 2011, respectfully

REPORTS:

(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-567 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 6 and 7 of the *New York State Soil and Water Conservation Districts Law*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Damien Griffin as a member of the New York City Soil and Water Conservation District Board to serve for the remainder of a three-year term expiring on December 31, 2012.

This matter was referred to the Committee on July 28, 2011.

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

Res. No. 978

Resolution approving the appointment by the Council of Damien Griffin as a member of the New York City Soil and Water Conservation District Board.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 6 and 7 of the *New York State Soil and Water Conservation Districts Law*, the Council does hereby approve the appointment of Damien Griffin as a member of the New York City Soil and Water Conservation District Board to serve for the remainder of a three-year term expiring on December 31, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, Christine C. Quinn, Committee on Rules, Privileges and Elections, July 28, 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

Report for L.U. No. 421 & Res. No. 979

Report of the Committee on Land Use in favor of approving Application no. C 110207 ZMQ with modifications, amendment to the zoning map, Community Board 2, Queens

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 14, 2011 (Minutes, page 2027) and originally reported to the Council on June 29, 2011 (Minutes, page 2571) respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

C 110207 ZMQ

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b and 9d.

INTENT

To rezone a portion of the Sunnyside and Woodside neighborhoods in western Queens.

PUBLIC HEARING

DATE: June 21, 2011

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: June 21, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		

Comrie
Jackson
Seabrook
Vann
Garodnick
Lappin
Ignizio

COMMITTEE ACTION

DATE: June 23, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Mendez		
Vacca		
<u>Contd.</u>		
Levin		
Weprin		
Williams		
Koo		

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on July 6, 2011. The City Planning Commission filed a letter dated July 11, 2011, with the Council indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 979

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 110207 ZMQ, a Zoning Map amendment (L.U. No. 421).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 8, 2011 its decision dated June 6, 2011 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone all or portions of 130 blocks in the Queens neighborhoods of Sunnyside and Woodside from R4, R5, R6, R7-1, C4-2, C8-1 and M1-1 districts to R4, R4-1, R5B, R5D, R6A, R7A, R7X, and C4-5X districts and updating of certain commercial overlay districts, is intended to protect neighborhood character from out-of-scale development, more closely reflect established development patterns, direct opportunities for moderate residential and commercial growth to locations along wide streets and transit resources, and provide incentives for the production of affordable housing (ULURP No. C 110207 ZMQ), Community District 2, Borough of Queens (the "Application");

WHEREAS, the Application is related to Applications N 110208 ZRQ (L.U. No. 422), an amendment of the text of the Zoning Resolution to modify Appendix F to make the Inclusionary Housing Program applicable in R7X and C4-5X districts proposed to be mapped on Queens Boulevard; and N 110209 ZRQ (L.U. No. 423), an amendment to the text of the Zoning Resolution to

make small sidewalk cafés permissible on Queens Boulevard and allow only small sidewalk cafés on Skillman Avenue;

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 June 21, 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 February 28, 2011, which included (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-272), (CEQR No. 11DCP080Q);

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 110207 ZMQ, incorporated by reference herein, the Council approves the Decision with the following modifications:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 9b and 9d:

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

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

1. eliminating from within an existing R5 District a C1-2 District bounded by:
 - a. a line 150 feet northerly of Queens Boulevard, 41st Street, Queens Boulevard, 40th Street, a line 150 southerly of Queens Boulevard, and a line midway between 39th Place and 39th Street;
 - b. a line 150 feet northerly of 47th Avenue, 40th Street, 47th Avenue, and a line midway between 39th Place and 39th Street;
 - c. a line 150 feet northwesterly of Greenpoint Avenue, 42nd Street, Greenpoint Avenue, 43rd Street, 47th Avenue, a line 150 feet southeasterly of Greenpoint Avenue, 48th Avenue, and 41st Street;
 - d. a line 150 feet northerly of 48th Avenue, 44th Street, 48th Avenue, and 43rd Street; and
 - e. 47th Avenue, 48th Street, a line 150 feet southerly of 47th Avenue, and 47th Street;
2. eliminating from within an existing R6 District a C1-2 District bounded by a line 150 feet northeasterly of 39th Avenue, a line midway between 61st Street and 62nd Street, a line 150 feet northerly of Roosevelt Avenue, 63rd Street, a line 150 feet northeasterly of 39th Avenue, 65th Street, a line 150 feet southerly of Roosevelt Avenue, a line 150 feet southeasterly of 61st Street, Woodside Avenue, 60th Street, Roosevelt Avenue, 59th Street, a line 150 feet northwesterly of Roosevelt Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Main Line), and 61st Street;
3. eliminating from within an existing R7-1 District a C1-2 District bounded by:
 - a. a line 150 feet northerly of Queens Boulevard, 44th Street, Queens Boulevard, and 41st Street; and
 - b. a line 150 feet northerly of 47th Avenue, 44th Street, 47th Avenue, and 43rd Street;
4. eliminating from within an existing R5 District a C2-2 District bounded by Queens Boulevard, 41st Street, a line 150 feet southerly of Queens Boulevard, and 40th Street;
5. eliminating from within an existing R6 District a C2-2 District bounded by:
 - a. a line 150 feet northerly of 43rd Avenue, 52nd Street, a line 150 feet northwesterly of Roosevelt Avenue, Skillman Avenue, 55th Street, Roosevelt Avenue, 43rd Avenue, 51st Street, Roosevelt Avenue, 50th Street, 43rd Avenue, and a line midway between 50th Street and 49th Street;
 - b. Woodside Avenue, 58th Street, a line 150 feet northeasterly of Woodside Avenue, 59th Street, Roosevelt Avenue, and 57th Street; and
 - c. a line 100 feet northerly of Roosevelt Avenue, 69th Street, 38th Avenue, a line 100 feet easterly of 69th Street, a line 100 feet northerly of Roosevelt Avenue, 70th Street and its northerly centerline prolongation, a line 150 feet southerly of Roosevelt Avenue, 65th Place, and 65th Street;
6. eliminating from within an existing R7-1 District a C2-2 District bounded by:
 - a. Queens Boulevard, 44th Street, a line 150 feet southerly of Queens Boulevard, and 41st Street; and
 - b. 43rd Avenue, 50th Street, a line 100 feet northwesterly of Roosevelt Avenue, and a line midway between 50th Street and 49th Street;
7. changing from an R7-1 District to an R4 District property bounded by Skillman Avenue-L. Mumford Way, 48th Street, a line 190 feet southerly of 43rd Avenue, a line midway between 48th Street and 47th Street, a line 200 feet northerly of Queens Boulevard, and a line 72 feet westerly of 47th Street;
8. changing from a C4-2 District to an R4 District property bounded by a line 200 feet northerly of Queens Boulevard, a line midway between 47th Street and 48th Street, a line 96 feet northerly of Queens Boulevard, 47th Street, a line 45 feet northerly of Queens Boulevard, and a line 72 feet westerly of 47th Street;
9. changing from an M1-1 District to an R4 District property bounded by a line 100 feet northerly of 39th Avenue- Middleburg Avenue, 48th Street, 39th Avenue- Middleburg Avenue, and a line 200 feet westerly of 48th Street;
10. changing from an R4 District to an R4-1 District property bounded by the northerly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), a line 125 feet westerly of 54th Street, a line 100 feet northerly of 39th Avenue, 55th Street and its northerly centerline prolongation, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), 57th Street, a line 100 feet southerly of 39th Avenue, a line midway between 57th Street and 58th Street, a line 500 feet southerly of 39th Avenue, a line midway between 54th Street and 55th Street, and Woodside Avenue;
11. changing from an R6 District to an R4-1 District property bounded by:
 - a. 37th Avenue, 64th Street, a line 100 feet northerly of 39th Avenue, and a line midway between 62nd Street and 61st Street; and
 - b. a line perpendicular to the easterly street line of 63rd Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Roosevelt Avenue and the easterly street line of 63rd Street, a line midway between 63rd Street and 64th Street, a line 100 feet southerly of Roosevelt Avenue, a line 530 feet northerly of Woodside Avenue, 65th Place, a line 240 feet southerly of Roosevelt Avenue, 67th Street, a line 390 feet northerly of Woodside Avenue, a line midway between 65th Place and Burrough Place, a line 110 feet northerly of Woodside Avenue, 64th Street, Trimble Road, and 63rd Street;
12. changing from an R4 District to an R5B District property bounded by:
 - a. a line 380 feet southerly of 39th Avenue-Middleburg Avenue, a line midway between 49th Street - Heiser Street and 50th Street, a line 100 feet southerly of 39th Avenue-Middleburg Avenue, 50th Street, a line 150 feet southerly of 39th Avenue- Middleburg Avenue, a line midway between 50th Street and 51st Street, a line 100 feet southerly of 39th Avenue- Middleburg Avenue, 51st Street, a line 250 feet northerly of Skillman Avenue, a line midway between 51st Street and 52nd Street, a line 320 feet northerly of Skillman Avenue, 52nd Street, a line 100 feet northerly of Skillman Avenue, and 49th Street; and
 - b. Barnett Avenue, a line 100 feet easterly of 52nd Street, a line 100 feet northerly of 39th Avenue, Woodside Avenue, a line midway between 54th Street and 55th Street, a line 500 feet southerly of 39th Avenue, a line midway between 57th Street and 58th Street, a line

100 feet southerly of 39th Avenue, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), a line 150 feet northerly of Roosevelt Avenue, a line 150 feet northerly of Woodside Avenue, 58th Street, Woodside Avenue, 57th Street, Roosevelt Avenue, Skillman Avenue, 54th Street, 39th Drive, 52nd Street, 39th Avenue, and 52nd Street;

13. changing from an R5 District to an R5B District property bounded by:
- Skillman Avenue, 40th Street, a line 200 feet northerly of 43rd Avenue, 39th Place, a line 125 feet southerly of 43rd Avenue, and a line midway between 39th Place and 39th Street;
 - a line 100 feet southerly of Queens Boulevard, 50th Street, 47th Avenue, and 49th Street; and
 - a line 100 feet southerly of 37th Avenue, 61st Street, a line 100 feet northerly of Roosevelt Avenue, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), 58th Street, 38th Avenue, and a line midway between 57th Street and 58th Street;
14. changing from an R6 District to an R5B District property bounded by a line 150 feet northerly of Woodside Avenue, a line 150 feet northerly of Roosevelt Avenue, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), a line 100 feet northerly of Roosevelt Avenue, a line perpendicular to the easterly street line of 60th Street distant 150 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of 60th Street and the northerly street line of Roosevelt Avenue, 60th Street, a line perpendicular to the westerly street line of 60th Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of 60th Street and the northerly street line of Roosevelt Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northerly of Roosevelt Avenue, 59th Street, a line 100 feet northerly of Woodside Avenue, and 58th Street;
15. changing from an R7-1 District to an R5B District property bounded by Skillman Avenue-L. Mumford Way, a line 72 feet westerly of 47th Street, a line 100 feet southerly of Skillman Avenue- L. Mumford Way, and 43rd Street;
16. changing from an R4 District to an R5D District property bounded by:
- a line 175 feet northerly of Skillman Avenue, a line midway between 48th Street-Gosman Avenue and 49th Street- Heiser Street, Skillman Avenue, and 48th Street-Gosman Avenue; and
 - a line 100 feet northerly of Skillman Avenue, 52nd Street, Skillman Avenue, and a line midway between 50th Street and 51th Street;
17. changing from an R5 District to an R5D District property bounded by:
- a line 100 feet southerly of Queens Boulevard, a line midway between 41st Street and 40th Street, 47th Avenue, 41st Street, a line 200 feet southerly of 47th Avenue, 40th Street, 47th Avenue, and a line midway between 39th Place and 39th Street; and
 - a line 100 feet southeasterly of Greenpoint Avenue, 44th Street, 48th Avenue, and 43rd Street;
18. changing from an R6 District to an R5D District property bounded by:
- Skillman Avenue, the southerly centerline prolongation of 54th Street, a line 100 feet northwesterly of Roosevelt Avenue, 52nd Street, a line 65 feet northerly of 43rd Avenue, a line 100 feet westerly of 52nd Street, a line 100 feet southerly of Skillman Avenue, and a line 100 feet easterly of 51st Street;
 - 37th Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northerly of 39th Avenue, 64th Street, 37th Avenue, the northeasterly boundary line of the New York Conn. Rail Road Railroad right-of-way, a line 100 feet northerly of Roosevelt Avenue, 65th Street, a line 100 feet northerly of 39th Avenue, a line midway between 64th Street and 65th Street, 39th Avenue, 64th Street, a line 100 feet northerly of Roosevelt Avenue, and 61st Street; and
 - a line 100 feet southerly of Roosevelt Avenue, the northeasterly boundary line of the New York Conn. Rail Road Railroad right-of-

way, Woodside Avenue, 64th Street, a line 110 feet northerly of Woodside Avenue, a line midway between 65th Place and Burrough Place, a line 390 feet northerly of Woodside Avenue, 67th Street, a line 240 feet southerly of Roosevelt Avenue, 65th Place, and a line 530 feet northerly of Woodside Avenue;

19. changing from an R7-1 District to an R5D District property bounded by:
- Skillman Avenue, a line midway between 49th Street and 50th Street, 43rd Avenue, and 48th Street; and
 - a line 100 feet northerly of Skillman Avenue, 54th Street, Skillman Avenue, and 52nd Street;
20. changing from an R5 District to an R6A District property bounded by:
- a line 100 feet southerly of Queens Boulevard, 41st Street, 47th Avenue, and a line midway between 41st Street and 40th Street; and
 - 47th Avenue, 48th Street, a line 100 feet southerly of Queens Boulevard, 49th Street, a line 300 feet southerly of 47th Avenue, 48th Street, a line 100 feet southerly of 47th Avenue, 44th Street, a line 100 feet southeasterly of Greenpoint Avenue, 43rd Street, 48th Avenue, 40th Street, a line 200 feet southerly of 47th Avenue, and 41st Street;
21. changing from an R7-1 District to an R6A District property bounded by a line 100 feet southerly of Queens Boulevard, 44th Street, 47th Avenue, and 41st Street;
22. changing from a C4-2 District to an R6A District property bounded by a line 100 feet southerly of Queens Boulevard, Greenpoint Avenue, 48th Street, 47th Avenue, and 44th Street;
23. changing from an M1-1 District to an R6A District property bounded by Barnett Avenue, a line 200 feet westerly of 48th Street, and 39th Avenue - Middleburg Avenue;
24. changing from an R4 District to an R7A District property bounded by a line 175 feet northerly of Skillman Avenue, 49th Street- Heiser Street, a line 100 feet northerly of Skillman Avenue, a line midway between 50th Street and 51st Street, Skillman Avenue, and a line midway between 48th Street-Gosman Avenue and 49th Street- Heiser Street;
25. changing from an R5 District to an R7A District property bounded by Skillman Avenue, 41st Street, a line 100 feet ~~northerly~~southerly of Queens Boulevard, a line midway between 39th Place and 39th Street, a line 125 feet southerly of 43rd Avenue, 39th Place, a line 200 feet northerly of 43rd Avenue, and 40th Street;
26. changing from an R6 District to an R7A District property bounded by Skillman Avenue, a line 100 feet easterly of 51st Street, a line 100 feet southerly of Skillman Avenue, a line 100 feet westerly of 52nd Street, 43rd Avenue, a line midway between 49th Street and 50th Street, a line 100 feet southerly of Skillman Avenue, and 51st Street;
27. changing from an R7-1 District to an R7A District property bounded by:
- Skillman Avenue, 43rd Street, a line 100 feet southerly of Skillman Avenue- L. Mumford Way, a line 72 feet westerly of 47th Street, a line 200 feet northerly of Queens Boulevard, 44th Street, a line 100 feet ~~northerly~~southerly of Queens Boulevard, and 41st Street;
 - 43rd Avenue, 50th Street, a line 100 feet northwesterly of Roosevelt Avenue, a line 100 feet northerly of Queens Boulevard, 48th Street, a line 200 feet northerly of Queens Boulevard, a line midway between 47th Street and 48th Street, a line 190 feet southerly of 43rd Avenue, and 48th Street; and
 - Skillman Avenue, 51st Street, a line 100 feet southerly of Skillman Avenue, and a line midway between 49th Street and 50th Street;
28. changing from a C4-2 District to an R7A District property bounded by:
- a line 200 feet northerly of Queens Boulevard, a line 72 feet westerly of 47th Street, a line 100 feet northerly of Queens Boulevard, and 44th Street; and
 - a line 200 feet northerly of Queens Boulevard, 48th Street, a line 100 feet northerly of Queens Boulevard, and a line midway between 47th Street and 48th Street;

- ~~29.~~ changing from an R5 District to an R7X District property bounded by a line 100 feet northerly of Queens Boulevard, 41st Street, a line 100 feet southerly of Queens Boulevard, and a line midway between 39th Place and 39th Street;
- ~~30.~~ changing from an R7-1 District to an R7X District property bounded by a line 100 feet northerly of Queens Boulevard, 44th Street, a line 100 feet southerly of Queens Boulevard, and 41st Street;
- ~~31-29.~~ changing from a C4-2 District to a ~~C4-5XC4-4A~~ District property bounded by a line 100 feet northerly of Queens Boulevard, a line 72 feet westerly of 47th Street, a line 45 feet northerly of Queens Boulevard, 47th Street, a line 96 feet northerly of Queens Boulevard, a line midway between 47th Street and 48th Street, a line 100 feet northerly of Queens Boulevard, 48th Street, Greenpoint Avenue, a line 100 feet southerly of Queens Boulevard, and 44th Street;
- ~~32-30.~~ changing from a C8-1 District to a ~~C4-5XC4-4A~~ District property bounded by Queens Boulevard, 50th Street, a line 100 feet southerly of Queens Boulevard, and 48th Street;
- ~~33-31.~~ establishing within an existing R4 District a C1-3 District bounded by 39th Avenue-Middleburg Avenue, 51st Street, a line 100 feet southerly of 39th Avenue - Middleburg Avenue, and a line midway between 51st Street and 50th Street;
- ~~34-32.~~ establishing within a proposed R5D District a C1-3 District bounded by:
- a line 100 feet northerly of 47th Avenue, 40th Street, 47th Avenue, and a line midway between 39th Place and 39th Street;
 - a line 100 feet northerly of 48th Avenue, a line midway between 43rd Street and 44th Street, 48th Avenue, and 43rd Street;
 - a line 100 feet northerly of Skillman Avenue, a line midway between 51st Street and 52nd Street, Skillman Avenue, and a line midway between 50th Street and 51st Street;
 - a line 100 feet northerly of 39th Avenue, a line midway between 61st Street and 62nd Street, 39th Avenue, and 61st Street;
 - a line 100 feet northerly of 39th Avenue, 64th Street, 39th Avenue, and 63rd Street;
 - a line 100 feet northerly of Woodside Avenue, 68th Street, Woodside Avenue, 67th Street; and
 - a line 100 feet northerly of Woodside Avenue, 70th Street, Woodside Avenue, and 69th Street;
- ~~35-33.~~ establishing within an existing R6 District a C1-3 District bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Main Line), Woodside Avenue, and the southerly centerline prolongation of 62nd Street;
- ~~36-34.~~ establishing within a proposed R6A District a C1-3 District bounded by:
- a line 100 feet northerly of 47th Avenue, 43rd Street, 47th Avenue, and 42nd Street; and
 - a line 170 feet northerly of 47th Avenue, a line midway between 47th Street and 48th Street, a line 100 feet northerly of 47th Avenue, 48th Street, a line 100 feet southerly of 47th Avenue, 47th Street, 47th Avenue, 46th Street, a line 100 feet northerly of 47th Street, and a line midway between 46th Street and 47th Street;
- ~~37-35.~~ establishing within a proposed R7A District a C1-3 District bounded by:
- a line 100 feet northerly of 43rd Avenue, a line midway between 44th Street and 45th Street, a line 100 feet southerly of 43rd Avenue, 44th Street, a line 50 feet southerly of 43rd Avenue, 43rd Street, a line 150 feet southerly of 43rd Avenue, 42nd Street, a line 100 feet southerly of 43rd Avenue, 41st Street, 43rd Avenue, and 44th Street;
 - 43rd Avenue, 46th Street, a line 100 feet southerly of 43rd Avenue, and 45th Street;
- a line 100 feet northerly of Skillman Avenue, 49th Street, Skillman Avenue, and a line midway between 48th Street- Gosman Avenue and 49th Street- Heiser Street; and
 - a line 100 feet northerly of Skillman Avenue, a line midway between 51st Street and 50th Street, Skillman Avenue, and 50th Street;
- ~~38-36.~~ establishing within a proposed R5B District a C1-4 District bounded by a line 125 feet northerly of Woodside Avenue, 59th Street, a line 100 feet northerly of Woodside Avenue, and a line midway between 59th Street and 58th Street;
- ~~39-37.~~ establishing within a proposed R5D District a C1-4 District bounded by:
- a line 75 feet northerly of 43rd Avenue, 49th Street, a line 100 feet northerly of 43rd Avenue, a line midway between 50th Street and 49th Street, 43rd Avenue, and a line midway between 49th Street and 48th Street;
 - 39th Avenue, a line midway between 61st Street and 62nd Street, 280 feet southerly of 39th Avenue, 62nd Street, a line 100 feet northerly of Roosevelt Avenue, and 61st Street;
 - 39th Avenue, 64th Street, a line 100 feet northerly of Roosevelt Avenue, and a line midway between 63rd Street and 62nd Street; and
 - 38th Avenue, a line 100 feet easterly of 69th Street, a line 100 feet northerly of Roosevelt Avenue, and 69th Street;
- ~~40-38.~~ establishing within an existing R6 District a C1-4 District bounded by:
- 43rd Avenue, 51st Street, Roosevelt Avenue, and 50th Street;
 - a line 65 feet northerly of 43rd Avenue, 52nd Street, a line 100 feet northwesterly of Greenpoint Avenue, the southerly centerline prolongation of 54th Street, Skillman Avenue, 55th Street, Roosevelt Avenue, 43rd Avenue, and a line 100 feet westerly of 52nd Street; and
 - Woodside Avenue, 58th Street, a line 100 feet northerly of Woodside Avenue, 59th Street, a line 100 feet northerly of Roosevelt Avenue, a line midway between 59th Street and 60th Street, a line perpendicular to the westerly street line of 60th Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Roosevelt Avenue and the westerly street line of 60th Street, 60th Street, a line perpendicular to the easterly street line of 60th Street distant 150 feet distant northerly (as measured along the street line) from the point of intersection of the northerly street line of Roosevelt Avenue and the easterly street line of 60th Street, a line 100 feet northerly of Roosevelt Avenue, 64th Street, 39th Avenue, a line midway between 64th Street and 65th Street, a line 100 feet northerly of 39th Avenue, 65th Street, a line 100 feet northerly of Roosevelt Avenue, 70th Street and its northerly prolongation, a line 100 feet southerly of Roosevelt Avenue, a line midway between 64th Street and 63rd Street, a line perpendicular to the easterly street line of 63rd Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Roosevelt Avenue and the easterly street line of 63rd Street, 63rd Street, a line 100 feet southerly of Roosevelt Avenue, a line 150 feet westerly of 61st Street, Woodside Avenue, Roosevelt Avenue, and 57th Street;
- ~~41-39.~~ establishing within a proposed R6A District a C1-4 District bounded by a line 145 feet northerly of 48th Avenue, 41st Street, a line perpendicular to the easterly street line of 41st Street distant 125 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of 41st Street and the northwesterly street line of Greenpoint Avenue, a line midway between 41st Street and 42nd Street, a line perpendicular to the westerly street line of 42nd Street distant 105 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of 42nd Street and the northwesterly street line of Greenpoint Avenue, 42nd Street, Greenpoint Avenue, 43rd Street, a line 100 feet northerly of 47th Avenue, a line 100 feet northwesterly of Greenpoint Avenue, a line midway between 44th Street and 45th Street, a line 100 feet southerly of Queens Boulevard, 45th Street, a line 100 feet northwesterly of Greenpoint Avenue, a line midway between 45th Street and 46th Street, a line 100 feet southerly of Queens Boulevard, Greenpoint Avenue, 48th Street, a line 150 feet southeasterly of Greenpoint Avenue, a line midway between 47th Street and

48th Street, a line perpendicular to the easterly street line of 47th Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 47th Street and the southeasterly street line of Greenpoint Avenue, 47th Street, a line perpendicular to the easterly street line of 46th Street distant 75 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 46th Street and the southeasterly street line of Greenpoint Avenue, 46th Street, 47th Avenue, 45th Street, a line 100 feet southerly of 47th Avenue, 44th Street, a line 100 feet southeasterly from Greenpoint Avenue, 43rd Street, a line perpendicular to the westerly street line of 43rd Street distant 150 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of 43rd Street and the southeasterly street line of Greenpoint Avenue, a line midway between 43rd Street and 42nd Street, a line perpendicular to the easterly street line of 42nd Street distant 75 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 42nd Street and the southeasterly street line of Greenpoint Avenue, 42nd Street, 48th Avenue, and a line midway between 41st Street and 40th Street;

~~4240.~~ establishing within a proposed R7A District a C1-4 District bounded by:

- a. a line 100 feet northerly of 43rd Avenue, 50th Street, a line 100 feet northwesterly of Roosevelt Avenue, a line midway between 50th Street and 49th Street, a line 75 feet southerly of 43rd Avenue, 49th Street, 43rd Avenue, and a line midway between 49th Street and 50th Street; ~~and~~
- b. a line 65 feet northerly of 43rd Avenue, a line 100 feet westerly of 52nd Street, 43rd Avenue, and 51st Street; and
- c. a line 100 feet northerly of Queens Boulevard, 44th Street, a line 100 feet southerly of Queens Boulevard, and a line midway between 39th Place and 39th Street;

~~43. establishing within a proposed R7X District a C1-4 District bounded by a line 100 feet northerly of Queens Boulevard, 44th Street, a line 100 feet southerly of Queens Boulevard, and a line midway between 39th Place and 39th Street;~~

as shown in a diagram (for illustrative purposes only) dated February 28, 2011, modified by the City Council on July 28, 2011, and subject to the conditions of CEQR Declaration E-272.

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. 422 & Res. No. 980

Report of the Committee on Land Use in favor of approving Application no. N 110208 ZRQ with modifications, amendment to the zoning resolution, Community Board 2, Queens

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 14, 2011 (Minutes, page 2027) and originally reported to the Council on June 29, 2011 (Minutes, page 2573) respectfully

REPORTS:

SUBJECT

QUEENS CB - 2 N 110208 ZRQ

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas), relating to the extension of the Inclusionary Housing Program to proposed R7X and C4-5X districts.

INTENT

To extend the Inclusionary Housing Program to portions of the proposed Sunnyside/Woodside rezoning.

PUBLIC HEARING

DATE: June 21, 2011

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: June 21, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Ignizio		

COMMITTEE ACTION

DATE: June 23, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Mendez		
Vacca		
Levin		

Contd.

Weprin
Williams
Koo

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on July 6, 2011. The City Planning Commission filed a letter dated July 11, 2011, with the Council indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 980

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 110208 ZRQ, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas), relating to the extension of the Inclusionary Housing Program to proposed R7X and C4-5X districts in Community District 2, Borough of Queens (L.U. No. 422).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 8, 2011 its decision dated June 6, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the Zoning Resolution of the City of New York to modify Appendix F to make the Inclusionary Housing Program applicable in R7X and C4-5X districts proposed to be mapped on Queens Boulevard in Community District 2 (Application No. N 110208 ZRQ), Borough of Queens (the "Application");

WHEREAS, the Application is related to Applications N 110207 ZMQ (L.U. No. 421), an amendment of the Zoning Map, to rezone all or portions of 130 blocks in the Queens neighborhoods of Sunnyside and Woodside from R4, R5, R6, R7-1, C4-2, C8-1 and M1-1 districts to R4, R4-1, R5B, R5D, R6A, R7A, R7X, and C4-5X districts; and N 110209 ZRQ (L.U. No. 423), an amendment to the text of the Zoning Resolution to make small sidewalk cafés permissible on Queens Boulevard and allow only small sidewalk cafés on Skillman Avenue;

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 June 21, 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 February 28, 2011, which included (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-272), (CEQR No. 11DCP080Q);

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 110208 ZRQ, incorporated by reference herein, the Council approves the Decision with the following modifications:

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

- Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution;
Matter double-underlined is new, to be added by the City Council

* * *

Article 2
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 table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-

952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas

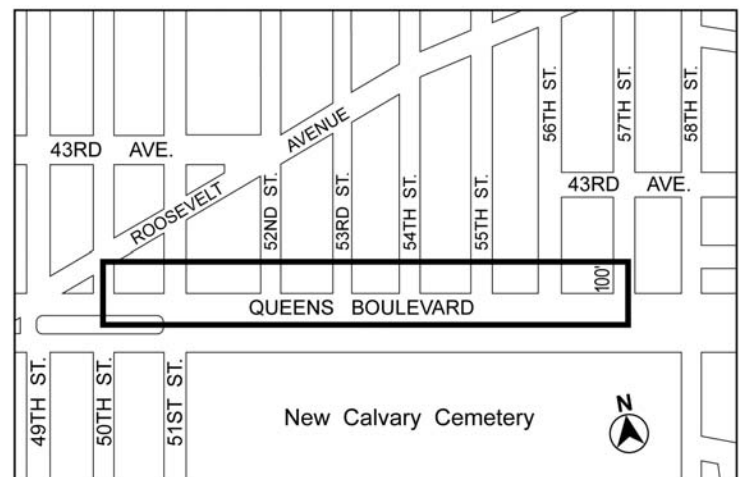
* * *

Queens

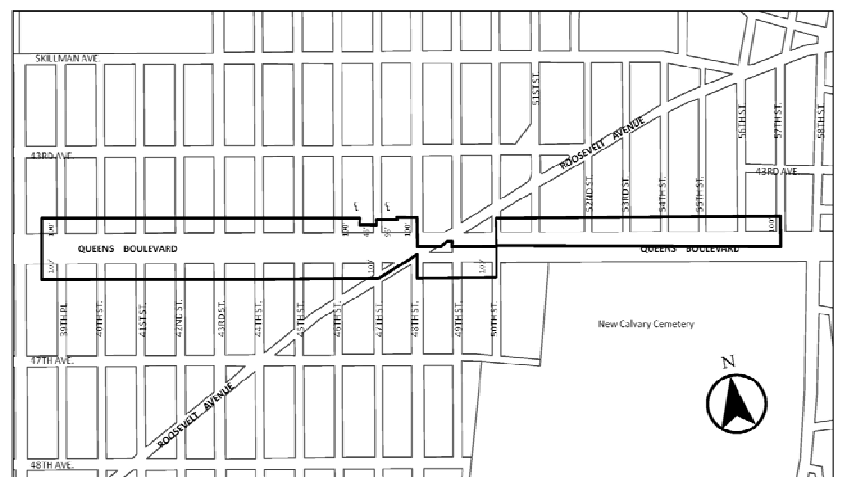
Queens Community District 2

In the R7A and R7X Districts within the areas shown on the following Maps 1 and 2:

Map 1 - (Existing map 1 to be deleted)



Map 1 - (NEW Map 1, Showing the Extension of the Existing Inclusionary Housing District)



Portion of Community District 2, Queens

* * *

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

Report for L.U. No. 423 & Res. No. 964

Report of the Committee on Land Use in favor of approving Application no. N 110209 ZRQ, amendment to the zoning resolution, Community Board 2, Queens

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 14, 2011 (Minutes, page 2028) and originally reported to the Council on June 29, 2011 (Minutes, page 2575) respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

N 110209 ZRQ

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article 1, Chapter 4 (Sidewalk Café Regulations), relating to the types of sidewalk cafés permitted along portions of Skillman Avenue and Queens Boulevard located in Community District 2, Queens.

INTENT

To allow small sidewalk cafés on a portion of Queens Boulevard.

PUBLIC HEARING

DATE: June 21, 2011

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: June 21, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Ignizio		

COMMITTEE ACTION

DATE: June 23, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		
Garodnick		

Mendez
Vacca
Levin
Weprin
Williams
Koo

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

Res. No. 964

Resolution approving the decision of the City Planning Commission on Application No. N 110209 ZRQ, for an amendment of the Zoning Resolution of the City of New York, concerning Article 1, Chapter 4 (Sidewalk Café Regulations), relating to the types of sidewalk cafés permitted along portions of Skillman Avenue and Queens Boulevard in Community District 2, Borough of Queens (L.U. No. 423).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 8, 2011 its decision dated June 6, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the Zoning Resolution of the City of New York to allow small sidewalk cafés on a portion of Queens Boulevard where currently all cafés are restricted and allow only small sidewalk cafés on portions of Skillman Avenue in Community District 2 (Application No. N 110209 ZRQ), Borough of Queens (the "Application");

WHEREAS, the Application is related to Applications N 110207 ZMQ (L.U. No. 421), an amendment of the Zoning Map, to rezone all or portions of 130 blocks in the Queens neighborhoods of Sunnyside and Woodside from R4, R5, R6, R7-1, C4-2, C8-1 and M1-1 districts to R4, R4-1, R5B, R5D, R6A, R7A, R7X, and C4-5X districts; and N 110208 ZRQ (L.U. No. 422), an amendment of the text of the Zoning Resolution to modify Appendix F to make the Inclusionary Housing Program applicable in R7X and C4-5X districts proposed to be mapped on Queens Boulevard;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 21, 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 February 28, 2011, which included (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-272), (CEQR No. 11DCP080Q);

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 110209 ZRQ, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution (1/10/80)

Article 1 – General Provisions

* * *

Chapter 4

Sidewalk Cafe Regulations

* * *

**14-41
Locations Where Certain Sidewalk Cafes Are Not Permitted**

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Queens:
82nd Street - from 34th Avenue to 41st Avenue
Austin Street - from Yellowstone Boulevard to Ascan Avenue
Junction Boulevard - from Northern Boulevard to 41st Avenue
Roosevelt Avenue - from Union Street to Prince Street.
Skillman Avenue- from 43rd Street to 56th Street

**14-42
Locations Where Enclosed Sidewalk Cafes Are Not Permitted**

* * *

**14-43
Locations Where Only Small Sidewalk Cafes Are Permitted**

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

* * *

Queens:
Queens Boulevard-from a line 100 feet west of 39th Place to 48th Street
Skillman Avenue- from 45th Street to a line 100 feet east of 46th Street, south side only
Skillman Avenue- from 48th Street to 52nd Street

* #Small sidewalk cafes# are not allowed on 14th Street

** #Small sidewalk cafes# are not allowed on 86th Street within the #Special Madison Avenue District.

* * *

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

Name	Address	District Number
Claudia L. Quigley	330 East 39 th Street #30L New York, N.Y. 10016	4
Armes Castillo	205 West 103 rd Street #1A New York, N.Y. 10025	8
Paige Waranis	217-04 40 th Avenue Queens, N.Y. 11361	19
Margaret Fitzgibbons	39-61 48 th Street Queens, N.Y. 11104	26
Shameeka Simmons	145-04 Lakewood Avenue #2F Queens, N.Y. 11435	28
Ismael Rodriguez, Jr.	60-33 67 th Avenue #2R	30

Caroline Hernandez	Queens, N.Y. 11385 156-12 77 th Street Howard Beach, N.Y. 11414	32
Amy Tam	659 Onderdonk Avenue Ridgewood, N.Y. 11385	34
Alevtina Strok	2566 86 th Street Brooklyn, N.Y. 11214	47
Maria Matera	786 Olympia Blvd Staten Island, N.Y. 10305	50
Carla Giordano	26 Cortelyou Avenue Staten Island, N.Y. 10312	51

Approved New Applicants and Reapplicants

Name	Address	District Number
Brian Glasser	60 East 9 th Street #615 New York, N.Y. 10003	1
Gloria Dorfman	500 East 77 th Street New York, N.Y. 10162	5
Alexander Whitehall Stephens	401 East 86 th Street #5A New York, N.Y. 10028	5
Claydon Rivers, Jr.	41 Convent Avenue #2D New York, N.Y. 10027	7
Deborah Ariela Carabaloso	15 West 106 th Street New York, N.Y. 10025	8
Jewel Caldwell	67 Lenox Avenue New York, N.Y. 10026	9
Dolores Easton	8 West 118 th Street New York, N.Y. 10026	9
Shirley L. Guerrant	158 West 144 th Street New York, N.Y. 10030	9
Aim Roberts	380 Riverside Drive New York, N.Y. 10025	9
Donna Williams	2611 8 th Avenue #1D New York, N.Y. 10030	9
Elvira Acosta	60 Knolls Crescent #8B Bronx, N.Y. 10463	11
George Airday	5720 Mosholu Avenue Bronx, N.Y. 10471	11
Bernard Robert Glick	3515 Henry Hudson Parkway Bronx, N.Y. 10463	11
Yosmari A. Lotz	3671 Hudson Maner Terrace #16J Bronx, N.Y. 10463	11
Ivette Santana	4265 Webster Avenue #7F Bronx, N.Y. 10470	11
Katerina Gervits	100 Dreiser Loop #21F Bronx, N.Y. 10475	12
Jacqueline Mason	15-b Debs Place Bronx, N.Y. 10475	12
Tanisha Givens	848 Van Nest Avenue #1 Bronx, N.Y. 10462	13
Olga Rodriguez	2097 Muliner Avenue #3 Bronx, N.Y. 10462	13
Grace Gemma Sanginito	161 Bogart Avenue Bronx, N.Y. 10462	13
Kylea Choice	500 East 165 th Street #3H Bronx, N.Y. 10456	16
Roberta Jackson	500 Southern Blvd #1F Bronx, N.Y. 1.0455	17
Mariana Rivera	1515 Metropolitan Avenue #3G Bronx, N.Y. 10462	18
Rosetta M. Ackerman	154-17A Riverside Drive Queens, N.Y. 11357	19
George Mihaltses	220-31 43 rd Avenue Bayside, N.Y. 11361	19
Michael Serao	35-45 204 th Street Bayside, N.Y. 11361	19

Maryann Bagarella	27-08 Ditmars Blvd Queens, N.Y. 11105	22
Erin Brokate	1909 21 st Avenue #3A Astoria, N.Y. 11105	22
John Livadaros	21-20 30 th Avenue Queens, N.Y. 11102	22
Luis A. Crespo	67-49 224 th Street Queens, N.Y. 11364	23
Lila Goldstein	271-10 Grand Central Parkway #12R Floral Park, N.Y. 11427	23
Sudhakar Ramnauth	89-39 210 th Street Queens, N.Y. 11427	23
Francine Anderson	148-28 .88 th Avenue #7J Queens, N.Y. 11435	24
Althea Elaine Barnes	70-02 Parson Blvd #6B Queens, N.Y. 11365	24
Darren Gooding	65-59 Parson Blvd Queens, N.Y. 11365	24
Michael E. Velazquez	86-45 St. James Avenue #2F Queens, N.Y. 11373	25
Athenia A. Parks	188-24 Williamson Avenue Queens, N.Y. 11413	27
Monica Watson	102-06 213 th Street Queens, N.Y. 11429	27
Shondel O. Garnett	116-19 147 th Street Jamaica, N.Y. 11436	28
David Hom	100-26 67 th Road #2E Forest Hills, N.Y. 11375	29
Robert George	82-31 62 nd Avenue Queens, N.Y. 11379	30
Estelle Karker	601 Fairview Avenue Queens, N.Y. 11385	30
Tavita Srikishun- Sukhnandan	89-02 107 th Street Queens, N.Y. 11418	30
Cadyann Parris-David	145-64 158 th Street Queens, N.Y. 11434	31
Stella M. Barresi	156-48 76 th Street Howard Beach, N.Y. 11414	32
John Bil	103 East 9 th Road Broad Channel, N.Y. 11693	32
Sylvester Draggon, Sr.	95-24 75 th Street Ozone Park, N.Y. 11416	32
Alex C. Pangilinan	78-16 151 st Avenue #2 nd Floor Howard Beach, N.Y. 11414	32
Rashed Bakth	1720 Gates Avenue Queens, N.Y. 11385	34
Frances Gardner	91 Boenun Street Brooklyn, N.Y. 11206	34
Ollie B. Ross	31 Leonard Street #10A Brooklyn, N.Y. 11206	34
Myra Cecilio	16 Fleet Walk #3 C Brooklyn, N.Y. 11201	35
Cordell R. Hackshaw	1166 Pacific Street #2C Brooklyn, N.Y. 11216	35
John E. Noel	115 Ashland Place #15C Brooklyn, N.Y. 11201	35
David Nortega	170 Tillary Street #405 Brooklyn, N.Y. 11201	35
Tomi P. Marshall	28 Herkimer Street Brooklyn, N.Y. 11216	36
William Mathews	326 A Greene Avenue Brooklyn, N.Y. 11238	36
Nydia Jordan	404 Chestnut Street Brooklyn, N.Y. 11208	37
Marie D. Pearson	89 Christopher Avenue #8D Brooklyn, N.Y. 11212	37
Nilda Rivera	350 65 th Street #17H Brooklyn, N.Y. 11220	38
Alexander Dorosh	609 Greenwood Avenue Brooklyn, N.Y. 11218	39

Jocelyn Gillot	1902 Cortelyou Road #3A Brooklyn, N.Y. 11226	40
Stacey Elise Jackson	2316 Bedford Avenue #2R Brooklyn, N.Y. 11226	40
Princess F. Belgrave	326 Marion Street Brooklyn, N.Y. 11233	41
Jacquelyn Orta	117 Herzl Street Brooklyn, N.Y. 11212	41
Janice A. Walker	249 Thomas S. Boyland Street #19M Brooklyn, N.Y. 11233	41
Tara Chester	443 Amber Street #3 Brooklyn, N.Y. 11208	42
Claudette Fraser	412 Christopher Avenue Brooklyn, N.Y. 11212	42
Diane Goggins	1260 Croton Loop #2D Brooklyn, N.Y. 11239	42
Moses Samuel Williams	750 Bradford Street Brooklyn, N.Y. 11207	42
Nancy LaBella	7003 Ridgecrest Terrace Brooklyn, N.Y. 11209	43
Jesse Spieler-Jones	9205 Ridge Blvd #6K Brooklyn, N.Y.	43
Maxeen Douglas	526 East 42 nd Street Brooklyn, N.Y. 11203	45
Beverly Garcia	815 East 37 th Street Brooklyn, N.Y. 11210	45
Madonna Williams	641 East 53 rd Street Brooklyn, N.Y. 11203	45
Marion Y. Callender	1504 East 54 th Street Brooklyn, N.Y. 11234	46
Gloria J. Jones	1199 East 53rd Street #3K Brooklyn, N.Y. 11234	46
Ellen Kogan	2601 Emmons Avenue #1A Brooklyn, N.Y. 11235	46
Stephanie McCray	2955 West 9 th Street #9C Brooklyn, N.Y. 11224	47
Fred Schneider	8793 26 th Avenue Bsmt Brooklyn, N.Y. 11214	47
Irma R. Kramer	1083 East 21 st Street Brooklyn, N.Y. 11210	48
Lorraine A. Witzak	32 Cunard Place Staten Island, N.Y. 10304	49
Paul J. Bosco	367 Hamden Avenue Staten Island, N.Y. 10306	50
Grace Catrama	132 Jerome Road Staten Island, N.Y. 10305	50
Dorothy A. Oliva	73 Columbus Avenue Staten Island, N.Y. 10304	50
Carolyn Rodriguez	71 Forest Street Staten Island, N.Y. 10314	50
Rosemary A. Costa	42 Greaves Avenue Staten Island, N.Y. 10308	51
Cesare Giaquinto	232 Bayview Avenue Staten Island, N.Y. 10309	51
Anne R. McDonough	1947 North Railroad Avenue Staten Island, N.Y. 10306	51
Ingrid A. Sima	1079 Arden Avenue Staten Island, N.Y. 10312	51

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 567 & Res 977 --** Maria R. Guastella, Richmond County Democratic Commissioner of Elections
- (2) **M 568 & Res 963 --** Transfer City Funds (MN-4).
- (3) **M 621 & Res 978 --** Damien Griffin, New York City Soil and

- (4) **Int 248-A --** Water Conservation District Board Reporting requirements for the status of city-owned real property.
- (5) **Int 338-A --** Greenhouses.
- (6) **Int 452-A --** Purchase of New York state food.
- (7) **Int 461-A --** Packaging reduction guidelines for contractors with city agencies.
- (8) **Int 615-A --** Relating to reports on green carts.
- (9) **Res 960 --** Certain organizations to receive funding in the Expense Budget (**Transparency Resolution, July 28, 2011**).
- (10) **L.U. 389 & Res 967 --** **C110250 HAK**, 21 Truxton Street, Brooklym CD 37.
- (11) **L.U. 421 & Res 979 --** Application no. **C 110207 ZMQ** with modifications, amendment to the zoning map, CB 2, Queens
- (12) **L.U. 422 & Res 980 --** Application no. **N 110208 ZRQ** with modifications, amendment to the zoning resolution, CB 2, Queens
- (13) **L.U. 423 & Res 964 --** Application no. **N 110209 ZRQ**, amendment to the zoning resolution, CB 2, Queens
- (14) **L.U. 430 & Res 968 --** Application no. **C 100175 ZMQ**, amendment of the Zoning Map, Council District 19.
- (15) **L.U. 431 & Res 969 --** Application no. **20115689 HKK** (N **110296 HKK**), 334 South 5 Street, (Block 2462, Lot 2), Council District no .34.
- (16) **L.U. 432 & Res 970 --** Application no. **20115756 HKK** (N **110345 HKK**), 176 Remsen Street, (part of Block 255, Lot 36), Council District no. 33.
- (17) **L.U. 433 & Res 971 --** Application no. **20115757 HKM** (N **110344 HKM**), 342-348 East 54th Street, (Block 1346, Lot 32), Council District no. 5.
- (18) **L.U. 434 & Res 972 --** Application **C 110225 PPQ**, 28-10 Queens Plaza South, Queens, CD 26.
- (19) **L.U. 435 & Res 965 --** Findlay Teller, Bronx, Council District No. 16.
- (20) **L.U. 436 & Res 966 --** Lafayette Boynton, Bronx, Council District NO. 17.
- (21) **L.U. 437 & Res 973 --** Application no. **20105361 SCQ**, 800 seat Primary/Intermediate School Facility at 97-36 43rd Avenue (Block 1628, Lot 21), Community School District No. 24, Borough of Queens
- (22) **L.U. 438 & Res 974 --** Application no. **20115806 SCM**, 476 seat Primary School Facility at 1 Peck Slip (Block 106, Lot 6), Community School District No. 2, Borough of Manhattan.
- (23) **L.U. 439 & Res 975 --** Application no. **20125005 SCM**, 400 seat High School Facility at 530 West 44th Street (Block 1072, Lot 15), Community School District No. 2, Borough of Manhattan
- (24) **L.U. 440 & Res 976 --** Application no. **20125006 SCQ**, 1100 seat Primary School Facility at 96-18 43rd Avenue (Block 1613, Lot 17), Community School District No. 24, Borough of Queens.
- (25) **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, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **44**.

The General Order vote recorded for this Stated Meeting was **44-0-0** as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 338-A**:

Affirmative – Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **43**.

Negative – Fidler – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: *Int Nos. 248-A, 338-A, 461-A, 452-A, and 615-A.*

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 627

Report of the Committee on Contracts in favor of approving a Resolution calling upon the New York State Legislature to amend the General Municipal Law to allow New York City to institute procurement preferences for the purchase of food originating within the New York region.

The Committee on Contracts, to which the annexed resolution was referred on January 18, 2011 (Minutes, page 153), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for **Int No. 452-A** printed in these Minutes)

Accordingly, this Committee recommends the adoption of Res No. 627.

(The following is the text of Res. No. 627:)

Res. No. 627

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

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

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

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

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

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

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

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

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

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

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

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

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, Committee on Contracts, July 26, 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. 627 to be adopted.

The following 2 Council Members formally objected to the passage of this item:
Council Members Fidler and Koppell.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 628

Report of the Committee on Contracts in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to enact legislation that regulates the amount and type of packaging used to encase goods procured by the State and all localities.

The Committee on Contracts, to which the annexed resolution was referred on January 18, 2011 (Minutes, page 155), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for Int No. 452-A printed in these Minutes)

Accordingly, this Committee recommends the adoption of Res No. 628.

(The following is the text of Res. No. 628:)

Res. No. 628

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

By Council Members Sanders, Brewer, Cabrera, Gentile, James, Koppell, Palma, Seabrook, Williams, Mark-Viverito, Levin, Chin, Van Bramer, Recchia, Vallone, Lappin, Jackson, Gennaro and Barron.

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

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

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

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

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

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

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

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, Committee on Contracts, July 26, 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. 628** to be adopted.

Adopted unanimously by the Council by voice vote.

Report for voice-vote Res. No. 507

Report of the Committee on Housing and Buildings in favor of approving a resolution calling upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants.

The Committee on Housing and Buildings, to which the annexed resolution was referred on October 27, 2010 (Minutes, page 4565), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On July 28, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 338-A, "A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to greenhouses" and Res. No. 507, a "Resolution calling upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants." On October 20, 2010, the Committee conducted an initial hearing on these legislative items and received testimony from the Mayor's Office of Long-Term Planning and Sustainability, the Department of Buildings and other persons interested in these items.

By enacting Local Law 22 of 2008, New York City committed to reducing its greenhouse gas emissions by 30% by 2017 for government operations and by 30% citywide by 2030.¹ Buildings are responsible for about 80 percent of the City's greenhouse gas emissions.² Energy use in buildings (private and city-owned) is the largest contributing sector to the greenhouse gas emissions inventory. In 2007, collectively, energy use in the form of electricity, natural gas, fuel oil, steam, and coal to heat, cool, power, and light City government buildings accounted for 64% of emissions.³ Due to increasing greenhouse gas emissions and the city's density, the City is experiencing a gradual increase in temperature. According to a 2001 study by the Columbia Earth Institute for the U.S. Global Change Research Program, *Climate Change and a Global City*, there has been an increase of approximately 2°F in the New York region since 1900. New York City is warmer than the surrounding suburbs (average temperatures in the largest cities can range from 5° to 10° warmer)⁴ this phenomenon, known as the Urban Heat Island Effect is caused by large areas of dark absorbent surfaces such as roofs, roadways and parking lots, and a lack of vegetation.

New York City has almost one billion square feet of roof area.⁵ Conventional roof surfaces can reach temperatures of up to 185°F on a 90° day during the summer because traditional roofing materials (asphalt, bare metal or metallic) absorb and retain solar energy as heat which contributes not only to a hotter roof but also to warmer air temperatures nearby.⁶ A roof's absorption of solar heat sometimes leads to heat gain within the rest of the building, thereby causing discomfort for building inhabitants and increasing local cooling loads-particularly in older buildings, which tend to have less insulation.⁷ Because warm building temperatures can lead to high energy demand during the summer months and to address environmental problems like the Urban Heat Island Effect and combined sewer overflows, in recent years there has been growing interest in "green" (planted) roofs.

A green or vegetated roof is the roofing of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane, which protects the integrity of the underlying roof.⁸

Vegetated green roofs offer a variety of benefits when measured against conventional roofs. First, economic benefits include energy savings due to the reduced need to heat and cool the building; green roofs also protect a roof's membrane, which often means green roofs can significantly extend the life of the roof and a properly installed green roof should last a minimum of three times as long as a conventional roof. Second, green roofs have the ability to absorb stormwater and release it slowly over a period of several hours.⁹

The mitigation of stormwater runoff is considered to be one of the primary benefits of green roofs in urban areas because of the prevalence of impervious surfaces. The rapid runoff from such roof surfaces can result in flooding, increased erosion, and may result in raw sewage being discharged directly into rivers.¹⁰ Large amounts of runoff can also result in a greater quantity of water that must be treated before it is potable.¹¹ Green roof systems have been shown to retain 60-100% of the stormwater they receive.¹² Third, rooftop vegetation improves air quality by removing pollution. These plants take in nitrous oxides, carbon dioxide and airborne particles and in turn, release cleaner air.¹³

Finally, green roofs can be used for food production; for example, the Fairmount Waterfront Hotel in Vancouver saves an estimated \$30,000 per year in food costs by growing herbs, flowers, and vegetables on its roof farm. This also reduces the need to transport these items from places around the world, reducing greenhouse gas emissions even further.

Despite the numerous ecological, aesthetic and environmental benefits of a green roof, the cost of installation still remains at a premium and deters major investment in this technology. Thus, City residential homeowners and commercial developers are often reluctant to install green roofs because the cost of installation can be more than twice as expensive compared to the installation of a conventional roof. According to the U.S. Environmental Protection Agency, the up-front cost of an extensive green roof in the United States starts at about \$8 per square foot, which includes materials, preparation work, and installation (this may even be higher for New York City where construction costs are higher than average), whereas a regular roof costs around \$4 to \$6 per square foot.¹⁴

In general, green roofs cost more than traditional roofs because they require more material and labor for installation. In addition, U.S. green roof contractors are limited in number.¹⁵ However, as the demand for this technology increases in the U.S., and as additional contractors come into business, up-front costs would likely decrease.

Proposed Int. No. 338-A

There is growing interest in using rooftops as agricultural spaces.¹⁶ However, a number of property owners who are interested in building a rooftop agricultural greenhouse have faced barriers, including zoning regulations pertaining to permitted uses, the maximum allowable floor area of a building and height restrictions in the New York City Building Code (Building Code). The Building Code presently allows certain rooftop structures to be excluded from maximum allowable floor area calculations when the structures do not cover more than 33 and 1/3 percent of the roof area.¹⁷ This bill would add greenhouses to the list of rooftop structures that are excluded from Buildings Code height limitations and from being considered an additional story when the greenhouse and any other permitted structure on the roof would occupy in the aggregate no more than 33 and 1/3 percent of the roof area. The provisions of this bill will apply to "existing buildings" (buildings constructed under the 1938 and 1968 Building Code) and "new buildings" (buildings constructed pursuant to the 2008 Building Code). Additionally, this bill provides that this local law would take effect immediately upon enactment.

Amendments to Int. No. 338

- Technical changes were made to correct the bill title, typographical errors and to renumber bill sections.
- Bill section one was amended to add, to subdivision (c) of section 27-306 of Title 27 of the Administrative Code of the City of New York, "greenhouses" to the list of rooftop structures that are excluded from the maximum allowable floor area of a building provided that the structures identified in such section do not exceed 33 and 1/3 percent of the area of the roof of the building on which they are erected. Title 27 governs buildings constructed prior to the 2008 Building Code.

Resolution No. 507

In August 2008, New York State Governor David Paterson signed into law Chapter 461 of the Laws of 2008, which provides a one-year tax abatement to encourage construction and maintenance of green roofs in New York City. Specifically, the law provides for one-time tax abatement for the construction of a "green roof" on a class one, two or four building in the City of New York equal to \$4.50 per square foot, up to \$100,000 for green roof installations that cover at least 50% of the eligible rooftop. The Green Roof Tax Abatement, which is applied by the New York City Department of Finance and administered by the New York City Department of Buildings, is a pilot program that would sunset March 15, 2013.

The current abatement defines a green roof as "an addition to a roof of an eligible building that covers at least fifty percent of such building's eligible rooftop space and includes (a) a weatherproof and waterproof roofing membrane layer that complies with local construction and fire codes, (b) a root barrier layer, (c) an insulation layer that complies with the Energy Conservation Construction Code of New York state and local construction and fire codes, (d) a drainage layer that complies with local construction and fire codes and is

designed so the drains can be inspected and cleaned, (e) a growth medium, including natural or simulated soil, with a depth of at least two inches, (f) if the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium, such as a non-woven fabric, pad or foam mat, unless the green roof is certified not to need regular irrigation to maintain live plants, and (g) a vegetation layer, at least eighty percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species." However, the current Green Roof Tax Abatement does not specifically make eligible for the tax abatement a green roof covered by food producing plants.

The Council believes that in addition to stormwater management and air pollution control, green roofs can provide new opportunities for urban agriculture. The Council also believes that there are many benefits to growing and distributing food locally, including support of the local economy; increased access to food; fresher produce; decreased travel time to market and related environmental costs; and control of soil, fertilizer and pesticides.

Additionally, the Council believes that amending section 499-aaa of the Real Property Tax Law to allow the Green Roof Tax Abatement to clearly be available for roofs used for food producing plants would allow for more green roof owners to take advantage of this Green Roof Tax Abatement and provide more locally grown produce.

¹ Recognizing the important role of building performance, Mayor Bloomberg and Speaker Quinn convened the New York City Green Codes Task Force in July of 2008. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies as well as the Mayor's office and the Speaker's office. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining each of New York City's building codes, the Task Force presented 111 recommendations for "greening the codes." The recommended improvements are intended to raise the bar for environmental performance in buildings throughout the City.

² Mayor's Office of Long-Term Planning and Sustainability, September 2009. Inventory of New York City Greenhouse Gas Emissions.

³ *Id.*

⁴ New York City Department of Design & Construction, June 2007. DDC Cool & Green Roofing Manual.

⁵ *Id.*

⁶ U.S. Environmental Protection Agency Office of Atmospheric Programs. Reducing Urban Heat Islands: Compendium of Strategies, Cool Roofs.

⁷ See note 5.

⁸ Michigan State University, Department of Horticulture, *The Green Roof Research Program at MSU*, available at <http://www.hrt.msu.edu/greenroof/>

⁹ Michigan State University, Department of Horticulture, *The Green Roof Research Program at MSU*, available at <http://www.hrt.msu.edu/greenroof/>

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ D.C. Works, *Greenroof Cost Savings*, available at <http://www.dcgreenworks.org/LID/grbenefits.html> 1,000 square feet of rooftop vegetation removes 41 pounds of airborne particles annually.

¹⁴ United States Environmental Protection Agency, *Green Roofs- Heat Island Effect*, available at <http://www.epa.gov/heatisland/index.htm>

¹⁵ *Id.*

¹⁶ Miller, T. "New York City Farms and Community Gardens Gear Up for Spring with Increased Interest."

New York Daily News. April 8, 2009. available at http://www.nydailynews.com/lifestyle/food/2009/04/09/2009-04-09_new_york_city_farms_and_community_gardens_gear_up_for_spring_with_increased_inte.html.

¹⁷ The floor area ratio (FAR) is the principal bulk regulation controlling the size of buildings. FAR is a ratio of total building floor area to the area of its zoning lot.

(The following is the text of Res. No. 507:)

Res. No. 507

Resolution calling upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants.

By Council Members Koppell, Dromm, Fidler, Lander, Palma, Sanders, Vann, Williams, Rodriguez, Nelson, Van Bramer, Levin, Brewer, Lappin, Vallone, Crowley, Gennaro, Jackson, Comrie, Barron, Dickens and Reyna.

Whereas, New York City continually confronts the problems of air pollution, compromised water quality, and the "urban heat island effect", which is the difference in temperature between a city and the surrounding countryside and is caused by the expanse of dark surfaces, which absorb solar radiation instead of reflecting it away, causing the temperature of the surfaces and the air around them to rise, as well as transferring collected heat inside of buildings; and

Whereas, The "urban heat island effect" is increased when cities have less foliage to shade buildings, intercept solar radiation, and cool the air; and

Whereas, In New York City, specifically, the urban heat island effect is estimated to be 3.6°F to 5.4°F warmer than its surrounding suburbs in the summer; and

Whereas, Combined sewer overflows (CSOs) regularly occur during periods of rainfall or snowmelt in New York City, resulting in the annual emission of billions of gallons of untreated sewage and stormwater directly into our waterways; and

Whereas, Stormwater, itself, may also contain a number of harmful pollutants, including heavy metals, grease and oil, toxins, bacteria and sediments; and

Whereas, The United States Environmental Protection Agency has designated the New York Metropolitan Area as a "nonattainment area " for PM2.5 and ozone, meaning that our area does not meet the National Ambient Air Quality Standards set for those pollutants pursuant to the Clean Air Act; and

Whereas, Air quality is a vital concern, particularly since one in eight New Yorkers has been diagnosed with asthma at some point during their lives; and

Whereas, A green roof is a roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane, which also protects the integrity of the underlying roof; and

Whereas, A green roof is also a roof that includes, among other things, a vegetation layer of drought-resistant, hardy plant species; and

Whereas, Green roofs provide a number of environmental and public health benefits, including reduction of the urban heat island effect, stormwater retention, improved air quality, energy conservation, and habitat, in addition to economic, recreational and aesthetic advantages; and

Whereas, The urban heat island effect, water pollution resulting from stormwater runoff, and air quality problems should be addressed in a practical and environmentally acceptable manner; and

Whereas, In April 2007, New York City released its long-term sustainability plan, PlaNYC, which promotes the use of Best Management Practices (BMPs) to control and capture stormwater using distributed and natural infrastructure solutions; and

Whereas, Source control stormwater management is a critical component of the City's strategy to reduce CSOs; and

Whereas, As little as 1/10 of an inch of rain can overwhelm the capacity of sewer infrastructure and result in 2 billion gallons of raw sewage annually entering the City's rivers, creeks, canals and other bodies of water; and

Whereas, The use of BMPs such as green roofs to divert storm water from the combined sewer system can prove to be an innovative and cost effective approach to improve and protect water quality; and

Whereas, Despite the numerous environmental, recreational and aesthetic benefits associated with the installation of green roofs, residential homeowners and developers are often reluctant to install green roofs because the cost can be twice as expensive compared to the installation of a conventional roof; and

Whereas, In August 2007, the Council of the City of New York passed Resolution 1004, which called upon the New York State Legislature to amend the New York State Real Property Tax Law, with respect to properties in the City of New York, to establish a declining property tax exemption on properties constructed or reconstructed where such construction or reconstruction includes the installation of a green roof; and

Whereas, In August 2008, New York State Governor David Paterson signed into law Chapter 461 of the Laws of 2008, which provides a one-year tax abatement to encourage construction and maintenance of green roofs in New York City; and

Whereas, Specifically, the State law provides for a one-time tax abatement for the construction of a "green roof" on a class one, two or four building in the City of New York equal to \$4.50 per square foot up to \$100,000 for green roof installations that cover at least 50% of the eligible rooftop; and

Whereas, The Green Roof Tax Abatement, which is applied through the New York City Department of Finance and administered by the New York City Department of Buildings, is a pilot program that would sunset March 15, 2013; and

Whereas, According to the Memorandum in Support of the State legislation enacting the Green Roof Tax Abatement, the results of this pilot program will be reassessed prior to the sunset date of March 15, 2013, to determine whether it should be extended, modified or broadened to include other stormwater management technologies; and

Whereas, The current abatement defines a green roof as "an addition to a roof of an eligible building that covers at least fifty percent of such building's eligible rooftop space and includes (a) a weatherproof and waterproof roofing membrane layer that complies with local construction and fire codes, (b) a root barrier layer, (c) an insulation layer that complies with the Energy Conservation Construction Code of New York state and local construction and fire codes, (d) a drainage layer that complies with local construction and fire codes and is designed so the drains can be inspected and cleaned, (e) a growth medium, including natural or simulated soil, with a depth of at least two inches, (f) if the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium, such as a non-woven fabric, pad or foam mat, unless the green roof is certified not to need regular irrigation to maintain live plants, and (g) a vegetation layer, at least eighty percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species"; and

Whereas, The current Green Roof Tax Abatement does not allow for vegetable growing, as it does not allow contain language classifying a green roof as one that is covered by live food producing plants; and

Whereas, In addition to stormwater management and air pollution control, green roofs can provide new opportunities for urban agriculture; and

Whereas, There are many benefits to growing and distributing food locally including support of the local economy; increased access to food; fresher produce; decreased travel time to market and related environmental costs; and control of soil, fertilizer and pesticides; and

Whereas, Amending section 499-aaa of the Real Property Tax Law to allow the Green Roof Tax Abatement to be extended to live food producing plants would allow for more green roof owners to take advantage of this Green Roof Tax Abatement as well provide owners with fresher locally grown produce; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing and Buildings, July 28, 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. 507** to be adopted.

Adopted unanimously 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 General Welfare and had been favorably reported for adoption.

Report for voice-vote Res. No. 962

Report of the Committee on General Welfare in favor of approving a Resolution authorizing the Council of the City of New York to intervene or file an amicus brief in *Chelsea Business & Property Owners' Association v. City of New York*, for the purpose of defending provisions of the New York City Administrative Code that limit the size of homeless shelters for adults to two hundred persons.

The Committee on General Welfare, to which the annexed resolution was referred on July 28, 2011, respectfully

REPORTS:

The Committee on General Welfare, chaired by Council Member Gale Brewer, will meet on Wednesday, July 27, 2011 to hear and vote on a Preconsidered Resolution authorizing the Council to intervene or file an amicus brief in *Chelsea Business & Property Owners' Association v. City of New York*, (Index No. 113194/10).

Background

In 1998, the New York City Council ("Council") enacted Local Law 57, which amended the Administrative Code by, among other things, creating population limits for shelters for adults.¹ Local Law 57 added section 21-312(b) of chapter 3 of title 21 of the Administrative Code, which prohibits adult shelters from operating with a census² of more than two hundred persons.³

In the instant case, captioned *Chelsea Business & Property Owners' Association v. City of New York*, (Index No. 113194/10), petitioner Chelsea Flatiron Coalition ("CFC") is a "group of citizens who reside or work and own property in the Chelsea and Flatiron neighborhoods of New York."⁴ On May 6, 2011, CFC filed an amended verified petition ("Petition") pursuant to Article 78 of the Civil Practice Law and Rules⁵ against the City of New York and other Municipal Respondents.⁶ The Petition challenges the proposed construction of a 328-bed, in-patient and out-patient drug, alcohol and mental health care facility and homeless shelter for the mentally ill at 127 West 25th Street in New York, New York.⁷ Among other arguments, the Petition asserts that neither the Department of Buildings (DOB), the Department of Homeless Services (DHS) nor the Board of Standards and Appeals (BSA) has enforced, or is willing to enforce, the statutory provision of the Administrative Code that limits homeless shelters to two hundred beds.⁸ On July 8, 2011, the Corporation Counsel of the City of New York filed a Verified Answer to the Petition⁹ and a Memorandum of Law in Opposition to the Petition ("Corporation Counsel Memo")¹⁰ on behalf of the Municipal Respondents. With respect to the proposed shelter's capacity, the Corporation Counsel Memo argues that (i)

Administrative Code § 21-312(b) is preempted by New York State regulations and (ii) in the alternative, the proposed 328-bed facility does not violate the Administrative Code.¹¹

Preconsidered Res. No. 962

The Preconsidered Resolution authorizes the Council of the City of New York to intervene or file an amicus brief in *Chelsea Business & Property Owners' Association v. City of New York*, for the purpose of defending provisions of the New York City Administrative Code which govern the census of newly constructed shelters for adults.

Accordingly, this Committee recommends its adoption.

¹The New York State Social Services Law defines "adult shelter" as "an adult care facility established and operated for the purpose of providing temporary residential care, room, board, supervision, information and referral, and where required by the department or otherwise deemed necessary by the operator, social rehabilitation services, for adults in need of temporary accommodations, supervision and services." N.Y. Soc. Serv. Law § 2; N.Y.C. Admin. Code § 21-312(b).

² Local Law 57 of 1998 defines "census" to mean "the actual number of persons receiving shelter at a shelter for adults." *Id.* at § 21-312(a)(1).

³ *Id.* at § 21-312(b).

⁴ *Municipal Respondents' Memorandum of Law in Opposition to the Petition 1* (July 8, 2011)(on file with General Welfare Committee).

⁵ *Petitioner's Amended Verified Petition* (May 6, 2011)(on file with General Welfare Committee).

⁶ Respondents include the City of New York; Board of Standards and Appeals of the City of New York; Seth Diamond, Commissioner for the Department of Homeless Services of the City of New York ("DHS"); George Nashak, Deputy Commissioner for Adult Services for DHS; Robert D. Limandri, Commissioner for the Department of Buildings of the City of New York ("DOB"); Fatma Amer, P.E., First Deputy Commissioner for DOB; James P. Colgate, R.A., Assistant Commissioner for Technical Affairs and Code Development for DOB; Bowery Residents' Committee, Inc.; 127 West 25th LLC; and Daniel Shavolian.

⁷ *Petitioner's Amended Verified Petition 9-20* (May 6, 2011)(on file with General Welfare Committee).

⁸ *Id.* at 97-105.

⁹ *Verified Answer to the Amended Petition* (July 8, 2011)(on file with General Welfare Committee).

¹⁰ *Municipal Respondents' Memorandum of Law in Opposition to the Petition* (July 8, 2011, on file with General Welfare Committee).

¹¹ *Id.* at 24-29.

(For text of the resolution, please see Res No. 962 printed in the Introduction and Reading of Bills section of these Minutes)

ANNABEL PALMA, Chairperson; GALE A. BREWER, YDANIS RODRIGUEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, RUBEN WILLS, Committee on General Welfare, July 27, 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. 962** to be adopted.

Adopted unanimously by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Int. No. 634

By Council Members Brewer, Dickens, Dromm, Fidler, Foster, James, Koslowitz, Lander, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice to the city council of challenges to local laws.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-111 to read as follows:

§7-111. *Notice to the city council of challenges to local laws.*

a. The corporation counsel shall notify the speaker of the city council whenever a lawsuit is filed by or against the city in which the validity of a local law is at issue, including but not limited to, claims that such law is unconstitutional, preempted by state or federal law, or in violation of paragraph f of subdivision two of section

twenty-three of the municipal home rule law or subdivision five of section thirty-eight of the charter. Such notification shall be provided to the speaker in writing no later than three business days from the date the lawsuit is filed by the city or the date of service upon the city.

b. The corporation counsel shall notify the speaker of the city council whenever the law department, acting on behalf of the city in a judicial proceeding, either contests affirmatively or refrains from defending the validity of a local law, including but not limited to, by asserting that such law is unconstitutional, preempted by state or federal law, or in violation of paragraph f of subdivision two of section twenty-three of the municipal home rule law or subdivision five of section thirty-eight of the charter. Such notification shall be provided to the speaker in writing no later than three business days from the date the law department files any papers in which it contests affirmatively or refrains from defending the validity of a local law at issue in a judicial proceeding.

c. The corporation counsel shall notify the speaker of the city council whenever the law department is notified pursuant to paragraph two of subdivision b of section one-thousand and twelve of the civil practice law and rules that the constitutionality of a local law is involved in an action to which the city is not a party. Such notification shall be provided to the speaker in writing no later than three business days from the date the law department is notified pursuant to paragraph two of subdivision b of section one-thousand and twelve of the civil practice law and rules.

d. Beginning no later than October 1, 2011, and no later than the first day of the month following each calendar quarter thereafter, the corporation counsel shall submit to the speaker of the city council a report regarding active cases in which the validity of a local law is at issue. Such report shall include the following information for all such cases to which the city is a party or of which the city has been notified pursuant to paragraph two of subdivision b of section one-thousand and twelve of the civil practice law and rules: (i) the case index number and caption; (ii) the local law at issue and the nature of the claim(s); (iii) whether the city is a plaintiff, defendant, third-party intervenor, or non-party; (iv) the name and contact information of the primary assistant corporation counsel assigned to the case; (v) the status of the case; and (vi) for cases to which the city is a party, a description of any papers filed since the last quarterly report.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 635

By Council Members Crowley, Fidler, Gentile, James, Koppell, Koslowitz, Mealy, Rose, Rivera, Vallone, Gonzalez, Nelson and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring community board notification prior to the establishment of a commuter van route and online publication of such routes.

Be it enacted by the Council as follows:

Section 1. Paragraph (2) of subdivision f of section 19-504.2 of the administrative code of the city of New York is amended to read as follows:

(2) Any determination by the commission to approve an application for authorization to operate a commuter van service pursuant to this section shall be in writing and shall be submitted to the council *and the affected community boards* within five days of such determination being made. Within twenty days of such submission the council may adopt a resolution by majority vote of all council members to review that determination.

§2. Subdivision f of section 19-504.2 of the administrative code of the city of New York is amended by adding a new paragraph (4) to read as follows:

(4) *The affected community boards shall have ten days from receipt of such plan to forward comments, if any, to the department regarding such plan.*

§3. Section 19-504.2 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

l. Upon issuing an authorization to operate a commuter van service, the commission shall post on its website the geographic area which will be served by the applicant and the maximum number of vehicles to be operated by the applicant.

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

Referred to the Committee on Transportation.

Int. No. 636

By Council Members Crowley, Ferreras, James, Koppell, Mealy, Rose, Lander, Greenfield, Rivera, Vallone, Fidler, Gonzalez and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to meet certain standards for fire hydrant repairs.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that there is a need for stronger enforcement of the tracking and timely repair of inoperable fire hydrants in New York City. The Department of Environmental Protection is responsible for the maintenance and repair of New York City's 109,217 fire hydrants. In FY 09, the Department received complaints regarding 15% of all city hydrants. An audit of the Department's fire hydrant repair efforts and the results indicated a need for improvement. The audit found that it took an average of eighteen days for repairs. Further, it found that the agency has no existing written time standards for all hydrant repairs, only an internal goal of repairing high-priority hydrants within ten days. Finally, the agency had an ineffective method for tracking pending requests. Efficiently tracking the progress of pending requests is crucial to identifying which requests have been open for a prolonged period of time, determine why the requests remained open, and then to take the necessary actions to resolve them.

The lack of timely response to high-priority hydrant repairs subjects City residents to a hazardous environment should a fire occur while the hydrant is in disrepair. Thus the Council finds that it is in the best interests of the City to set time standards for the repair of fire hydrants and set up a system for tracking and reporting the efficiency of such repairs.

§ 2. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding new section 24-308.1 to read as follows:

§24-308.1 Fire hydrant repair time standards and tracking. a. For purposes of this section the following terms shall have the following meanings:

1. "High-priority" shall mean hydrants located near hospitals, schools, or senior-citizen housing or that are the only operative hydrant on a block and such other categories of hydrants as the department shall determine..

2. "Performance indicators" shall mean both qualitative and quantitative measurements of success of the department's high-priority hydrant repair activity.

b. Time standards for fire hydrant repair. The department shall repair an inoperable hydrant within ten calendar days of receipt of a report that it is inoperable except that an inoperable high-priority hydrant shall be repaired within seven calendar days of receipt of a report that it is inoperable.

c. The department shall establish a method for tracking the reporting of inoperable fire hydrants and documenting the time that it takes to make the repair. The information tracked should include the complaint number, the location of the inoperable fire hydrant if it has not been repaired and the reason for the lack of repair. This information should be accessible to the public upon request and posted on the department website in real time when possible. Required information shall also include the number of hydrants not repaired, the reasons why the repair has not been made, and a plan of action for completing the repair.

d. The department shall develop performance indicators that track its timeliness in resolving repair requests for hydrants that it has designated as high-priority, including the percentage of high-priority hydrant repairs that occurred within the seven calendar day repair standard and the number of days between the receipt of the complaint and when the high-priority repair took place.

e. The department shall conduct annual internal audits of not less than ten percent of the inspections and repairs undertaken and completed in response to reports that a hydrant is inoperable in order to ensure that the department is achieving its goals of repairing hydrants within ten calendar days and repairing high-priority hydrants within seven calendar days.

f. On or before February 1, 2012, and on or before each February 1 thereafter, the department shall report on its performance to the mayor and the speaker of the council, which report shall include, but not be limited to, (i) the total number of fire hydrant repair requests for high-priority hydrants (ii) the location of each fire hydrant for which a repair request was made and whether it is a high-priority hydrant (iii) the number of repairs completed within the required time standards (iv) the status of any incomplete repair requests and for each incomplete repair whether it is a high-priority fire hydrant (v) a list of all requests for hydrant repairs that required more than ten days to complete and whether each hydrant is a high-priority hydrant (v) the status of any incomplete repair requests and for each incomplete repair whether it is a high-priority fire hydrant and (vi) the results of any internal audits completed for the preceding calendar year.

§3. This local law shall take effect ninety days after its enactment; provided, however, that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection

Res. No. 952

Resolution calling upon the New York State Legislature to pass and the Governor to sign the Companion Animal Access and Rescue Act, A.7321B/S.5363B, legislation that would establish standards for the care of

abandoned, stray, or seized animals and requires the release of a shelter animal to a rescue group prior to euthanasia.

By Council Members Dromm, Brewer, Gentile, James, Koppell, Koslowitz, Recchia, Rose, Williams, Nelson and Ulrich.

Whereas, In New York City, the Center for Animal Care and Control reported that 35,588 cats and dogs came into the New York City shelter system in 2010, and 22,246 were adopted; and

Whereas, Over the same period, 9,373 cats and dogs were euthanized; and

Whereas, While the euthanasia rates have dropped by approximately two-thirds since 2003, the rate of euthanasia in New York City remains unacceptably high; and

Whereas, Assembly Member Micah Kellner (D-Manhattan) and Senator Joseph Robach (R-Rochester) introduced the Companion Animal Access and Rescue Act (CAARA); and

Whereas, CAARA provides that before an animal is euthanized, the facility in possession of the animal shall notify an animal rescue or adoption organization about the impending termination; and

Whereas, An approved animal rescue or adoption organization would be allowed to adopt animals under CAARA; and

Whereas, This legislation also establishes a minimum standard of care for abandoned, stray, or seized animals including the provision of daily fresh food and water, environmental enrichment that promotes the animals' psychological well-being, daily exercise, a clean living environment, and prompt veterinary care; and

Whereas, This bill requires that whenever an organization takes possession of an animal, the organization check the animal for methods of identification, maintain and monitor reports of lost animals on a daily basis, post descriptions of each stray animal on the Internet, and when an animal's owner is identified, take reasonable efforts to notify the owner of the animal's location; and

Whereas, This legislation extends the amount of time that a facility must hold an animal before euthanasia and mandates the reporting of information including the number of animals impounded, adopted, and transferred to other agencies; and

Whereas, CAARA contains similar provisions to legislation passed in California in 1998 and in Delaware in 2010; and

Whereas, By enacting this legislation, New York State would save the lives of countless animals and reduce the cost to taxpayers; 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 the Companion Animal Access and Rescue Act, A.7321B/S.5363B, legislation that would establish standards for the care of abandoned, stray, or seized animals and requires the release of a shelter animal to a rescue group prior to euthanasia.

Referred to the Committee on Health.

Res. No. 953

Resolution calling upon the United States Senate to ratify the Convention on the Rights of Persons with Disabilities and for the United States Senate to approve and President Barack Obama to sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

By Council Members Dromm, Brewer, James, Koppell, Koslowitz, Lander, Rose and Williams.

Whereas, The Convention on the Rights of Persons with Disabilities (the Convention) is an international human rights treaty created to reaffirm that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms; and

Whereas, In 2004, a large group of representatives from governments and civil society organizations met in New York City to draft a new United Nations convention on the rights of disabled people; and

Whereas, New York City is home to many individuals and organizations that advocate both nationally and internationally for the rights of the disabled; and

Whereas, As New York City has long been at the forefront of advocating for the rights of persons with disabilities, it is particularly fitting that the Council of the City of New York demonstrates its strong support for the Convention on the Rights of Persons with Disabilities and the Optional Protocol; and

Whereas, The Convention clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations are necessary for persons with disabilities to exercise their rights more effectively, where disabled persons' rights have been violated, and where protection of their rights must be reinforced; and

Whereas, Ratification of the Convention by the United States would protect persons, including those who live in New York City, against discrimination and provide strong support for fundamental human rights for all New Yorkers regardless of ability; and

Whereas, Ratification of the Convention would require the United States to submit reports to the Convention's monitoring body, the Committee on the Rights of Persons with Disabilities, and to respond to questions about the progress of the protection of the rights of such persons throughout the United States, including within the City of New York; and

Whereas, The City of New York is constantly looking for ways to improve the lives of its disabled residents and to ensure an environment that promotes their best interests; and

Whereas, Upon ratification of the Convention, community-based organizations and other entities in New York City would be able to participate in the proceedings of the Committee and compel the U.S. government to implement the Committee's recommendations; and

Whereas, The United Nations General Assembly adopted the Convention in 2006, and the Convention went into force in 2008; and

Whereas, President Obama signed the Convention in July 2009; and

Whereas, 99 countries have ratified the Convention, and 61 countries have ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities, which provides a complaint mechanism for violations of the Convention after the exhaustion of all applicable national remedies and procedures; now, therefore, be it

Resolved, That the New York City Council calls upon the United States Senate to ratify the Convention on the Rights of Persons with Disabilities and for the United States Senate to approve and President Barack Obama to sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Referred to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services.

Res. No. 954

Resolution calling on the United States Congress and the United States Department of Defense to amend the current policy and allow women to serve in active combat positions in all branches of the United States military.

By Council Members Dromm, Brewer, Chin, Ferreras, James and Lander.

Whereas, There are currently 213,823 active-duty servicewomen in the United States Armed Forces; and

Whereas, According to the Department of Defense's Direct Ground Combat Assignment Policy, "military women can be assigned to all positions for which they are qualified, except that women shall be excluded from assignments to units below the brigade level whose primary mission is to engage in direct combat on the ground;" and

Whereas, In 2008, through a provision in the National Defense Authorization Act for Fiscal Year 2009, Congress established the Military Leadership Diversity Commission ("Commission"), whose goals were to evaluate and assess "policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces" and to submit a report to Congress and the President that would include recommendations for improving diversity within the military; and

Whereas, In January 2011, the Commission recommended that the policy banning women from serving in combat positions in the military be lifted; and

Whereas, In many ways, the policy is already ignored since the demand for combat troops in Afghanistan and Iraq has compelled military personnel to circumvent this policy through a loophole allowing women to serve in combat positions if attached, rather than assigned, to a combat unit; and

Whereas, Female soldiers make up approximately 11 percent of the troops currently deployed in Afghanistan and Iraq; and

Whereas, In light of the important role that combat experience plays in promotion within the military, denying combat roles to female military personnel puts them at an unfair disadvantage for career advancement; and

Whereas, Despite accounting for over 14 percent of the total active force, women only account for about six percent of senior military personnel; and

Whereas, Exclusion from combat also had a disparate impact on female veterans who, until July 2010, had difficulty accessing treatment for post-traumatic stress disorder from the United States Department of Veterans Affairs without a combat decoration; and

Whereas, According to a March 2011 Washington Post-ABC News poll, nearly three-quarters of Americans support allowing women to serve in combat units in the United States military; and

Whereas, It is a gross injustice to expect women to put themselves in harm's way while our government still denies them full equality in the military; and

Whereas, Asking women to put themselves in harm's way while still denying them full equality in the military presents a gross injustice; and

Whereas, Lifting a ban on women serving in combat positions in the military requires congressional action; and

Whereas, To date, there is no pending legislation that would, if passed, shatter this glass ceiling in the military; and

Whereas, In the interest of producing the most talented, capable and representative military force possible, it is imperative that women be given the opportunity to serve in combat positions in the Armed Forces; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress and the United States Department of Defense to amend current policy and allow women to serve in active combat positions in all branches of the United States military.

Referred to the Committee on Veterans.

Res. No. 955

Resolution urging the United States Department of Homeland Security to end the practice of detaining youth under eighteen years of age.

By Council Members Dromm, Brewer, Chin, Foster, James, Rose and Williams.

Whereas, According to the Department of Homeland Security (DHS), there are approximately 1.2 million undocumented immigrant youth in the United States;

Whereas, New York State is home to approximately 400,000 undocumented youth, making it the fourth largest such population in the nation; and

Whereas, DHS's Customs and Border Protection agents and Immigration and Customs Enforcement agents collectively apprehend approximately 80,000 immigrant youth annually; and

Whereas, Many of these immigrant youth accompany their families to the United States to escape poverty and persecution in their home countries; and

Whereas, The number of detained youth also includes undocumented and unaccompanied youth who escaped abuse, neglect, and persecution in their home countries, or who may have been forced to travel to the United States by their families; and

Whereas, Many of these undocumented youth may have paths to United States citizenship through asylum, Special Immigrant Juvenile Status, or other immigration benefits; and

Whereas, Immigrant youth are often found in detention for the following reasons: (i) apprehension at the border by Customs and Border Protection; (ii) interaction with the criminal justice system through the problematic cooperation of state and local law enforcement agencies with Immigration and Customs Enforcement; or (iii) failure to leave the United States once they or their families are ordered deported or removed; and

Whereas, The current state of many immigration detention facilities fails to meet the standard of care required by the *Flores* settlement agreement, which **Resolved** the *Reno v. Flores* case, concerning the physical, mental health, and education needs of youth in detention; and

Whereas, For example, the Congressional Research Service accused DHS of deliberate misclassifications of undocumented immigrant youth, inaccurate age determination techniques, and the use of unsafe deportation practices; and

Whereas, Detaining immigrant youth has a deleterious impact on the health and well-being of this vulnerable population with no discernible benefit to society at large; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Department of Homeland Security to end the practice of detaining youth under eighteen years of age.

Referred to the Committee on Immigration.

Int. No. 637

By Council Members Foster, Chin, Ferreras, James, Rose, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a division of youth employment services within the department of youth and community development.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-403 to read as follows:

§ 21-403 Division of youth employment services There shall be a division within the department focused on providing employment opportunities for youth within the public and private sectors. This division shall also develop summer and year round jobs by initiating partnerships with the private sector, including the for-profit and the non-profit sectors.

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

Referred to the Committee on Youth Services.

Int. No. 638

By Council Members Garodnick, Brewer, Dromm, Ferreras, Foster, James, Koppell, Koslowitz, Lander and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to permit fees for farmers markets in low-income neighborhoods.

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 18-141 to read as follows:

§18-141 Permit fees for farmers markets. A farmers market that participates in the New York state farmers market nutrition program, as administered by the New York state department of agriculture and markets, and is located in or adjacent to a community development block grant eligible neighborhood, as defined by the United States department of housing and urban development, shall not be charged a daily permit fee for each day that such farmers market is in operation.

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

Referred to the Committee on Parks and Recreation.

Int. No. 639

By Council Members Gentile, Vallone, Chin, Fidler, James, Williams, Nelson, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York in relation to requiring the police department of the city of New York to submit certain information to the City Council and to adhere to certain reporting requirements relating to auxiliary police officers and the auxiliary police program.

Be it enacted by the Council as follows:

Section 1. Paragraphs (1) and (3) of subdivision (a) of section 14-150 of the administrative code of the city of New York are amended, and a new paragraph (9) is added, to read as follows:

§ 14-150. Police Department Reporting Requirements.

a. The New York City Police Department shall submit to the city council on a quarterly basis the following materials, data and reports:

1. All academy, in-service, roll-call and other specialized department training materials and amendments thereto distributed to cadets, recruits, officers, *auxiliary police officers* and other employees of the department, except where disclosure of such material would reveal non-routine investigative techniques or confidential information or where disclosure could compromise the safety of the public or police officers or could otherwise compromise law enforcement investigations or operations.

2. All patrol guide procedures newly promulgated or revised.

3. A report detailing the number of uniformed personnel, *auxiliary police officers* and civilian personnel assigned to each and every patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include, for each school operated by the department of education to which school safety agents are assigned, the number of school safety agents, averaged for the quarter, assigned to each of those schools.

9. *A report detailing how many auxiliary police officers have been issued personal equipment for the reporting period and to date, including, but not limited to batons, radios, uniforms, bullet proof vests and other protective gear; the number of vehicles assigned to the auxiliary police program for the reporting period and to date, disaggregated by type; the number of auxiliary police officers that received training during the reporting period, including the nature and length of the training.*

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

Referred to the Committee on Public Safety.

Int. No. 640

By Council Members Gentile, Gennaro, Koslowitz, Chin, Dromm, Fidler, James, Rose and Williams.

A Local Law to amend the New York City charter, in relation to identifying businesses that are environmentally friendly.

Be it enacted by the Council as follows:

Section 1. Findings and Intent. Environmentally conscious consumers are increasingly seeking out businesses and products that are "environmentally friendly" or "green." While a consumers' desire to support such businesses is laudable, in many instances a consumer has very little information with which to determine whether a businesses can reasonably be considered environmentally friendly. In many cases, a business can claim to be "green" or "environmentally friendly," yet there currently exists no official government sanctioned system of identification for businesses that have a relatively small or negligible adverse impact on the environment. Accordingly, the Council finds that is in the consumers' best interest to be aware of which businesses can reasonably be considered to be environmentally friendly and to create a voluntary system in which businesses may apply to gain an identification from city government as an environmentally friendly business that they may display in public.

§2. Subdivision one of section 1301 of the New York city charter is amended by amending paragraphs q and r and by adding a new paragraph s to read as follows:

q. to cooperate with and assist any corporation, organization, agency or instrumentality, whether public or private, the objects of which include, or which is authorized to act for, the advancement of the business and industrial prosperity and economic welfare of the city, or the furnishing of assistance in the location of new business and industry therein, or the rehabilitation or expansion of existing business and industry therein, or the creation of job opportunities or additional employment therein, so as to provide support for any action, efforts or activities for the accomplishment of any such purposes in the city on the part of any such corporation, organization, agency or instrumentality; [and]

r. to issue permits for the taking of motion pictures, and for the taking of photographs and for the use or operation of television cameras and/or any other transmitting television equipment in or about city property, or in or about any street, park, marginal street, pier, wharf, dock, bridge or tunnel within the jurisdiction of any city department or agency or involving the use of any city owned or maintained facilities or equipment[.]; and

s. *to encourage businesses in the city to be more environmentally friendly, through the promotion, coordination and implementation of a program in which a business may seek to obtain a designation from the city, and to prepare a list, to be posted on the city's website, that identifies such business as environmentally friendly, as determined by the appropriate city agency or agencies. As part of this program, the commissioner shall coordinate with the department of environmental protection, the department of consumer affairs, and any other city agency or agencies that regulate businesses, to create a list of categories of businesses where reasonable distinctions can be made between environmentally friendly businesses and non-environmentally friendly businesses, along with a set of criteria for each category, so that a business within a given category may apply for a designation from the department of small business services which shall, in consultation with the appropriate city agency or agencies, determine whether the business satisfies the criteria for being designated environmentally friendly.*

§3. This local law shall take effect one hundred and eighty days after its enactment into law.

Referred to the Committee on Small Business.

Int. No. 641

By Council Members Lander, Brewer, Dromm, James, Mealy and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a permit prior to installing a non-structural non-permeable surface on property.

Be it enacted by the Council as follows:

Section 1. Article one hundred eight of chapter one of title twenty eight of the administrative code of the city of New York is amended by adding a new section 28-108.4 to read as follows:

§28-108.4 Requirement of permit prior to installing a non-structural non-permeable surface on the outdoor ground area of property. a. For purposes of this section, "permeable surface" shall be as defined in section 24-526.1 of this code.

b. No non-permeable surface shall be installed on the outdoor ground area of a property without a permit being obtained from the department prior to installing such surface. The department shall promulgate rules as to the standards for such permit.

c. This section shall be superceded by any other section of this code when this section is in conflict with such other section.

§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.

Res. No. 956

Resolution calling upon Congress to pass and the President to sign The Humphrey-Hawkins 21st Century Full Employment and Training Act, H.R. 870.

By Council Members Lander, Brewer, Chin, Dromm, James, Rose and Williams.

Whereas, Millions of people in the United States are unemployed in good times as well as bad, and many more work without living wages, comprehensive health insurance and retirement benefits; and

Whereas, The official unemployment rate leaves out the "hidden unemployed" - who want full-time work but are forced to work part-time or who want a job but are not currently looking for reasons such as lack of child care or transportation; and

Whereas, In May 2011, an estimated 13.9 million workers were officially unemployed (9.1%), an additional 11.3 million were among the "hidden unemployed," bringing the actual jobless rate to roughly 16.5%; and

Whereas, The Full-Employment and Balanced Growth Act was signed into law by President Carter in 1978, thus becoming the nation's first attempt at establishing an official Federal full-employment policy; and

Whereas, The original intent of the legislation's sponsors, Senator Hubert Humphrey and Representative Augustus Hawkins, was to create a full-employment society brought about by direct hiring policies that would obligate the government to create jobs if the private sector was unable to create a fully employed society through gradual economic growth after ten years; and

Whereas, This legislation was supported by both civil rights and labor organizations who viewed the bill as a way to address the economic hardships being felt by low-income Americans; and

Whereas, The intent of the Act's sponsors was weakened when the bill reached the United States Senate prior to it being signed into law; and

Whereas, Congressman John Conyers, Jr. has introduced legislation that is tailored to fit the current state of the nation's economy and seeks to embody the spirit of the original Humphrey-Hawkins legislation; and

Whereas, H.R. 870 known as the Humphrey-Hawkins 21st Century Full Employment and Training Act seeks to establish a National Full Employment Trust Fund to create employment opportunities; and

Whereas, This trust fund would have two separate accounts directing the allocation of monies towards job creation and training programs; and

Whereas, The first trust fund account would direct funds to a jobs program, allocating funds based on a Community Development Block Grant formula that considers unemployment data, with the purpose of creating employment opportunities in activities designed to address community needs for eligible individuals who either are unemployed for at least twenty-six (26) weeks or unemployed for at least thirty (30) days and low-income; and

Whereas, The second trust fund account would distribute funds to job training programs covered under the Workforce Investment Act; and

Whereas, Although New York City's economy has improved at a faster rate than both the state and the nation, state and federal budget cuts along with a slowly recovering national economy could keep the City's level of unemployment high for some time; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass and the President to sign The Humphrey-Hawkins 21st Century Full Employment and Training Act, H.R. 870.

Referred to the Committee on Community Development.

Res. No. 957

Resolution to amend the text of the New York City Zoning Resolution to create Industrial Employment Districts.

By Council Members Lander, Reyna, Chin, Dromm, James, Koslowitz, Recchia and Nelson.

Whereas, Section 201 of the New York City Charter allows, *inter alia*, the Land Use Committee of the City Council to file an application for changes to the Zoning Resolution if two-thirds of the members of the Committee shall have voted to do so; and

Whereas, The Council is desirous of creating a new zoning district that is designed to protect existing and encourage new manufacturing uses in certain parts of the city; and

Whereas, An application for a change to the text of the Zoning Resolution made by the City Council Land Use Committee will be considered and reviewed in the manner set forth in Section 200 of the Charter and will undergo such environmental review as is required by law; now, therefore, be it

RESOLVED that the Land Use Committee hereby approves the filing of an application to amend the Zoning Resolution of the City of New York in the manner set forth below:

Underlined matter is new, to be added

Matter in ~~Strikeout~~ is old, to be deleted

Matter within # # is defined in Section 12-10

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

* * *

Article XII

Chapter 4

Special Industrial Employment District

129-00 GENERAL PURPOSES

The Special Industrial Employment District regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare, and contribute to a well-considered plan. These general goals include, among others, the following specific purposes:

(a) To provide sufficient space, in locations where nearby redevelopment has the potential to create obstacles to the viability and growth of existing industrial employment clusters, to meet the city's present and future needs with regard to manufacturing and industrial activities;

(b) To provide, to the maximum extent practicable, that space will be available for continued use as manufacturing or industrial space in those areas designated by city and/or state agencies as priority locations for such uses;

(c) To retain adequate wage- and job-producing industries in areas in close proximity to new commercial and residential development;

(d) To provide a reasonable level of certainty to property owners, developers and areas residents in regard to what uses are permitted;

(e) To help attract significant clusters of manufacturing, industrial, warehousing, wholesaling and distribution activities that will complement and enhance presently existing areas; and

(f) To promote the stability of the city's manufacturing and industrial sector and to maintain as diverse its economic

base by promoting certain areas as especially appropriate for manufacturing and industrial purposes thus conserving the value of land and protecting the city's tax revenue.

129-01

DEFINITIONS

An Industrial Employment District ("IED") is a Special Purpose District designated by the letters IED in which special regulations as set forth in Article XII, Chapter 4 shall apply to all developments, enlargements, extensions, alterations and changes of use. The IED appears on zoning maps superimposed on other districts and its regulations supplement those of the districts on which they are superimposed. For purposes of application, the metes and bounds of IED's will be coterminous with the defined boundaries of the Industrial Business Zones and Maps promulgated by the Mayor's Office of Industrial and Manufacturing Businesses and ratified by the Industrial Business Zone Boundary Commission on April 6, 2006, under the authority granted by Section 22-625 of the Administrative Code.

Industrial Employment Districts are confined to #Manufacturing Districts#.

129-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the Industrial Employment District and in accordance with the provisions of this Chapter, certain specified use, loading and accessory parking regulations of the districts on which the Industrial Employment District has been superimposed are rendered inapplicable and are superseded by the use, loading and accessory parking regulations as set forth in this Chapter.

In addition to meeting the use, bulk, loading and accessory parking regulations as set forth in this Chapter, each development, enlargement, extension, alteration or change of use shall conform to and comply with all of the applicable #Manufacturing District# regulations of this Resolution, including performance standards, except as otherwise specifically provided in this Chapter.

129-03

Special Use Regulations

In Industrial Employment Districts, all uses permitted by the underlying #Manufacturing District# as set forth in any other provision of this Resolution, shall be permitted, except as superseded, modified or supplemented by this Chapter.

All uses shall be permitted in the Industrial Employment Districts in accordance with applicable district use regulations and performance standards, subject to the following modifications:

Modifications to Use Group 4

In Use Group 4, the following uses are permitted only by Special Permit of the City Planning Commission:

Cemeteries

Outdoor tennis courts or ice skating rinks

Golf courses

Public parks, playgrounds or private parks

Modifications to Use Group 5

In Use Group 5, all uses are permitted only by Special Permit of the City Planning Commission.

Modifications to Use Groups 6 through 14

In Use Groups 6 through 14 the following uses are permitted only by Special Permit of the City Planning Commission:

Any retail use in Use Group 6A that occupies floor area greater than 10,000 square feet

Any office use in Use Group 6B uses that occupies floor area greater than of 6,000 square feet

All Use Group 6C uses except frozen food lockers, jewelry or art metal craft shops, docks for ferries or water taxis, locksmiths, automobile supply stores and eating and drinking establishments that occupy less than 2,000 square feet

Motels, tourist cabins or boatels

All Use Group 8 uses except lumber stores

Wedding chapels, art studios

All Use Group 10A uses except television or radio studios, docks for ferries

All Use Group 12A uses

Commercial art galleries, bookstores and antique stores

All Use Group 13A uses

Banquet halls

Non-commercial clubs

Modification to Use Group 18

Sewage disposal plants

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

129-04

Off-street parking regulations

General Purposes

The following regulations on permitted and required accessory off-street parking are adopted in order to provide sufficient parking off-street for the increasing number of people driving to work, to relieve congestion on surrounding streets, to prevent all-day parking in residential areas and to promote better and more efficient access to and from manufacturing and industrial areas.

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to manufacturing, commercial or community facility uses, as set forth herein.

In an Industrial Employment District, no accessory group parking facility shall contain more than 150 off-street parking spaces. In an

Industrial Employment District, the Board of Standards and Appeals may not permit accessory group parking facilities in excess of

150 spaces.

* * *

Section 74-97

Special Permits for uses not allowed as-of-right in Industrial Employment Districts

In Industrial Employment Districts located within M1, M2, or M3 Districts, the City Planning Commission may permit those uses set forth in Article XII, Chapter 4, Section 124-03 provided the following findings are made:

(a) that such use will not adversely affect the stability of the surrounding area's manufacturing or industrial uses; and

(b) that adequate consideration has been given to the selection of a site in a district where such use is permitted as-of-right and

that no such site has been deemed feasible; and

(c) that such use will not draw vehicular traffic into such district in a volume that would disrupt permitted uses within the district.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of permitting such use.

Referred to the Committee on Land Use.

Res. No. 958

Resolution urging the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

By Council Members Lappin, Brewer, Chin, Dromm, Gentile, Koslowitz, Lander, Williams, Koo and Ulrich.

Whereas, New York City's five boroughs are home to approximately 225,370 veterans, 204,800 of which are male (91%) and 20,460 female (9%); and

Whereas, The veteran population in New York City spans the generations with the number of veterans between the age of 45 and 64 at approximately 89,590 (40%), and the number of veterans between the age of 17 and 44 at approximately 80,800 (36%); and

Whereas, The New York City veteran population is expected to grow with the pending military decrease of troops in Iraq and Afghanistan; and

Whereas, The Department of Veterans Affairs (VA) estimates that about 11-20% of veterans of the Iraq and Afghanistan wars (Operations Iraqi and Enduring Freedom), about 10% of Gulf War (Desert Storm) veterans, and about 30% of Vietnam veterans suffer from Post-Traumatic Stress Disorder (PTSD); and

Whereas, Studies have shown a strong link between military sexual trauma (MST) and PTSD; and

Whereas, The Department of Veterans Affairs' National Center for Post-Traumatic Stress Disorder examined veterans who received VA services after returning home from Iraq and Afghanistan and found that of the 125,729 veterans who received VA primary care or mental health services, 15.1% of the women and 0.7% of the men reported MST when screened; and

Whereas, The Pentagon has estimated that only 10% of all military sexual assaults are reported; and

Whereas, The Department of Defense identified 3,158 official reports of sexual assault in the military in 2010; and

Whereas, Prior to June 2010, in order to receive service-connected benefits and care from the VA for PTSD, veterans were required to show a diagnosis by providing proof of time in a combat area and that a traumatic event happened during their time; and

Whereas, Many veterans faced significant burdens in locating nonexistent documentation of traumatic events resulting in denial of health care; and

Whereas, In June 2010, Congress passed a law reducing the burden of proof so that a veteran need only provide a medical opinion that the claimed stressor is consistent with the circumstances of the veteran's service; and

Whereas, Some members of Congress assert that the changes in 2010 did not apply to veterans who filed mental health claims based on sexual assault or harassment; and

Whereas, H.R. 930 would grant MST victims an opportunity for disability compensation by reducing the burden of proof to allow a diagnosis by a mental health professional of a mental health condition, defined as post-traumatic stress disorder, anxiety, depression, or other mental health conditions as determined by the Secretary of Veterans Affairs, together with written testimony by the veteran of such trauma alleged to have been incurred during the veteran's service and a written determination by the professional that such mental health condition is related; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

Referred to the Committee on Veterans.

Int. No. 642

By Council Members Nelson, James, Mealy, Recchia, Dickens, Sanders Jr., Jackson, Dromm and Ulrich.

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

Be it enacted by the Council as follows:

Section 1. Section 16-119 of chapter one of title 16 of the administrative code of the city of New York is amended to read as follows:

§16-119 Dumping prohibited. a. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned *except that a person, agent or employee acting on behalf of a business engaged in landscaping shall be permitted to deposit landscape material such as compost, dirt, sand, gravel, clay, loam, stone or rocks, for purposes of conducting such business, onto the property on which such business is performing work or where such business is located.*

§2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 643

By Council Members Recchia and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing the taxi and limousine commission to collect the commercial motor vehicle tax imposed on medallion taxicabs and on certain other motor vehicles for the transportation of passengers.

Be it enacted by the Council as follows:

Section 1. Subdivision fifteen of section 11-801 of the administrative code of the city of New York, as added by local law number 60 for the year 1989, is amended to read as follows:

15. "Medallion taxicab." A motor vehicle for transportation of passengers which is duly licensed as a taxicab by the taxi and limousine commission [of the city] and permitted to accept hails from passengers in the street.

§2. Section 11-801 of the administrative code of the city of New York is amended by adding a new subdivision 18 to read as follows:

18. "Taxi and limousine commission." *The New York city taxi and limousine commission.*

§3. Chapter eight of title eleven of the administrative code of the city of New York is amended by adding a new section 11-809.2 to read as follows:

§11-809.2 *Collection of tax by the taxi and limousine commission on behalf of the commissioner of finance.*

a. *Notwithstanding any provision of this chapter to the contrary, the tax imposed by this chapter on any medallion taxicab or other licensed vehicle, as defined in this subdivision, shall be collected by the taxi and limousine commission on behalf of the commissioner of finance. Except as otherwise provided by subdivision m of this section, the owner of each such medallion taxicab or other licensed vehicle shall pay the tax due thereon to the taxi and limousine commission on or before the date upon which such owner licenses or renews the license of such medallion taxicab or other licensed vehicle or is required to license or renew the license thereof pursuant to chapter five of title nineteen of the code. For purposes of this section, the term "other licensed vehicle" shall mean a motor vehicle for the transportation of passengers the tax on which is not collected by the commissioner of motor vehicles pursuant to section 11-809.1 of this chapter and which is licensed or required to be licensed by the taxi and limousine commission pursuant to any provision of chapter five of title nineteen of the code.*

b. *Notwithstanding any provision of chapter five of title nineteen of the code to the contrary, payment of the tax with respect to a medallion taxicab or other licensed vehicle shall be a condition precedent to the licensing or license renewal of such medallion taxicab or other licensed vehicle with the taxi and limousine commission, and no such license or renewal thereof shall be issued unless such tax has been paid. Except as provided in subdivisions f and m of this section, if the license period applicable to any such medallion taxicab or other licensed vehicle is a period of more than one year, the tax required to be paid pursuant to this section shall be the annual tax specified in section 11-802 of this chapter multiplied by the number of years in the license period. The taxi and limousine commission, upon payment of the tax pursuant to this section or upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each other taxpayer or exempt person a statement, document or other form prescribed by the taxi and limousine commission, showing that such tax has been paid or is not due with respect to such medallion taxicab or other licensed vehicle.*

c. *For purposes of this section, the term "tax period" shall mean the license period applicable to the medallion taxicab or other licensed vehicle under chapter five of title nineteen of the code and, in the case of a license period of other than one year, shall mean the number of twelve-month periods and any period of less than twelve months within such license period. The term "tax period" shall also include any periods described in paragraph one and in subparagraphs (A) and (B) of paragraph two of subdivision m of this section.*

d. *Except as provided in subdivision m of this section, where the tax imposed by this chapter has been paid to the commissioner of finance with respect to a motor vehicle for a tax year described in subdivision fourteen of section 11-801 of this chapter, and subsequent thereto but within such tax year the same taxpayer pays a tax to the taxi and limousine commission with respect to such motor vehicle pursuant to this section, such taxpayer shall be entitled to a refund or credit from the commissioner of finance for the portion of the tax paid to the commissioner of finance that is attributable to the period beginning on the first day of the first tax period for which the tax is paid to the taxi and limousine commission and ending on the following May thirty-first, provided, however, that no such refund or credit shall be allowed if the amount thereof is less than five dollars. Any refund or credit to which a taxpayer is entitled pursuant to this subdivision shall be promptly refunded or credited, without interest, by the commissioner of finance, and the commissioner*

of finance may promulgate such rules as he or she deems necessary to carry out the provisions of this subdivision.

e. *If the license for the medallion taxicab or other licensed vehicle is transferred, revoked, surrendered or otherwise terminated, and the applicable license period under chapter five of title nineteen of the code is for more than one year, and the tax paid to the taxi and limousine commission was for a tax period of more than twelve months, the taxi and limousine commission shall refund the tax paid for any twelve-month period commencing subsequent to the transfer, revocation, surrender or other termination of the license.*

f. *Except as provided in subdivision m of this section, for medallion taxicabs and other licensed vehicles whose license period is a two year period that begins and ends on the same dates, the tax payable to the taxi and limousine commission pursuant to this section with respect to a medallion taxicab or other licensed vehicle that is licensed or required to be licensed after the commencement of such license period shall be determined as follows:*

1. *If such medallion taxicab or other licensed vehicle is licensed or required to be licensed before the first day of the seventh month of such period, the tax shall be the amount determined under subdivision b of this section.*

2. *If such medallion taxicab or other licensed vehicle is licensed or required to be licensed on or after the first day of the seventh month of such period but before the first day of the thirteenth month of such period, the tax shall be three-fourths of the amount determined under subdivision b of this section.*

3. *If such medallion taxicab or other licensed vehicle is licensed or required to be licensed on or after the first day of the thirteenth month but before the first day of the nineteenth month of such period, the tax shall be one-half of the amount determined under subdivision b of this section.*

4. *If such medallion taxicab or other licensed vehicle is licensed or required to be licensed on or after the first day of the nineteenth month of such period, the tax shall be one-fourth of the amount determined under subdivision b of this section.*

5. *When the license period described in this section is for a period of less than two years, the commissioner of finance shall have the authority to provide by rule the amounts to be payable under this subdivision.*

g. *The provisions of subdivision b of section 11-808 of this chapter shall apply to this section with such modifications or adaptations as are necessary to carry out the purposes of this section and to ensure collection of the appropriate annual tax specified in subdivision a of section 11-802 of this chapter, and with due regard to the respective responsibilities of the commissioner of finance and the taxi and limousine commission under this section and to the definition of "tax year" contained in subdivision fourteen of section 11-801 of this chapter and to the definition of "tax period" contained in subdivision c of this section. The agreement between the commissioner of finance and the taxi and limousine commission authorized by subdivision k of this section may contain such provisions concerning the division of responsibility for collection of the taxes imposed by this chapter and the granting of refunds or credits as are consistent with this section and subdivision b of section 11-808 of this chapter, and the commissioner of finance and the taxi and limousine commission may also adopt such rules as they deem necessary for such purposes.*

h. *Notwithstanding any provision of section 11-807 of this chapter to the contrary, at the time a tax is required to be paid to the taxi and limousine commission pursuant to this section, the person required to pay such tax shall file a return with the taxi and limousine commission in such form and containing such information as the taxi and limousine commission may prescribe. The taxpayer's application for a license or the renewal thereof shall constitute the return required under this subdivision unless the taxi and limousine commission shall otherwise provide by rule. A return filed pursuant to this subdivision with respect to a medallion taxicab or other licensed vehicle for a tax period or periods shall be in lieu of any return otherwise required to be filed with respect thereto pursuant to section 11-807 of this chapter. Unless the taxi and limousine commission otherwise requires, the filing of a return shall not be required for the tax periods described in paragraph one or subparagraph (B) of paragraph two of subdivision m of this section.*

i. *In any case in which the tax imposed by this chapter is required to be paid to the taxi and limousine commission but is not so paid, the commissioner of finance shall collect such tax and all of the provisions of this chapter relating to collection of taxes by the commissioner of finance shall apply with respect thereto.*

j. *Notwithstanding any provision of chapter five of title nineteen of the code to the contrary, in those cases in which the commissioner of finance is responsible for collecting the tax imposed by this chapter, the taxi and limousine commission shall not issue or renew a license for any medallion taxicab or other licensed vehicle subject to such tax with respect to which the commissioner of finance has notified the taxi and limousine commission that such tax has not been paid, unless the applicant for such license or renewal submits proof, in a form approved by the taxi and limousine commission, that such tax has been paid, or is not due, with respect to such medallion taxicab or other licensed vehicle.*

k. *The commissioner of finance is hereby authorized and empowered to enter into an agreement with the taxi and limousine commission to govern the collection of the taxes imposed by this chapter which are required to be paid to the taxi and limousine commission pursuant to this section. Such agreement shall provide for the exclusive method of collection, custody and remittal to the commissioner of finance of the proceeds of any such tax; for the payment by the commissioner of finance of reasonable expenses incurred by the taxi and limousine commission in connection with the collection of any such tax; for the commissioner of finance, or a duly designated representative, upon his or her request, not more frequently than once in each calendar year at a time agreed upon by the city comptroller, to audit the*

accuracy of the payments, distributions and remittances to the commissioner of finance; and for such other matters as may be necessary and proper to effectuate the purposes of such agreement.

l. The taxi and limousine commission shall promptly notify the corporation counsel of the city and the commissioner of finance of any litigation instituted against such commission which challenges the constitutionality or validity of any provision of this chapter, or which attempts to limit or question the application of this chapter, and such notification shall include copies of the papers served upon such commission.

m. Except as otherwise provided in the agreement between the taxi and limousine commission and the commissioner of finance authorized by subdivision k of this section, or with respect to the periods described in subparagraph (D) of paragraph two of this subdivision, the taxi and limousine commission shall begin to collect taxes in accordance with the provisions of this section on the first day of October in the year two thousand eleven as follows:

1. For the periods described in subparagraphs (A) and (B) below, the tax on medallion taxicabs due under this section and payable on or before the first day of December in the year two thousand eleven pursuant to subdivision c of section 11-808 of this chapter, shall be determined as follows:

(A) The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand twelve, for the period between the first day of December in the year two thousand eleven and the thirty-first day of May in the year two thousand twelve, shall be one-half of the amount provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter.

(B) The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand thirteen, for the period between the first day of December in the year two thousand eleven and the thirty-first day of May in the year two thousand thirteen, shall be one and one-half times the amount provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter.

2. The tax due on an other licensed vehicle, the license for which expires on or after the first day of December in the year two thousand eleven and before the first day of December in the year two thousand thirteen, shall be determined as follows:

(A) For an other licensed vehicle whose license expires on or after the first day of December in the year two thousand eleven and before the first day of June in the year two thousand twelve, the amount of tax due and payable on the date of such renewal shall be, for the tax period between the first day of June in the year two thousand twelve and the date the license shall expire for such other licensed vehicle pursuant to chapter five of title nineteen of the code, the sum of (i) the annual tax specified in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter for any twelve-month period within such tax period, and (ii) the amount determined under subparagraph (C) of this paragraph for any period of less than twelve months within such tax period.

(B) For an other licensed vehicle whose license expires on or after the first day of June in the year two thousand twelve and before the first day of December in the year two thousand thirteen, the amount of tax for the tax period between the first day of June in the year two thousand twelve and the date the license shall expire for such other licensed vehicle pursuant to chapter five of title nineteen of the code shall be the sum of (i) the annual tax specified in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter for any twelve-month period within such tax period, and (ii) the amount determined under subparagraph (C) of this paragraph for any period of less than twelve months within such tax period. The amount of tax so determined shall be payable on or before the first day of June in the year two thousand twelve. In the event the amount of tax due and payable under this subparagraph shall not have been paid within thirty days of the first day of June in the year two thousand twelve, the taxi and limousine commission shall suspend the license for such other licensed vehicle, and the license for any such other licensed vehicle which has expired shall not be renewed until such time as such tax is paid.

(C) For purposes of subparagraphs (A) or (B) of this paragraph, the amount of tax for a period of less than twelve months shall be determined as follows: (i) if such period is nine months or more, the amount for such period shall be the full amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (ii) if such period is more than six months but less than nine months, the amount for such period shall be three-fourths of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (iii) if such period is more than three months but less than six months, the amount for such period shall be one-half of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; and (iv) if such period is less than three months, the amount for such period shall be one-fourth of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter.

(D) Upon the date for payment and renewal set forth in subparagraph (A) of this paragraph or the date for payment set forth in subparagraph (B) of this paragraph, as applicable, the taxi and limousine commission shall require the taxpayer to provide a receipt or similar proof of payment of the tax to the commissioner of finance for the period beginning on the first day of June in the year two thousand eleven and ending on the thirty-first day of May in the year two thousand twelve or any part of such period for which the taxpayer was subject to the tax. In the event the taxpayer has not paid such tax to the commissioner of finance: (i) the license for any other licensed vehicle described in subparagraph (A) or (B) of this paragraph shall not be renewed until such time as such tax, together with any

applicable interest or penalties, has been paid to the commissioner of finance and (ii) if such tax remains unpaid as of the end of the thirty-day period set forth in subparagraph (B) of this paragraph, the license for any other licensed vehicle described in subparagraph (B) of this paragraph shall be suspended until such time as such tax, together with any applicable interest or penalties, is paid to the commissioner of finance.

n. In addition to any other powers granted to the taxi and limousine commission in this chapter or any other law, the taxi and limousine commission is hereby authorized and empowered:

1. to adopt and amend rules appropriate to the carrying out its responsibilities under this chapter;

2. to request information concerning motor vehicles and persons subject to the provisions of this chapter from the commissioner of motor vehicles, the department of motor vehicles of any other state, the treasury department of the United States or the appropriate officials of any city or county of the state of New York; and to afford such information to such department of motor vehicles, treasury department or officials of such city or county, any provision of this chapter to the contrary notwithstanding;

3. to delegate its functions under this section to any commissioner or employee of such commission;

4. to require all persons owning medallion taxicabs or other licensed vehicles to keep such records as it prescribes and to furnish such information upon its request; and

5. to extend, for cause shown, the time for filing any return required to be filed with the taxi and limousine commission for a period not exceeding sixty days.

o. To the extent that any provision of this section is in conflict with any other provision of this chapter, the provisions of this section shall be controlling, but in all other respects such other provisions of this chapter shall remain fully applicable with respect to the imposition, administration and collection of the taxes imposed by this chapter.

§4. Subdivision e of the section 19-504 of the administrative code of the city of New York is amended to read as follows:

e. Any owner operating a vehicle under a license issued by the commission, or by the New York city police department prior to the effective date of this chapter, shall be entitled to renew such license as a matter of right upon compliance with all the other provisions of this section and section 11-809.2 relating to the licensee's vehicle.

§5. This act shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 644

By Council Members Recchia, Vacca, Williams and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Westchester Square business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-484 to read as follows:

§ 25-484 Westchester Square 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 the Bronx, the Westchester Square 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 Westchester Square 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. 959

Resolution concerning the establishment of the Westchester Square Business Improvement District in the Borough of the Bronx 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, Vacca, James and Williams.

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 March 7, 2011, provided for the preparation of a district plan (the "Plan") for the Westchester Square Business Improvement District (the "District") in the Borough of the Bronx; 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 March 21, 2011; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on March 24, 2011; 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 March 24, 2011; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community boards (Bronx Community Board Numbers 10 and 11, hereinafter the "Community Boards") for the community districts in which the proposed District is located on March 24, 2011; and

WHEREAS, the Plan involves properties located in two community districts, the CPC submitted the Plan to the Bronx Borough Board on March 24, 2011 and to the Bronx Borough President on March 24, 2011, pursuant to section 25-405 (c) of the Law; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Boards notified the public of the Plan in accordance with the requirements established by the CPC; and

WHEREAS, pursuant to section 25-405 (c) of the Law, Community Boards 10 and 11 voted to approve the establishment of the District on April 14 and 28, 2011 respectively; 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 May 25, 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) September ____, 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 Westchester Square 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 Westchester Square 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. 960

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Member Recchia.

Whereas, On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Sunnyside Community Services Center, Inc., an organization receiving local discretionary funding in the amount of \$40,000 within the budget of the Department of Youth and Community Development to read: "To sustain adult day services for seniors; expand programming and case assistance in new Center for active older adults."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Sanitation (Queens West), an agency receiving local discretionary funding in the amount of \$21,000 to read: "Custom Baskets along Roosevelt Ave from 82nd Street to 104th Street and cost to provide litter basket service on alternate Sunday and additional service on Saturdays for 2hrs for 26 weeks."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Centro Altagracia de Fe y Justicia, an organization receiving local discretionary funding to read: "This expansion of our current community organizing program would consist of week-long service projects for youth, ages 13-18, to be conducted during the school breaks in the summer and mid-winter. The intended service projects would be conducted at various locations within Community Board 12, such as senior center, parks, churches, CBOs, etc. Each service day would conclude with a reflectionary session, giving the participants an opportunity to share their experiences as well as receive additional information regarding some of the big picture questions. For example, participants working on a project at a senior center, would reflect on the perceptions, treatment and care of the elderly in our society."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Ansob Center for Refugees, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development to read: "Funding in support of its English Language Program."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Elmcot Youth and Adult Activities, Inc., an organization receiving local discretionary funding in the amount of \$12,857 within the budget of the Department of Youth and Community Development to read: "To be used for two events - Black History and Women's Conference."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new

Description/Scope of Services for CIVITAS Citizens, Inc., an organization receiving local discretionary funding in the amount of \$6,000 within the budget of the Department of Youth and Community Development to read:

"Funding for a Design Ideas Competition for the East River Esplanade to consider useful and original concepts to improve user experience and access to this important park. The area encompassed by the Competition will be 60th Street to 125th Street. The purpose of the program is to generate ideas and build community support for the Esplanade. When the CB8 Esplanade is connected to the existing greenway south of 34th Street, there will likely be an increase in stakeholders using the continuous waterfront pathway. Improvements to the CB8 Esplanade will be a long-term project. A Design Ideas Competition is an important first step. There is a dire need for improved conditions as it is one of few parks in a neighborhood that lacks green space. CB8 has less than .5 acre per 1,000 residents. This is below the optimal ratio (2.5 acres per 1,000 residents) in other NYC neighborhoods. With its narrow footprint between FDR Drive and the river, the Esplanade presents a design challenge to maximize the use and enjoyment of this important amenity. Furthermore, in sections there are limited, difficult to locate or unsafe access points to the Esplanade. A notable example is the dangerous grade crossing at 96th Street that traverses multiple FDR Drive entry and exit ramps. The competition will include a call for entries to designers, a juried selection process and a public display of entries. To continue to generate community support, the entries will also be available for review on a website after the display has been removed. The project will be administered by CIVITAS staff and volunteers. The overall budget of the project is 30,000 and CIVITAS requests 10,000 in funding. This includes: costs of administering the program and publicizing the program via the public display and website."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Forest Park Trust, Inc. an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Parks and Recreation to read: "To support the 5K run and concerts in the Sueffert Bandshell."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Flushing Town Hall, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "To support arts programming for District 30."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Guardians of the Sick an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "The Family Crisis Intervention Program assists families whose children are at risk for abuse and neglect, as well as with situations of domestic violence. Referrals are made to our office from any number of sources, including neighbors, relatives, or school principals/teachers. The staff then arranges a home visit and makes a complete assessment. Our intervention serves as a safety net for thousands of children by guiding parents into therapy, assisting with payment for counseling, and providing food and clothing vouchers redeemable in local stores. Our bi-weekly parenting classes offer guidance and coping techniques in relation to real- life problems and concerns. Additionally, a support group for victims of domestic violence meets regularly under the program's auspices. When a familial situation deems it necessary, children are sponsored during the summer to day or overnight camps. We also provide big brothers/big sisters who serve as positive role models, by giving one on one attention to at- risk children. Volunteers advocate and assist families with employment, housing, and school placement. A Sunday morning art class for pre-teen girls is facilitated both by a professional artist and social work interns. Through artistic expression these children build self-confidence and self-esteem. Built into the program is social skills training led by the social work interns. The City Council's grant for the Family Crisis Intervention Program helps ensure the continued existence of this vital community program."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Agudath Israel of America Community Services, Inc., an organization receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "To provide career counseling, training, placement, advice and referrals to individuals seeking employment or facing job related or other economic or social issues, many of whom are low income."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$1,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "Funds to support the neutering of animals."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Maspeth Town Hall, Inc., an organization receiving local discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development within the Fiscal 2011 Expense Budget to read: "Funds to support general operating expenses."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new

Description/Scope of Services for Greenpoint Manufacturing and Design Center Local Development Corporation, an organization receiving local discretionary funding in the amount of \$15,000 within the budget of the Department of Small Business Services within the Fiscal 2011 Expense Budget to read: "GMDC will provide services to businesses located in GMDC owned buildings. The services include referrals and accessing incentives."

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for United Senior Citizen Center of Sunset Park, Inc., an organization receiving aging discretionary funding in the amount of \$18,750 within the budget of the Department for the Aging within the Fiscal 2011 Expense Budget to read: "For the purchase of equipment and renovations."; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local and aging discretionary funding in the Fiscal 2011 Expense Budget; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Earned Income Tax Credit (EITC) Assistance Program Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Expansion at New Amsterdam Market in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to senior center closures in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6.

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to Runaway and Homeless Youth Services in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7.

Resolved, That the City Council approves an Initiative Fund Transfer, as set forth in Chart 8.

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigration Opportunity Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to an Initiative Fund Transfer in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 13.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of Exhibit sheets, please see the Attachment to the resolution following the Report of the Committee on Finance for Res No. 960 printed in these Minutes).

Int. No. 645

By Council Members Vallone, Jr., James, Koslowitz and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to creating a publicly accessible dangerous dog registry.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 17-345 of the administrative code of the city of New York is amended to read as follows:

a. Registration. 1. The commissioner [may] *shall* order the owner of a dangerous dog to register such dog with the department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color, and any other identifying marks of the dog, the location where the dog is to be kept if not at the address of the owner and any other information which the commissioner may require. The application for registration pursuant to this paragraph shall be accompanied by a registration fee of twenty-five dollars. Each dog registered pursuant hereto shall be assigned an official registration number by the department. Such registration number shall be inscribed on a metal tag which shall be attached to the dog's collar at all times. The tag and a certificate of registration shall be of such form and design and shall contain such information as the commissioner shall prescribe and shall be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all of the orders of the commissioner as prescribed at the determination hearing.

2. *In addition, such registry shall be posted on the department's website and made available, at no cost, to a member of the public upon request. Such registry shall contain information about any dangerous dog registered pursuant to this section, including but not limited to, the name and address of the owner, the name, breed, age, sex, color, and any other identifying marks of the dog, the location where the dog is kept if not at the address of the owner, the incident which led to the dangerous dog designation and any other information which the commissioner may require. Failure of an owner to comply with a commissioner's order to register a dangerous dog pursuant to this section may result in confiscation and/or confinement of such dog under section 17-346 of this code.*

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

Referred to the Committee on Health.

Int. No. 646

By Council Members Vallone, Foster, James, Williams, Halloran and Koo.

A Local Law to amend the New York city charter, in relation to inter-agency coordination by borough boards and borough service cabinets.

Be it enacted by the Council as follows:

Section 1. Paragraph nine of subdivision b of section eighty-five of chapter four of the New York city charter is amended to read as follows:

9) Evaluate the progress of capital developments within the borough and the quality and quantity of services provided by agencies within the borough[.]. *Such evaluation may include requesting, from any city agency, the most senior city agency official who is responsible for a particular borough service delivery function or program to appear before the borough board no more than once monthly; provided, however, that such request to appear shall be deemed satisfied if such agency official appeared before the borough service cabinet pursuant to subdivision b of section 2706 of chapter sixty-nine of this charter within the same calendar month.*

§ 2. Subdivision b of section 2706 of chapter sixty-nine of the New York city charter is amended to read as follows:

b. There shall be a borough service cabinet within each borough whose members shall include the borough representatives designated pursuant to subdivision a of this section, and the borough president, who shall be the chairperson. *Notwithstanding subdivision (a) of this section, the borough president may request, from any city agency, the most senior agency official who is responsible for a particular borough service delivery function or program to appear before the borough service cabinet no more than once monthly; provided, however, that such request to appear shall be deemed satisfied if such agency official appeared before the borough board pursuant to paragraph nine of subdivision b of*

section eighty-five of chapter four of this charter within the same calendar month. Each borough service cabinet shall:

(1) Coordinate at the borough level service delivery functions and programs of agencies that provide services in the borough;

(2) Consider interagency problems and impediments to the effective and economic delivery of services in the borough;

(3) Plan and develop programs addressed to the needs and priorities of the borough and its residents;

(4) Consult with residents of the borough and representatives of the community boards about service problems and activities; and

(5) Keep a public record of its activities and transactions, including minutes of its meetings.

§ 3. Section 386 of the chapter 16 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. To the maximum extent feasible, heads of mayoral agencies shall comply with a request made by a borough board pursuant to paragraph 9 of subdivision b of section eighty-five of this charter, or by a borough service cabinet pursuant to subdivision b of section 2706 of this charter, for the most senior city agency official who is responsible for a particular borough service delivery function or program to appear before the borough board or borough service cabinet by directing such senior city agency official to appear before such borough board or borough service cabinet.

§ 4. This local law shall take effect ninety days following enactment.

Referred to the Committee on Governmental Operations.

Res. No. 961

Resolution calling upon the New York State Legislature to amend and pass S.5172 and upon the Governor to sign the amended legislation, to ensure the protection of farm animals and the integrity of New York State's food supply from unlawful tampering, without hampering investigations of animal cruelty.

By Council Members Vallone, Jr., Chin, Williams and Nelson.

Whereas, On May 3, 2011, Senator Patty Ritchie (R-Heuvelton) introduced S.5172, legislation in relation to unlawful tampering with farm animals; and

Whereas, This legislation was approved by the Senate's Agriculture Committee on June 2, 2011, by a vote of six in the affirmative, two in the affirmative with reservations and two in the negative; and

Whereas, As presently written, the term "unlawful tampering" means any interference with a farm animal or farm through the injection of any unauthorized substance, the release of a farm animal, the unauthorized feeding or unauthorized video, recording or photography taken without the farm owner's written consent; and

Whereas, Violations of this law would be punishable by a misdemeanor of up to one year in jail or a one thousand dollar fine; and

Whereas, Additionally, violators would also be liable for attorney's fees and costs, veterinarian's fees and costs, and the cost of purchasing a replacement animal, if necessary; and

Whereas, Sponsors of this legislation indicated that this legislation is necessary for national security purposes, as there were recent instances of animal and facility tampering in western New York, including the unlawful injection of cattle with antibiotics and the increased theft of anhydrous ammonia fertilizer, a substance used to make methamphetamine; and

Whereas, Supporters of the legislation further state that the Department of Homeland Security and the Food and Drug Administration have indicated that farmers need to be more aware of their security weaknesses, work on improving security and discourage trespass and tampering which could compromise the safety of the country's food supply; and

Whereas, However, some opponents of the legislation believe that the expansive definition of unlawful tampering, including the unauthorized video, audio recording or photography taken without the farm owner's written consent, would have a detrimental effect on protecting farm animals; and

Whereas, Opponents, such as the American Society for the Prevention of Cruelty to Animals, a national animal protection organization, have dubbed this legislation "ag-gag" because if enacted, whistleblowers who attempt to expose animal cruelty, environmental hazards and dangers posed to the food supply would be subject to criminal prosecution if they attempt to document these occurrences; and

Whereas, According to People for the Ethical Treatment of Animals (PETA), a national animal advocacy organization, this language could hamper efforts of animal rescue organizations to uncover animal cruelty; and

Whereas, PETA further indicated that the self-policing mechanism of the farm industry is sorely lacking and undercover investigations are essential to maintaining successful prosecutions against individuals in violation of animal welfare laws, as well as laws governing sanitary conditions; and

Whereas, Others have concerns that the proposed legislation is inequitable as an individual who beats an animal in clear violation of animal cruelty laws would receive a lighter sentence than an individual filming a farm animal without consent; and

Whereas, Similar legislation to thwart investigations of animal cruelty on commercial farms has been sought this year in Florida, Minnesota and Iowa; and

Whereas, It is imperative to ensure that any legislation aimed at protecting animals truly accomplishes this laudable goal and does not contain any unintended consequence which could hamper these efforts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend and pass S.5172 and upon the Governor to sign the amended legislation, to ensure the protection of farm animals and the integrity of New York State's food supply from unlawful tampering, without hampering investigations of animal cruelty.

Referred to the Committee on Health

Res. No. 962

Resolution authorizing the Council of the City of New York to intervene or file an amicus brief in *Chelsea Business & Property Owners' Association v. City of New York*, for the purpose of defending provisions of the New York City Administrative Code that limit the size of homeless shelters for adults to two hundred persons.

By Council Members Vann, Palma, The Speaker (Council Member Quinn) and Council Members Lander, Levin, Reyna, Wills, Van Bramer and James.

Whereas, In 1998, the Council of the City of New York ("Council") passed Local Law 57, which, among other things, added what is now section 21-312(b) of the Administrative Code, which provides that "[n]o shelter for adults shall be operated with a census of more than two hundred persons;" and

Whereas, Local Law 57 defines "census" to mean "the actual number of persons receiving shelter at a shelter for adults;" and

Whereas, New York Social Services Law defines a "shelter for adults" as "an adult care facility established and operated for the purpose of providing temporary residential care, room, board, supervision, information and referral, and where required by the department or otherwise deemed necessary by the operator, social rehabilitation services, for adults in need of temporary accommodations, supervision and services;" and

Whereas, On May 6, 2011, the Chelsea Business & Property Owners' Association, LLC, d/b/a Chelsea Flatiron Coalition ("CFC") filed an amended verified petition, pursuant to Article 78 of the Civil Practice Law and Rules, against the City of New York; the Board of Standards and Appeals of the City of New York; Seth Diamond, Commissioner for the Department of Homeless Services of the City of New York ("DHS"); George Nashak, Deputy Commissioner for Adult Services for DHS; Robert LiMandri, Commissioner for the Department of Buildings of the City of New York ("DOB"); Fatma Amer, P.E., First Deputy Commissioner for DOB; James Colgate, R.A., Assistant Commissioner for Technical Affairs and Code Development for DOB; Bowery Residents' Committee, Inc.; and Daniel Shavolian (the "Petition"); and

Whereas, The Petition challenges the construction of a 328-bed, in-patient and out-patient drug, alcohol and mental health care facility and homeless shelter for the mentally ill at 127 West 25th Street in Manhattan ("Proposed Facility") and seeks to compel the City to perform obligations enjoined upon it by law, including the limitation on the size of homeless shelters contained in the Administrative Code; and

Whereas, The Petition alleges that "neither DOB, DHS nor BSA have enforced, or are willing to enforce, the statutory provision of the Admin Code that limits homeless shelters to 200 beds;" and

Whereas, On July 8, 2011, the Corporation Counsel of the City of New York filed a Verified Answer to the Amended Petition ("Answer") and a Memorandum of Law in Opposition to the Petition on behalf of the Municipal Respondents ("Corporation Counsel Memo"); and

Whereas, The Answer states that "DHS procured a contract with BRC to operate a temporary, emergency shelter for up to 200 single adult men" at the Proposed Facility; and

Whereas, The Answer states that DHS and BRC plan to locate a 96-bed Reception Center for street homeless clients at the Proposed Facility; and

Whereas, The Answer states that "BRC plans to operate several other social services programs" including a "32-bed detoxification program for individuals with alcohol or substance abuse addiction" at the Proposed Facility; and

Whereas, The Corporation Counsel Memo argues that Administrative Code § 21-312(b) is preempted by state law; and

Whereas, The Corporation Counsel Memo further argues that the Proposed Facility does not violate the Administrative Code; and

Whereas, The Council has a profound interest in defending Administrative Code § 21-312 from constitutional challenge and ensuring that the laws governing the size of homeless shelters are faithfully executed in a manner consistent with the purpose for which they were passed; and

Whereas, The case is currently pending in New York Supreme Court, New York County; now, therefore, be it

Resolved, That the Council of the City of New York is authorized to intervene or file an amicus brief in *Chelsea Business & Property Owners' Association v. City of New York*, for the purpose of defending provisions of the New York City Administrative Code that limit the size of homeless shelters for adults to two hundred persons.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on General Welfare).

L.U. No. 435

By Council Member Recchia:

Findlay Teller, Block 2435, Lots 44 and 45, Bronx, Council District No. 16

Adopted by the Council (preconsidered and approved by the Committee on Finance.).

L.U. No. 436

By Council Member Recchia:

Lafayette Boynton, Block 3623, Lots 1, Bronx, Council District No. 17

Adopted by the Council (preconsidered and approved by the Committee on Finance.).

L.U. No. 437

By Council Member Comrie:

Application no. 20105361 SCQ, a proposed site for a new, approximately 800 seat Primary/Intermediate School Facility to be located at 97-36 43rd Avenue (Block 1628, Lot 21), Community School 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.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.)

L.U. No. 438

By Council Member Comrie :

Application no. 20115806 SCM, a proposed site for a new, approximately 476 seat Primary School Facility to be located at 1 Peck Slip (Block 106, Lot 6), Community School District No. 2, Borough of Manhattan. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.)

L.U. No. 439

By Council Member Comrie:

Application no. 20125005 SCM, a proposed site for a new, approximately 1400 seat High School Facility to be located at 530 West 44th Street (Block 1072, Lot 15), Community School District No. 2, Borough of Manhattan. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.)

L.U. No. 440

By Council Member Comrie:

Application no. 20125006 SCQ, a proposed site for a new, approximately 1100 seat Primary School Facility to be located at 96-18 43rd Avenue (Block 1613, Lot 17), Community School 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.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.)

L.U. No. 441

By Council Member Comrie:

Application no. 20115580 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition Grillade, LLC of d.b.a. Grillade, to establish, maintain and operate an unenclosed sidewalk café located at 28 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.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 442

By Council Member Comrie:

Application no. 20115475 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 9th Avenue Saloon, Inc. d.b.a. Rudy's Bar & Grill, to continue to maintain and operate an unenclosed sidewalk café located at 627 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. 443

By Council Member Comrie:

Application no. 20115653 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Moulinas LLC d.b.a. Bar Tabac, to continue to maintain and operate an unenclosed sidewalk café located at, Borough of Brooklyn, Council District no.33. 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. 444

By Council Member Comrie:

Application no. 20115678 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition Urban Rush LLC. , to continue to maintain and operate an unenclosed sidewalk café located at 318 Grand Street, Borough of Brooklyn, Council District no.34. 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.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Monday, August 15, 2011

Subcommittee on ZONING & FRANCHISES9:30 A.M.
See Land Use Calendar Available Thursday, August 11, 2011
Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES11:00 A.M.
See Land Use Calendar Available Thursday, August 11, 2011
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS. 1:00 P.M.
See Land Use Calendar Available August 11, 2011
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Tuesday, August 16, 2011

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th FloorLeroy Comrie, Chairperson

Wednesday August 17, 2011

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, August 17, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: *Int Nos. 201-A, 354-A, 364-A, 473, 570, 571, and 590-A, all adopted at the June 29, 2011 Stated Council Meeting, were signed into law by the Mayor on July 11, 2011 as, respectively, Local Law Nos. 41, 42, 43, 44, 45, 46, and 47 of 2011.*

