

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, OCTOBER 28, 2009

THE COUNCIL

Minutes of the
STATED MEETING
of

Wednesday, October 28, 2009, 2:10 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	James S. Oddo
Tony Avella	Alan J. Gerson	Annabel Palma
Charles Barron	Eric N. Gioia	Domenic M. Recchia, Jr.
Gale A. Brewer	Sara M. Gonzalez	Diana Reyna
Leroy G. Comrie, Jr.	Vincent M. Ignizio	Joel Rivera
Elizabeth S. Crowley	Robert Jackson	Larry B. Seabrook
Bill de Blasio	Letitia James	Helen Sears
Inez E. Dickens	Melinda R. Katz	Kendall B. Stewart
Erik Martin Dilan	G. Oliver Koppell	Eric A. Ulrich
Mathieu Eugene	Jessica S. Lappin	James Vacca
Simcha Felder	John C. Liu	Peter F. Vallone, Jr.
Julissa Ferreras	Melissa Mark-Viverito	Albert Vann
Lewis A. Fidler	Darlene Mealy	David I. Weprin
Helen D. Foster	Rosie Mendez	Thomas White, Jr.
Daniel R. Garodnick	Kenneth C. Mitchell	David Yassky
James F. Gennaro	Michael Nelson	

Excused: Council Members Baez and Sanders.

There is presently one vacancy in the Council (10th Council District, Manhattan).

The Public Advocate (Ms. Gotbaum) was not present at this Meeting. The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

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

There were 48 Council Members present at this Stated Meeting.

INVOCATION

The Invocation was delivered by Bishop Fernando Rodriguez, Pastor, One Way to Heaven Church, 1112 Garrison Avenue, Bronx, NY 10474.

Father God, Creator of heaven and earth, our journey is not complete if You are not among us. Thank you for walking, waking us up this morning and bringing us on our way.

I ask you, dear Lord, that You may bless each and every one of us that are here today. Bless the City Council, bless the personnel, and leaders in this chamber. Give them the wisdom and the knowledge to govern this great city.

And, Lord, in these difficult times that we are living in, grant us the favor to help our communities that are hurting so much.

Lord, bless us our city, bless our elected officials. We pray this in Your name.

Amen.

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

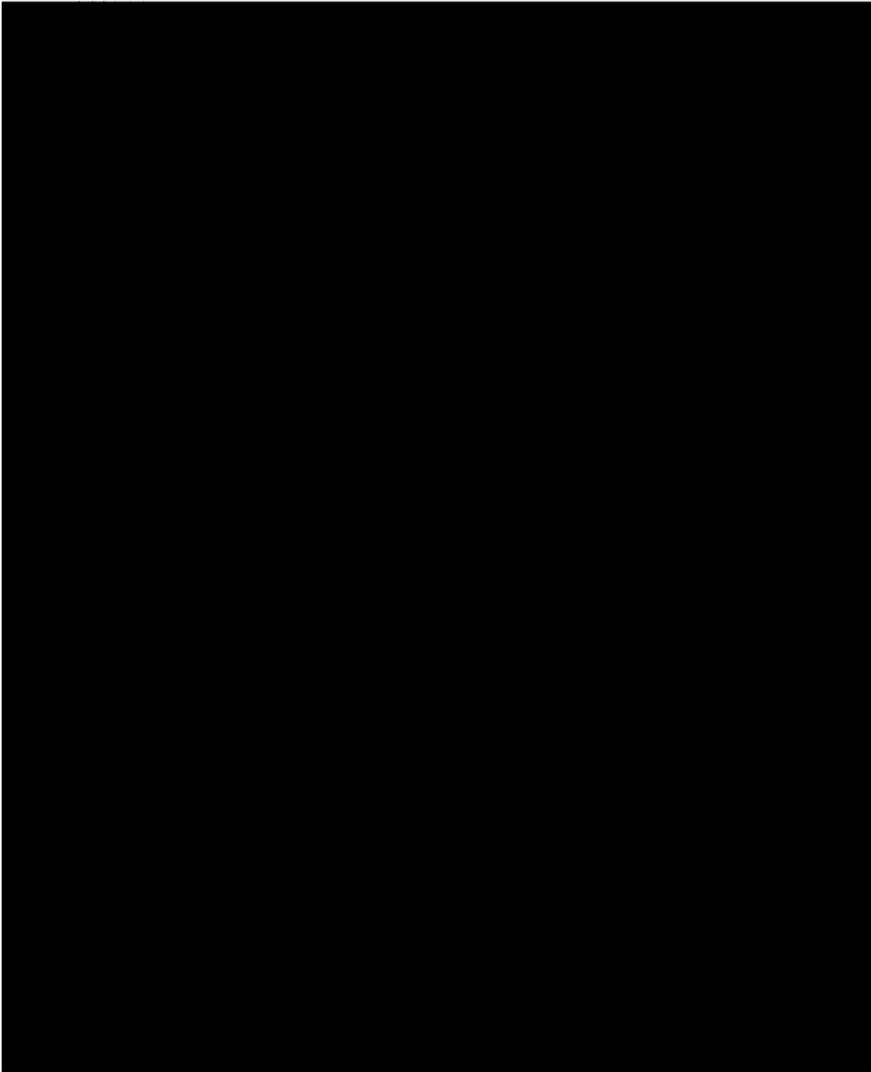
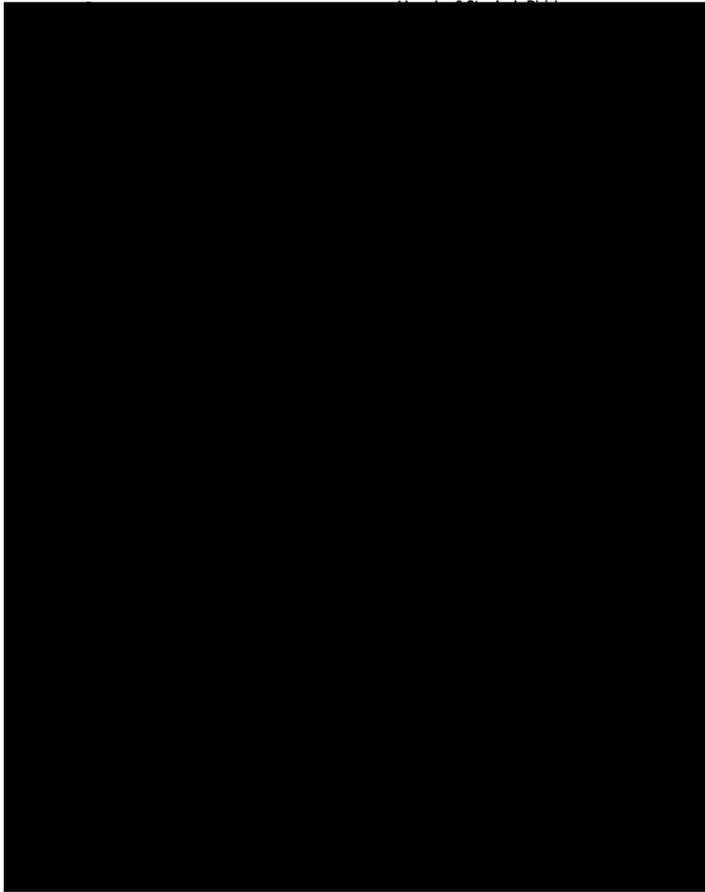
ADOPTION OF MINUTES

Council Member Palma moved that the Minutes of the Stated Meeting of September 17, 2009 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1629

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license A Door to Door Transportation Inc., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.



Referred to the Committee on Transportation.

M-1631

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1632

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1633

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1634

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 the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1635

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1636

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Dial 7 Car

Referred to the Committee on Transportation.

M-1630

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1637

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1638

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license High Class Bronx Limo. Car Service Corp., Council District 14, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1639

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mexicana Car Service Inc., Council District 25, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1640

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1641

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1642

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1643

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Rosedale Base Car Service Corp., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1644

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1645

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1646

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Yours 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 the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1647

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

U.C. Columbus Radio Dispatcher Inc., Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1648

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

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1649

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Island-Wide Car & Limo. Service Inc., Council District 50, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1629 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-1650

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 202 West 14th Street, Community Board 2, Application 20105191 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1651

By Council Member Gerson:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 212 Lafayette Street, Community Board 2, Application 20095546 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1652

By Council Member Gerson:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 98 Kenmare Street, Community Board 2, Application 20105053 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-1653

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications nos. C 090236 MMX, C 090237 MMX and C090438 PPX and shall be subject to Council review. These applications are related to application no. C 090437 ZMX that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-1654

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications nos. C 090408 MMM, C 090435 ZSM and C090436 ZSM and shall be subject to Council review. These applications are related to application nos. N 090429 ZRM, C 090430 ZMM, C 090433 ZMM and N 090434 ZRM that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Avella, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White, Yassky, Oddo, Rivera and the Speaker (Council Member Quinn) – **48**.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs

Report for Int. No. 1070-A

Report of the Committee on Consumer Affairs in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to distressed property consultants.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on August 20, 2009 (Minutes, page 4688), respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, October 27, 2009, the Committee on Consumer Affairs, chaired by Council Member Leroy G. Comrie, Jr., will conduct its second hearing on Proposed Introductory Bill 1070-A (“Intro. 1070-A”), a Local Law to amend the administrative code of the city of New York, in relation to distressed property

consultants. The committee held its first hearing on this bill on October 6, 2009. Those invited to testify at the first hearing included the Department of Consumer Affairs, the Center for New York City Neighborhoods, the Department of Housing Preservation and Development, housing advocacy groups, community development groups, and other interested parties.

II. BACKGROUND

The city has followed the nation's trend in experiencing a significant increase in the number of foreclosures since 2005. Last year, there were 12,959 foreclosure actions initiated in New York City¹ and 3,764 buildings were foreclosed upon.² In its most recent Monthly Foreclosure Report, Propertyshark.com reported that there were 318 new foreclosure auctions scheduled in New York City this past July.³ Though this number represented an 8 percent decrease from the previous month and a 7 percent decrease from July 2008,⁴ 63 percent of those foreclosures were concentrated in the borough of Queens, with the neighborhoods of Jamaica, South Jamaica, Hollis and St. Albans accounting for over 28 percent of the foreclosures in that county.⁵

Many homeowners who obtained adjustable-rate and subprime mortgages during better economic times are now finding themselves in difficult situations as their interest rates have ballooned beyond a manageable point and their mortgages have exceeded the actual property value of their homes.⁶ Those on the brink of foreclosure frequently seek to modify the terms of their home loans in order to stave off foreclosure and may need assistance to successfully file a loan modification.⁷ Foreclosure assistance organizations may attempt to ease a borrower's burden by negotiating such adjustments with lenders as lowered interest rates, smaller monthly payments and reductions in the remaining principal, or by changing an adjustable rate mortgage into a fixed one.⁸ Fortunately for those who are already experiencing financial hardship, loan modification assistance from a non-profit is usually free.⁹ The Center for NYC Neighborhoods, for example, maintains a network of foreclosure counseling agencies that provide free assistance to homeowners, which has helped over a thousand borrowers since July 2008.¹⁰ Unfortunately, while the non-profit agencies provide a valuable service to homeowners at risk of foreclosure, the country's worsening economic crisis combined with the small pool of lawyers who specialize in foreclosure proceedings and are able to provide pro bono assistance has forced many agencies to begin turning away more individuals than they accept.¹¹ A lack of access to, or awareness of, free services combined with anxiety over the prospect of losing one's home, may cause many people to seek out other, potentially less desirable and more costly, alternatives.

For-profit loan modification firms, also known as distressed property consultants, emerged in recent years to capitalize on this increasing need for assistance. Unlike non-profit agencies, whose services are often offered for free, these corporations often charge a fee of between 1 and 1.5 percent of the total mortgage.¹² These for-profit firms often find their clientele through local foreclosure filings, which are a matter of public record.¹³ By targeting borrowers in dire straits, critics say, these for-profit organizations are exploiting a population that already believes its options are limited.¹⁴ Many of these distressed property consultants also misleadingly present their brand in a way that suggests that they are endorsed by the government, going so far as to use names and website designs that closely mimic legitimate government and non-profit service providers.¹⁵ Some have even produced letters that appear to have originated from the mortgagee's bank.¹⁶ In addition to their questionable business practices, for-profit distressed property consultants are frequently criticized for their failure to produce any tangible results, leading to worsening circumstances for a homeowner like the loss of valuable time and the worsening of his or her debt.¹⁷

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¹ Vesselin Mitev, *Foreclosure Conferences Get Off to Modest Start*, N.Y.L.J., Mar. 10, 2009. Data for New York County was found at the State of New York Banking Department, *Foreclosure Filings by County - 2008 (All Property Types)*, available at <http://www.banking.state.ny.us/pr090123d.pdf>. Please note that the New York State data uses a calendar year, while the Furman Center for Real Estate and Urban Policy uses data for a fiscal year beginning July 1.

² Foreclosure Report, Q1 2009, Covering: Los Angeles, Miami, New York City, Seattle, PROPERTYSHARK.COM, available at <http://www.propertyshark.com/mason/BlogCenter/marketreports.html>.

³ Foreclosure Report, July 2009, Covering: Los Angeles, Miami, New York City, Seattle, PROPERTYSHARK.COM, available at <http://www.propertyshark.com/mason/BlogCenter/marketreports.html>.

⁴ *Id.*

⁵ *Id.*

⁶ Yan, E., "Foreclosure S.O.S.; Nonprofit and for-hire advocates can help rework a sour mortgage, but check them carefully," *Newsday*, October 13, 2008, at C01.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Gearty, R., "HOUSING VULTURES. Foreclosure crisis brings out scam 'helpers' all over nation," *N.Y. Daily News*, March 1, 2009, at 1.

¹¹ Schwartz, J., "Cash Squeeze Said to Deny Legal Aid to Poor," *N.Y. Times*, September 30, 2009.

¹² *Supra* note 6.

¹³ Marshall, R., "Crackdown on bad apples; Regulators aiming at loan modification abuses; Consumers tell how they were hurt, or helped," *Newsday*, June 2, 2009, at A26.

¹⁴ Leland, J., "Swindler's Find Growing Market in Foreclosures," *N.Y. Times*, January 15, 2009, at A1.

¹⁵ *Id.*

¹⁶ *Supra* note 13.

¹⁷ "Cuomo Subpoenas Loan Modification Companies," *N.Y. Times*, June 10, 2009.

These shortcomings have not escaped the government's attention. One New York-based firm, AmericMod, is currently the subject of lawsuit brought on by New York Attorney General Andrew Cuomo for illegally charging upfront fees and for falsely claiming a 90 to 100 percent success rate in mortgage modification.¹⁸ The Federal Deposit Insurance Corporation has also drawn attention to loan modification agencies, claiming that they are often expensive and ineffective scams.¹⁹

State and Federal Legislation

Heightened awareness of the dangers of unscrupulous for-profit foreclosure prevention schemes have led numerous states to enact legislation regulating the activities of those who charge homeowners for foreclosure prevention assistance. Twenty-four states have passed legislation regulating distressed property consultants in the past two years,²⁰ including many of the states with the highest rates of foreclosures such as California,²¹ Florida,²² Nevada,²³ and New York.²⁴ Additionally, at least seven additional states are currently considering such legislation, including Arizona,²⁵ Texas,²⁶ and New Jersey.²⁷ Generally, state laws regulating foreclosure consultants mandate written contracts with specific disclosure language, create a period a time during which homeowners may cancel such contracts, and prohibit consultants from accepting money prior to performance. California also requires that foreclosure consultants register with the state and obtain a surety bond prior to doing business.²⁸

In September 2008, Governor Paterson enacted New York's distressed property consultant law, prohibiting consultants from: i) performing services without a fully executed, written contract with a homeowner; ii) accepting payment prior to completing services; iii) taking power of attorney from a homeowner; iv) retaining any original document related to the property at issue; and v) inducing homeowners to sign a contract that does not comply with the new law. Furthermore, the law mandates specific language that all distressed property consulting contracts must contain, including language informing homeowners that they may cancel the contract within five days of execution with no penalty and that they should consider consulting an attorney or government approved housing counselor prior to signing such a contract.²⁹

Federal legislation regulating distressed property consultants was introduced in the Senate and House in early 2009 and referred to committee. Similar to existing state laws, the Foreclosure Rescue Fraud Act of 2009 would mandate written contracts and prohibit foreclosure consultants from accepting payment prior to rendering services, taking power of attorney from homeowners, and acquiring any interest in the property at issue. Additionally, a loan servicer would be required to inform a homeowner about the dangers of fraudulent foreclosure activities and advise him or her to contact a government approved housing counselor once the homeowner has missed two consecutive mortgage payments and is at risk for foreclosure. Violation of the law would be considered a deceptive trade practice and would be enforced by the Federal Trade Commission.³⁰

III. PROPOSED LEGISLATION

Proposed Introductory Bill 1070-A

Proposed Intro. 1070-A seeks to supplement existing state legislation pertaining to distressed property consultants by regulating their advertising. Under the proposed legislation, a distressed property consultant would be defined as a person who offers services to a homeowner and represents he or she can prevent, stop, or postpone a foreclosure, by, for example, receiving a forbearance on an outstanding home loan, renegotiating or refinancing the terms of any home loan, providing assistance or information regarding a foreclosure complaint and process, and/or repairing a homeowner's credit related to a foreclosure proceeding or tax sale. A distressed home loan is one that is in danger of being foreclosed due to a homeowner's default under the terms of his or her mortgage. For the purposes of this legislation, certain persons and entities would be explicitly exempted from regulation, including attorneys, mortgagors or persons who hold obligations secured by a lien on the foreclosed property when performing services in connection with such obligations, as well as banks, HUD mortgagees and their agents, judgment creditors of the homeowner, licensed title insurers, licensed mortgage brokers, and not-for-profit organizations. Each of these definitions and exemptions mirrors the definitions in the state distressed property consultants law.

Intro. 1070-A would mandate that every distressed property consultant who advertises his or her services must disclose in such advertisements that pursuant to state law that a distressed property consultant is prohibited from i) performing services without a written, fully executed contract, ii) accepting payment before the completion of such services, iii) taking power of attorney from a homeowner and iv) retaining any original document related to the distressed home loan. Additionally,

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¹⁸ *Id.*

¹⁹ *Id.*

²⁰ "Links to State Legislation Websites for Information on Foreclosure Laws" <http://www.richdadeducation.com/foreclosurewebsites062409.pdf>

²¹ Cal Civ Code §2945 et seq. (2009).

²² Fla. Stat. § 501.1377 (2009).

²³ Nev. Rev. Stat. Ann. § 645F.300 et seq. (2009).

²⁴ NY CLS Real P §265-b (2009).

²⁵ H.B. 2522, 49th Leg., 1 Reg. Sess. (Az. 2009).

²⁶ S.B. 354, 81th Leg., Reg. Sess. (Tx. 2009).

²⁷ S. 1264, 213th Leg. (NJ 2009).

²⁸ Cal Civ Code §2945.5 (2009).

²⁹ NY CLS Real P §265-b(2),(3) (2009).

³⁰ Foreclosure Rescue Fraud Act of 2009, S.117, 111th Cong. §1 (2009).

the amended version adds a requirement that advertisements must state that hiring a consultant does not stop the foreclosure process and that a consultant cannot guarantee any particular result. For consultants with existing city contracts for advertising space, the disclosure requirements would only be applicable at the time of renewal of the contract.

The amended version of the bill removes the requirement that advertisements include a statement that a homeowner may call 311 to lodge a complaint against a distressed property consultant or to obtain additional information pertaining to foreclosure prevention and assistance. This decision was made based on testimony received at the first hearing expressing the concern that mentioning 311 in advertising may give the false impression that a consultant is affiliated with or endorsed by the City.

All violations of the law would be returnable to the Department of Consumer Affairs administrative tribunal, which could impose penalties of between \$2500 and \$5000 for each violation. The amended version of the bill also removes the requirement that DCA post the names of violators on their website due to the concern raised at the first hearing that publishing bad actors may give the false impression that a company not listed on the website is complying with all applicable laws.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1070-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There is a potential increase in revenue through the enforcement of this legislation, but we are unable to estimate it at this time.

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

SOURCE OF FUNDS To COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Codncil Finance Division

ESTIMATE PREPARED BY: Jonathan Rosenberg, Deputy Director
Walter Pitts, Legislative Financial Analyst

HISTORY: Introduced as hit. 1070 by Council and referred to the Consumer Affairs Committee on August 20, 2009. On October 6, 2009, the Committee held a hearing and Int. 1070 was laid over. An amendment has been proposed, and the bill will be considered by Committee as Proposed Int. 1070-A on October 27, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1070-A:)

Int. No. 1070-A

By Council Members Sanders, Comrie, Gerson, Nelson, White, Arroyo, Lappin, Jackson, Barron, Koppell, Liu, Gennaro, Mitchell and Weprin.

A Local Law to amend the administrative code of the city of New York, in relation to distressed property consultants.

Be it enacted by the Council as follows:

Section 1. Legislative Findings.

The country is currently in the midst of a foreclosure crisis, with thousands of homes being foreclosed upon monthly. Foreclosures in New York City increased steadily throughout 2008, with the highest rates of foreclosure in the Bronx, Queens and Staten Island. Increasing rates of foreclosures and defaults on home loans created an industry of distressed property consultants, or individuals who market themselves as uniquely able to help homeowners negotiate with their lenders. The Council finds that unfortunately, homeowners already in precarious situations find themselves in even worse positions as unscrupulous consultants take their money and do nothing on their behalf. In an effort to combat the perceived wide-spread fraud in this industry, New York State enacted a law in August 2008 that prohibited distressed

property consultants from collecting any funds prior to rendering services or taking power of attorney from a homeowner and mandated the parties enter into a fully executed, written contract prior to rendering services. Additionally, consultants are required to notify potential clients that they should consider consulting an independent attorney or government-approved housing counselor prior to signing any documents pertaining to their home and must provide the homeowner with information about how to locate a government-approved housing counselor.

The Council finds that while the state law seeks to prevent fraud by unscrupulous distressed property consultants, distressed property consultants continue to solicit business in communities with high foreclosure rates throughout the City. Many local non-profits offer foreclosure prevention or loan modification services for free, but as long as for-profit distressed property consultants exist, it behooves City residents to be aware of the legal constraints placed on consultants under state law. Therefore, the Council finds it necessary to mandate disclosure requirements in advertisements placed by distressed property consultants. These disclosures will ensure New York City residents are aware of their rights when paying for distressed property consulting services.

§2. Subchapter 5 of Chapter 5 of title 20 of the administrative code of the City of New York is amended by adding a new section 20-723.3 to read as follows:

§ 20-723.3 *Disclosure Requirements for Distressed Property Consultants.* a. *Definitions.* For the purposes of this section the following terms shall have the following meanings:

1. "Consulting services" means services promised by a distressed property consultant to a homeowner, including but not limited to services that the consultant represents will help to achieve any of the following:

i. An action to stop, enjoin, delay, set aside, annul, stay or postpone a foreclosure filing, a foreclosure sale or the loss of a home for nonpayment of taxes;

ii. A forbearance from any servicer, beneficiary or mortgagee or relief with respect to the potential loss of the home for nonpayment of taxes;

iii. The exercise of a right of reinstatement or similar right by the homeowner as provided in the mortgage documents or any law or the refinancing of a distressed home loan;

iv. Any extension of the period within which the homeowner may reinstate or otherwise restore his or her rights with respect to the property;

v. A waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a property in foreclosure;

vi. A loan or advance of funds;

vii. Assistance to the homeowner in answering or responding to a summons and complaint, or otherwise providing information regarding the foreclosure complaint and process;

viii. The avoidance or amelioration of the impairment of the homeowner's credit resulting from the commencement of a foreclosure proceeding or tax sale;

ix. The saving of the homeowner's property from foreclosure or loss for non-payment of taxes; or

x. Any other action as may be deemed subject to section 265-b of the New York state general business law.

2. "Distressed home loan" means a home loan that is in danger of being foreclosed because the homeowner has one or more defaults under the mortgage that entitles the lender to accelerate full payment of the mortgage and repossess the property, or a home loan where the lender has commenced a foreclosure action. For purposes of this paragraph, a "home loan" is a loan in which the debt is incurred by the homeowner, or shareholder in a cooperative corporation, primarily for personal, family, or household purposes, and the loan is secured by a mortgage or deed of trust on property, or in the case of a cooperative by a security agreement in shares in a corporation, upon which there is located or there is to be located a structure or structures intended principally for occupancy of from one to four families, which is or will be occupied by the homeowner as the homeowner's principal dwelling.

3. "Distressed property consultant" means an individual or corporation, partnership, limited liability company or other business entity that, directly or indirectly, solicits or undertakes employment to provide consulting services to a homeowner for compensation or promise of compensation with respect to a distressed home loan or a potential loss of the home for nonpayment of taxes, or any individual or business entity considered a distressed property consultant for purposes of New York state real property law section 265-b. A distressed property consultant does not include the following:

i. An attorney admitted to practice in the State of New York;

ii. A person or entity who holds or is owed an obligation secured by a lien on any property in foreclosure while the person or entity performs services in connection with the obligation or lien;

iii. A bank, trust company, private banker, bank holding company, savings bank, savings and loan association, thrift holding company, credit union or insurance company organized under the laws of this state, another state or the United States, or a subsidiary or affiliate of such entity or a foreign banking corporation licensed by the superintendent of banks or the comptroller of the currency;

iv. A federal Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of such mortgagee, and any agent or employee of these persons while engaged in the business of such mortgagee;

v. A judgment creditor of the homeowner, if the judgment creditor's claim accrues before the written notice of foreclosure sale is sent;

vi. A title insurer authorized to do business in this state, while performing title insurance and settlement services;

vii. A person licensed as a mortgage banker or registered as a mortgage broker or registered as a mortgage loan servicer as defined in article 12-d of the New York state banking law;

viii. A bona fide not-for-profit organization that offers counseling or advice to homeowners in foreclosure or loan default; or

ix. A person or entity that the superintendent of banks has determined is not subject to section 265-b of the New York state real property law.

4. "Homeowner" means a natural person who is the mortgagor with respect to a distressed home loan or who is in danger of losing a home for nonpayment of taxes.

5. "Unit of advertising space" means any real property, space, facility or instrumentality, or any portion thereof, owned or operated by the city of New York, or which is located or operates on real property owned or operated by the city of New York, and which is the subject of the same contract, lease, rental agreement, franchise, revocable consent, concession or other similar written agreement with the city of New York which allows the placement or display of advertisements, but not including any real property, space or facility leased from the city of New York for a term of thirty years or more during the entire term of the lease or any real property, space or facility leased from or to the industrial development agency.

b. Every distressed property consultant who does business in New York City and who advertises distressed property consulting services through the media of a newspaper, magazine, circular, pamphlet, store display, letter or handbill and/or via a unit or units of advertising space, shall disclose in such advertising, in accordance with the rules established by the commissioner, in clear and prominent letter type, in a print color that contrasts with the background against which it appears:

1. that, pursuant to section 265-b of the New York state real property law, a distressed property consultant is prohibited from:

i. performing services without a written, fully executed contract with a homeowner;

ii. accepting payment for consulting services before the full completion of such services;

iii. taking power of attorney from a homeowner; and

iv. retaining any original loan document or other original document related to the distressed home loan, the property, or the potential loss of the home for nonpayment of taxes.

2. that hiring a distressed property consultant does not stop the foreclosure process, nor can a distressed property consultant guarantee any particular result with regards to a distressed property.

c. The commissioner may make and promulgate such rules as may be necessary for the proper implementation and enforcement of this section.

d. Any person who is a party to an otherwise valid agreement with the city of New York in effect on the date of enactment of the local law that added this section shall not be subject to the requirements of this section for the term of such agreement. However, where such agreement provides for a right or rights of renewal for one or more periods upon the same terms and conditions or terms and conditions set forth in such agreement, the holder who is a party to such agreement or any agreements entered into pursuant to such right or rights of renewal shall be subject to the requirements of this section at the commencement of the first renewal period.

e. (1) Notwithstanding any other provision of law, the department shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this section. The department shall have the power to render decisions and orders and to impose civil penalties of not less than two thousand five hundred dollars nor more than five thousand dollars for each violation. All proceedings authorized pursuant to this paragraph shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this paragraph shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

(2) All such proceedings shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§3. This local law shall take effect 90 days after its enactment into law; provided, however, that the commissioner of consumer affairs shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

LEROY G. COMRIE, Chairperson; CHARLES BARRON, JAMES F. GENNARO, G. OLIVER KOPPELL, JOHN C. LIU, Committee on Consumer Affairs, October 27, 2009.

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 Finance

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

Report for Res. No. 2240

Report of the Committee on Finance in favor of approving and adopting, a Resolution approving The New Designation And Changes In The Designation Of Certain Organizations To Receive Funding In The Fiscal 2010 Expense Budget.

The Committee on Finance, to which the annexed resolution was referred on October 28, 2009, 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 19, 2009, the Council adopted the expense budget of fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

Analysis. This Resolution, dated October 28, 2009, sets forth new program areas to be funded by the Department of Juvenile Justice ("Department"). The Fiscal 2010 Expense Budget included \$640,000 for the Discharge Planning: Collaborative Family Initiative. In the Fiscal 2010 Expense Budget, the Council designated the Research Foundation of the City University of New York as the program administrator for this initiative. Pursuant to the provisions in the Fiscal 2010 Expense Budget, the program administrator would designate the organizations to receive funding, and the amount each organization would receive, under this initiative. In a communication from the Department to the City Council Finance Division ("Division"), dated October 27, 2009, the Department informed the Division of the Research Foundation's decision on organizations to receive the funding provided in the Fiscal 2010 Adopted Budget. In that communication, the Research Foundation proposed to subcontract with the Coalition for Hispanic Family Services in the amount of \$412,000, and the Research Foundation of the City University of New York on behalf of John Jay College will retain the balance of \$228,000 to oversee, manage and administer the research/evaluation and program services portion of the contract.

Also, this Resolution changes the Description/Scope of Services for the EBTs at Food Markets/Council on the Environment Program within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget reads: "This allocation represents funding to expand access to Electronic Benefits Transfer (EBT) at farmers' markets throughout the City. This funding also supports the Youth Market-Urban Farm stands and the New Farmer Development project." This Resolution now changes the Description/Scope of Services to read: "This allocation represents funding to expand access to Electronic Benefits Transfer (EBT) at farmers' markets throughout the City in the amount of \$195,000. This funding also supports the Youth Market-Urban Farm stands in the amount of \$25,000, New Farmer Development Project in the amount of \$35,000, and Learn It Grow It Eat It in the amount of \$15,000."

Moreover, this Resolution changes the Description/Scope of Services for the MWBE Leadership Association Initiative within the budget of the Department of Small Business Services. The Description/Scope of Services for such Program listed in the Fiscal 2010 Expense Budget reads: "Funding will certify and recertify MWBEs and provide technical assistance, workshops, and seminars to MWBE businesses." This Resolution now changes the Description/Scope of Services to read: "This funding will provide for a range of services including guidance on government contracting for potential or City-certified MWBEs; assistance in connecting MWBEs to potential customers; aid in the development of bids and proposals; assistance in securing project financing and bonding; and the promotion and marketing of the City's MWBE program."

Further, this Resolution adds a Description/Scope of Services for the new Small Business and Job Development/Financial Literacy Initiative, which combines the Small Business and Job Development Initiative within the Department of Small Business Services with the Financial Literacy Initiative within the Department of Small Business Services. The Description/Scope of Services for the Small Business Job Development Initiative listed in the Fiscal 2010 Expense Budget read: "Funding to provide technical and financial assistance and business counseling to entrepreneurs and small business." The Description/Scope of Services for the Financial Literacy Initiative listed in the Fiscal 2010 Expense Budget read: "Funding will provide

financial literacy education to small business owners.” This Resolution combines the Description/Scope of Services for the two Initiatives. The new Description/Scope of Services for the Small Business and Job Development/Financial Literacy Initiative now reads: “This initiative will provide technical and financial assistance, business counseling and financial literacy education to entrepreneurs and small businesses.”

Additionally, this Resolution corrects a typographical error in the report of the expense budget modification (MN-1) adopted on September 30, 2009. In such report, additional funding in the amount of \$600,000 was provided to the American Red Cross and other providers within the City Council Cancer Initiative. The American Cancer Society is the proper organization to be funded under this Initiative, and this Resolution reflects the proper designation.

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 2010 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 2010 Expense Budget.

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

This Resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in aging discretionary funding, as described in Chart 2 attached thereto as Exhibit B; sets forth new designations and specific changes in the designation of certain organizations receiving youth discretionary funding, as described in Chart 3, attached thereto as Exhibit C; and sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Charts 4-11, attached hereto as reflected in Exhibits D-K.

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 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.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative. As indicated in Chart 5, funding for the Caribbean Women’s Health Association, Inc. in the amount of \$30,000 has been withdrawn. These funds will be used to fund the New York Legal Assistance Group.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding for the Dropout Prevention and Intervention Initiative. Chart 6 indicates a name change. The new name of the Vocational Foundation, Inc. is The Way to Work. As indicated in Chart 6, funding to the Vocational Foundation, Inc. in the amount of \$100,000 has been withdrawn. These funds will be used to fund The Way to Work.

Chart 7 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$800,000 in the aggregate, pursuant to the MWBE Leadership Associations Initiative.

Chart 8 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$742,000 in the aggregate, pursuant to the Small Business and Job Development/Financial Literacy Initiative. Chart 8 indicates a merger of two Initiatives into one. The Small Business and Job Development Initiative within the Department of Small Business Services has merged with the

Financial Literacy Initiative within the Department of Small Business Services to form the Small Business and Job Development/Financial Literacy Initiative.

Chart 9 sets forth the new designation of certain organizations receiving funding for the Food Pantries-HRA Initiative. As indicated in Chart 9, the Food Bank for New York City and the New York City Coalition Against Hunger, Inc. will receive \$100,000, totaling \$200,000 in the aggregate, each pursuant to this Initiative.

Chart 10 sets forth the new designation of the Coalition for the Homeless to receive funding in the amount of \$100,000 pursuant to the Food Pantries Initiative.

Chart 11 sets forth the new designation of certain organizations receiving funding for the National Foundation for Teaching Entrepreneurship Initiative. Specifically, Chart 11 indicates a name change. The new name of the National Foundation for Teaching Entrepreneurship to Handicapped and Disadvantaged Youth, Inc. is the Network for Teaching Entrepreneurship.

As indicated in Chart 11, funding for the National Foundation for Teaching Entrepreneurship to Handicapped and Disadvantaged Youth, Inc. in the amount of \$110,000 has been withdrawn. These funds will be used to fund the Network for Teaching Entrepreneurship.

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.

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

Accordingly, Your Committee recommends its adoption.

(The following is the text of Res. No. 2240:)

Res. No. 2240

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

By Council Member Weprin.

Whereas, On June 19, 2009, the Council of the City of New York (the “City Council”) adopted the Fiscal 2010 Expense Budget with various programs and initiatives (the “Adopted Fiscal 2010 Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the program areas selected to be funded by the Department of Juvenile Justice; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the EBTs at Food Markets/Council on the Environment Program within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the MWBE Leadership Association Initiative within the budget of the Department of Small Business Services; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Small Business and Job Development/Financial Literacy Initiative within the budget of the Department of Small Business Services; and

Whereas, The City Council amends the report of expense budget modification (MN-1), adopted on September 30, 2009, by clarifying that the American Cancer Society, rather than the American Red Cross, is the proper organization to be funded in the amount of \$600,000 under the City Council Cancer Initiative; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 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; now, therefore, be it

Resolved, That the City Council approves Coalition for Hispanic Family Services to be funded in the amount of \$412,000, and the Research and Evaluation Center of John Jay College, City University of New York will retain the balance of \$228,000 to oversee, manage and administer the research/evaluation and program services portion of the contract; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the EBTs at Food Markets/Council on the Environment Program within the budget of the Department of Youth and Community Development to read: "This allocation represents funding to expand access to Electronic Benefits Transfer (EBT) at farmers' markets throughout the City in the amount of \$195,000. This funding also supports the Youth Market-Urban Farm stands in the amount of \$25,000, New Farmer Development Project in the amount of \$35,000, and Learn It Grow It Eat It in the amount of \$15,000."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the MWBE Leadership Association Initiative to read: "This funding will provide for a range of services including guidance on government contracting for potential or City-certified MWBEs; assistance in connecting MWBEs to potential customers; aid in the development of bids and proposals; assistance in securing project financing and bonding; and the promotion and marketing of the City's MWBE program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Small Business and Job Development/Financial Literacy Initiative to read: "This initiative will provide technical and financial assistance, business counseling and financial literacy education to entrepreneurs and small businesses."; and be it further

Resolved, That the City Council amends the report of expense budget modification (MN-1), adopted on September 30, 2009, by clarifying that the American Cancer Society, rather than the American Red Cross, is the proper organization to be funded in the amount of \$600,000 under the City Council Cancer Initiative; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding are reflected in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding are reflected in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding are reflected in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Dropout Prevention Initiative as set forth in Chart 6, attached hereto as Exhibit F; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation of the Food Bank for New York City and the New York City Coalition Against Hunger to receive funding pursuant to the Food Pantries- HRA Initiative as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation of the Coalition for the Homeless to receive funding pursuant to the Food Pantries Initiative as set forth in Chart 10, attached hereto as Exhibit J; 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 National Foundation for Teaching Entrepreneurship Initiative as set forth in Chart 11, attached hereto as Exhibit K.

ATTACHMENT:

EXHIBIT A

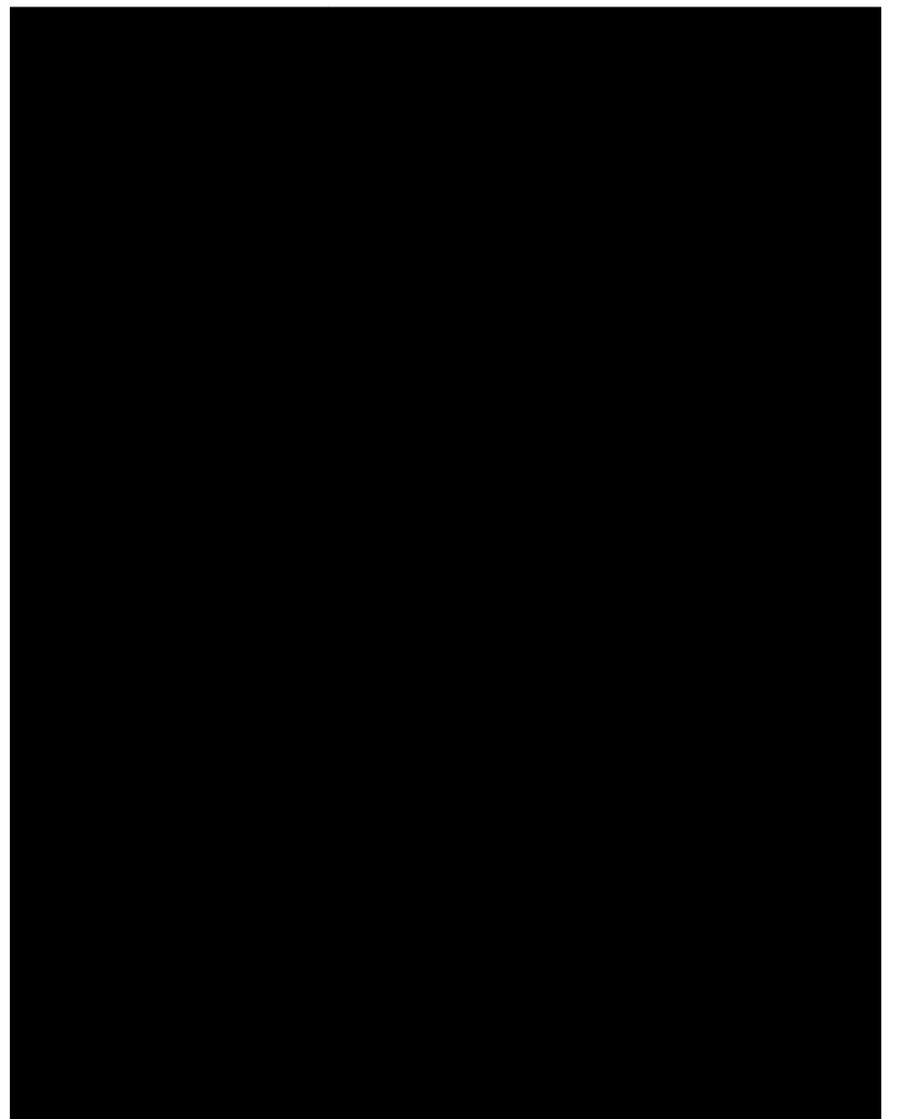


EXHIBIT B

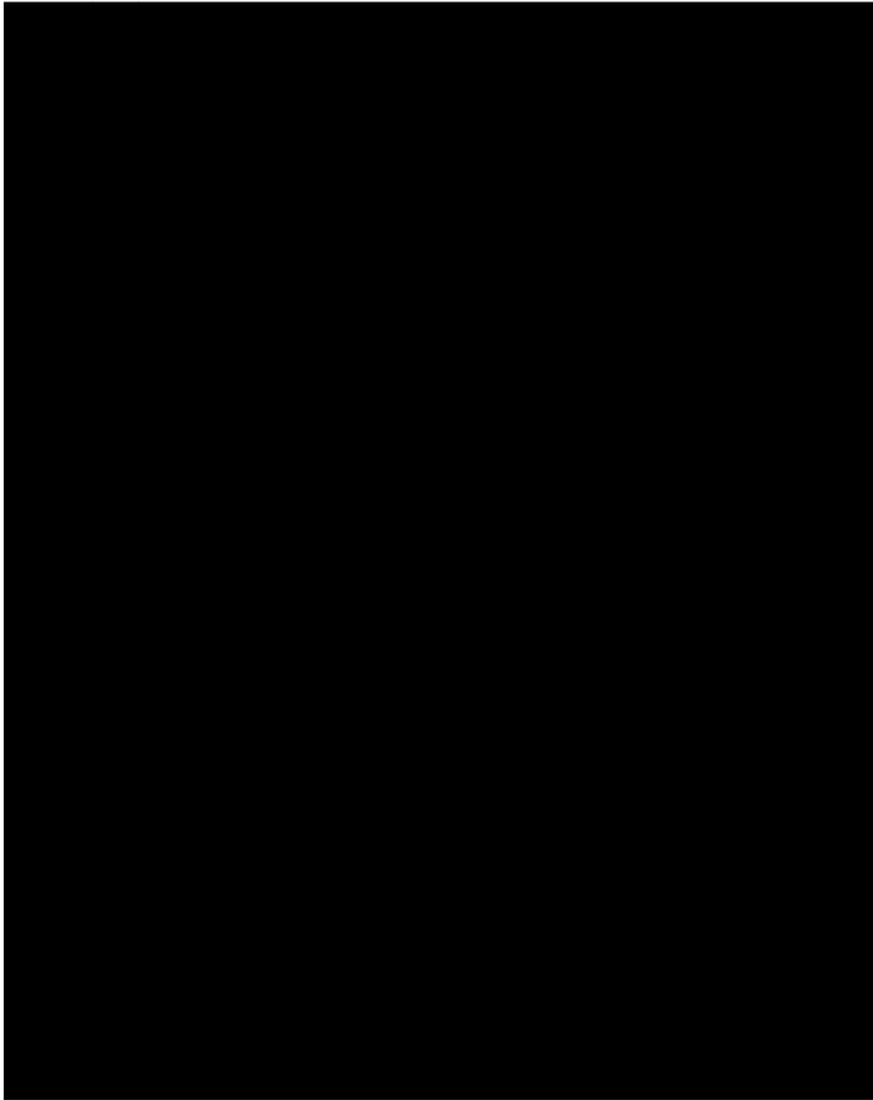


EXHIBIT C

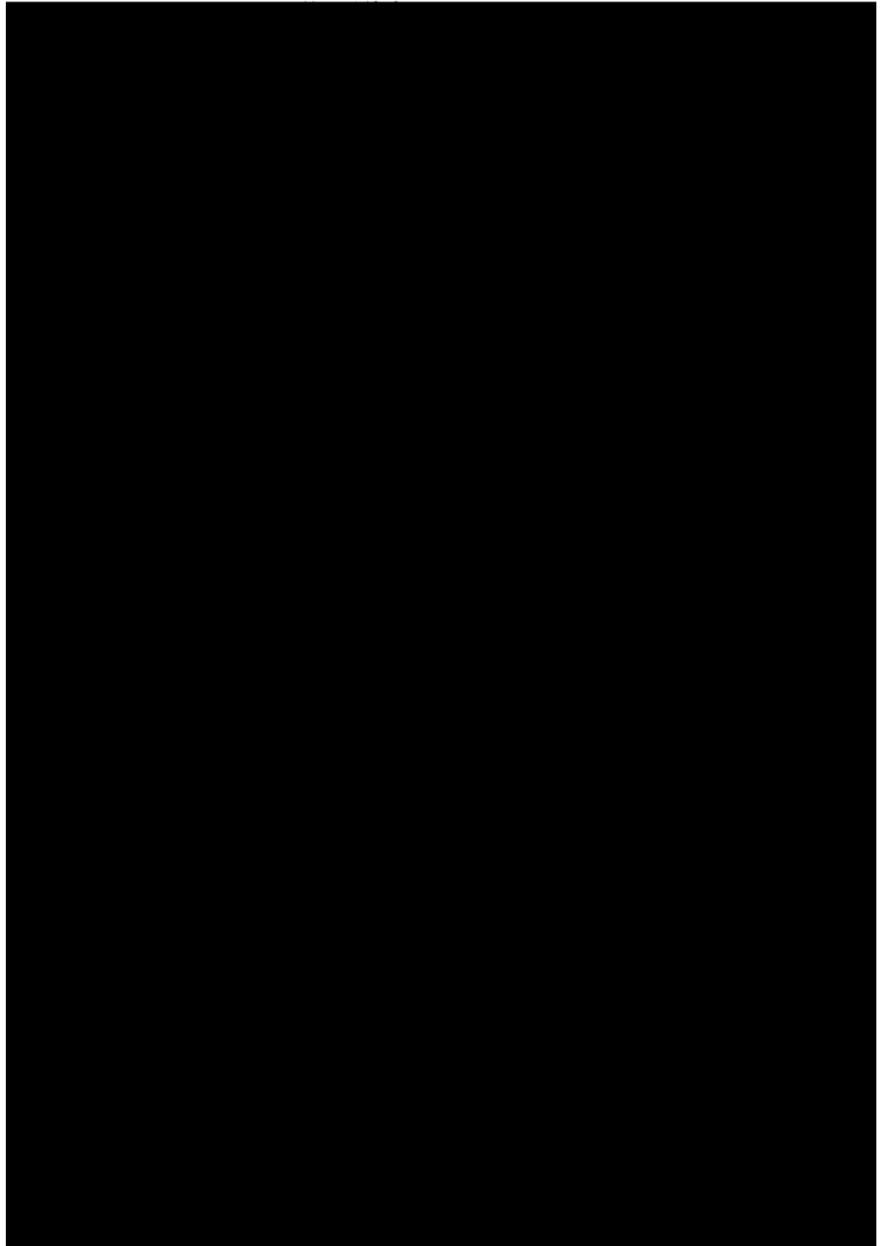


EXHIBIT D

EXHIBIT E

CHART 4: Cultural After School Adventure (CASA)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Comrie	Kerri Edge Childrens Dance Ensemble - Intermediate School 59Q	11-3264549	DYCD	(\$20,000.00)	260	312 *
Comrie	Reversing the Projections - Intermediate School 59Q	75-3260289	DYCD	\$20,000.00	260	312 *
Arroyo	Bronx Dance Theater, Inc. - South Bronx School for Intl Cultures & the Arts	11-1773636	DCA	(\$20,000.00)	126	003
Arroyo	Bronx Dance Theater, Inc. - Public School 25 Bilingual School	11-1773636	DCA	(\$20,000.00)	126	003
Palma	Bronx Dance Theater, Inc. - Intermediate School 131X Albert Einstein	11-1773636	DCA	(\$20,000.00)	126	003
Palma	Bronx Dance Theater, Inc. - Public School 107X	11-1773636	DCA	(\$20,000.00)	126	003
Vacca	Bronx Dance Theater, Inc. - Public School 105X	11-1773636	DCA	(\$20,000.00)	126	003
Arroyo	Bronx Dance Theater, Inc. - South Bronx School for Intl Cultures & the Arts	13-2999528	DCA	\$20,000.00	126	003
Arroyo	Bronx Dance Theater, Inc. - Public School 25 Bilingual School	13-2999528	DCA	\$20,000.00	126	003
Palma	Bronx Dance Theater, Inc. - Intermediate School 131X Albert Einstein	13-2999528	DCA	\$20,000.00	126	003
Palma	Bronx Dance Theater, Inc. - Public School 107X	13-2999528	DCA	\$20,000.00	126	003
Vacca	Bronx Dance Theater, Inc. - Public School 105X	13-2999528	DCA	\$20,000.00	126	003
Arroyo	Bronx Dance Theater, Inc. - South Bronx School for Intl Cultures & the Arts	13-2999528	DCA	(\$20,000.00)	126	003
Arroyo	Learning Through an Expanded Arts Program, Inc. - South Bronx School for International Cultures and the Arts	13-1624087	DCA	\$20,000.00	126	003
Arroyo	American Ballroom Theater Company, Inc. - Public School 90K	22-2542960	DCA	(\$20,000.00)	126	003
Recchia	Marquis Studios - Public School 90K	13-3047206	DCA	\$20,000.00	126	003 *
Lappin	National Dance Institute, Inc. - Public School 158M	13-2890779	DCA	(\$20,000.00)	126	003
Lappin	New 42nd Street, Inc., The - Public School 158M	13-3584032	DCA	\$20,000.00	126	003
				\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 5: Immigrant Opportunities Initiative (IOI)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	Caribbean Women's Health Association, Inc.	11-3323168	DYCD	(\$30,000.00)	260	005 *
Brooklyn	New York Legal Assistance Group	13-3505428	DYCD	\$30,000.00	260	005
				\$0.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT F

EXHIBIT G

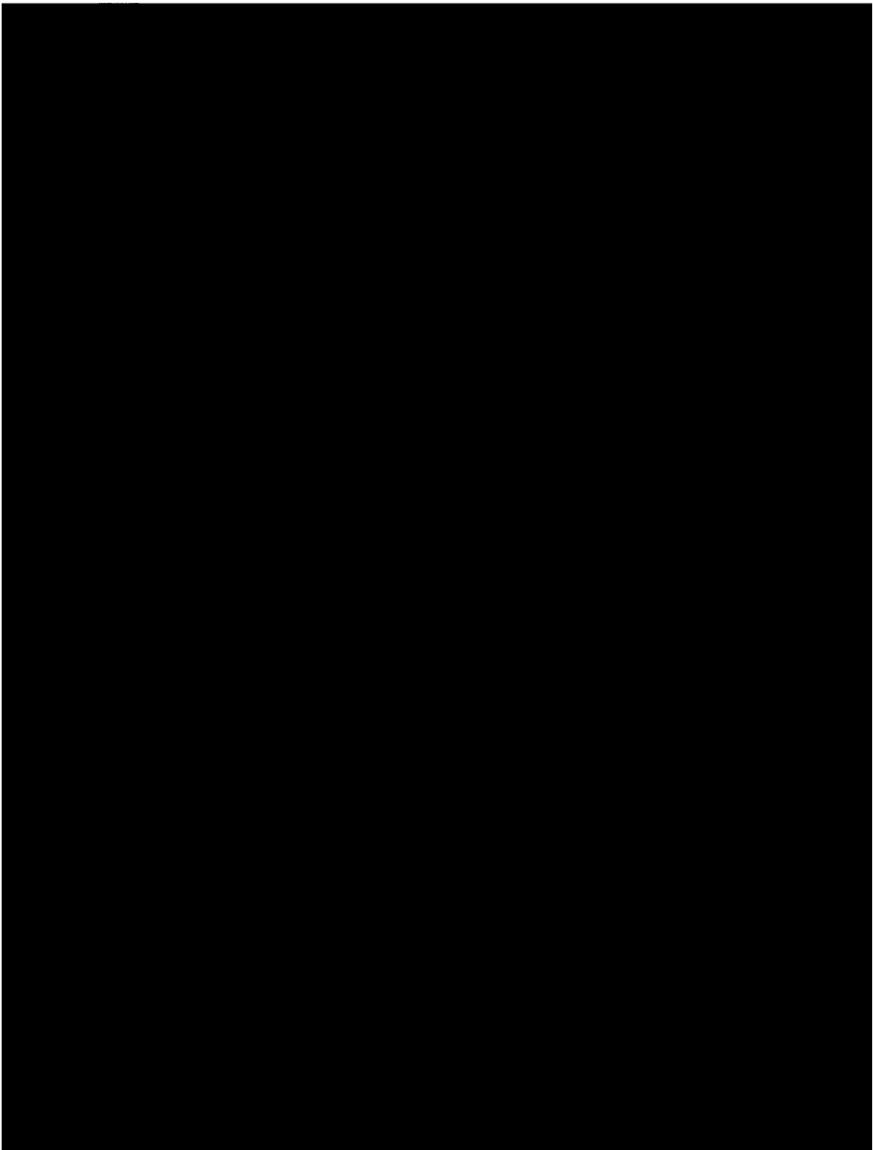


CHART 7: MWBE Leadership Associations

Organization	EIN Number	Agency	Amount	Agy #	U/A *
ACCION U.S.A., Inc.	04-3219159	DSBS	\$75,000.00	801	005
Asian Women in Business, Inc.	13-3842867	DSBS	\$75,000.00	801	005
New Bronx Chamber of Commerce, The	31-1443165	DSBS	\$50,000.00	801	005
Brooklyn Economic Development Corporation	11-2510289	DSBS	\$50,000.00	801	005
Harlem Business Alliance, Inc.	13-3591350	DSBS	\$50,000.00	801	005
New York Women's Chamber of Commerce, Inc.	14-1846651	DSBS	\$100,000.00	801	005
New York State Chapter of National Association of Minority Contractors	11-2436149	DSBS	\$75,000.00	801	005
Queens Economic Development Corporation	11-3454539	DSBS	\$50,000.00	801	005
South Bronx Overall Economic Development Corporation	13-2736022	DSBS	\$75,000.00	801	005
West Brighton Community Local Development Corporation	13-3046424	DSBS	\$50,000.00	801	005
Women Builders Council, Inc.	27-0111010	DSBS	\$50,000.00	801	005
DSBS Management	13-6400434	DSBS	\$100,000.00	801	005
			\$800,000.00		

* Indicates pending completion of pre-qualification review.

EXHIBIT H

EXHIBIT I

CHART 8: Small Business and Job Development / Financial Literacy

Organization	EIN Number	Agency	Amount	Agy #	U/A *
ACCION U.S.A., Inc.	04-3219159	DSBS	\$75,000.00	801	002
Asian Americans for Equality	13-3187792	DSBS	\$75,000.00	801	002
Bronx Overall Economic Development Corporation	13-3075387	DSBS	\$75,000.00	801	002
Business Outreach Center Network, Inc.	11-3306111	DSBS	\$120,000.00	801	002
Caribbean American Chamber of Commerce and Industry, Inc.	11-2903423	DSBS	\$72,000.00	801	002
Haitian Business Alliance, Inc.	13-3581350	DSBS	\$50,000.00	801	002
Jamaica Business Resource Center	11-3306944	DSBS	\$100,000.00	801	002
Queens Economic Development Corporation	11-2436149	DSBS	\$50,000.00	801	002
St. Nicholas Neighborhood Preservation Corporation	51-0192170	DSBS	\$75,000.00	801	002
Staten Island Chamber of Commerce Foundation, Inc.	13-4662392	DSBS	\$50,000.00	801	002
			\$742,000.00		

* Indicates pending completion of pre-qualification review.

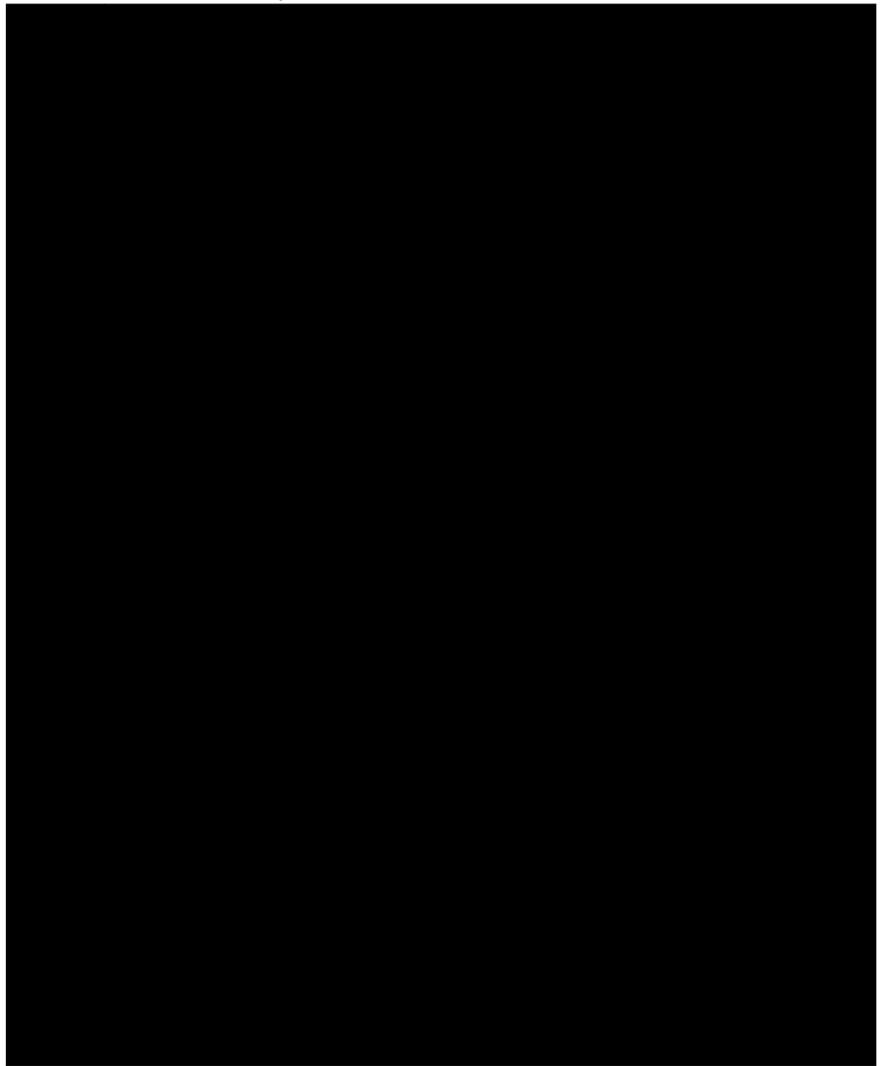


EXHIBIT J

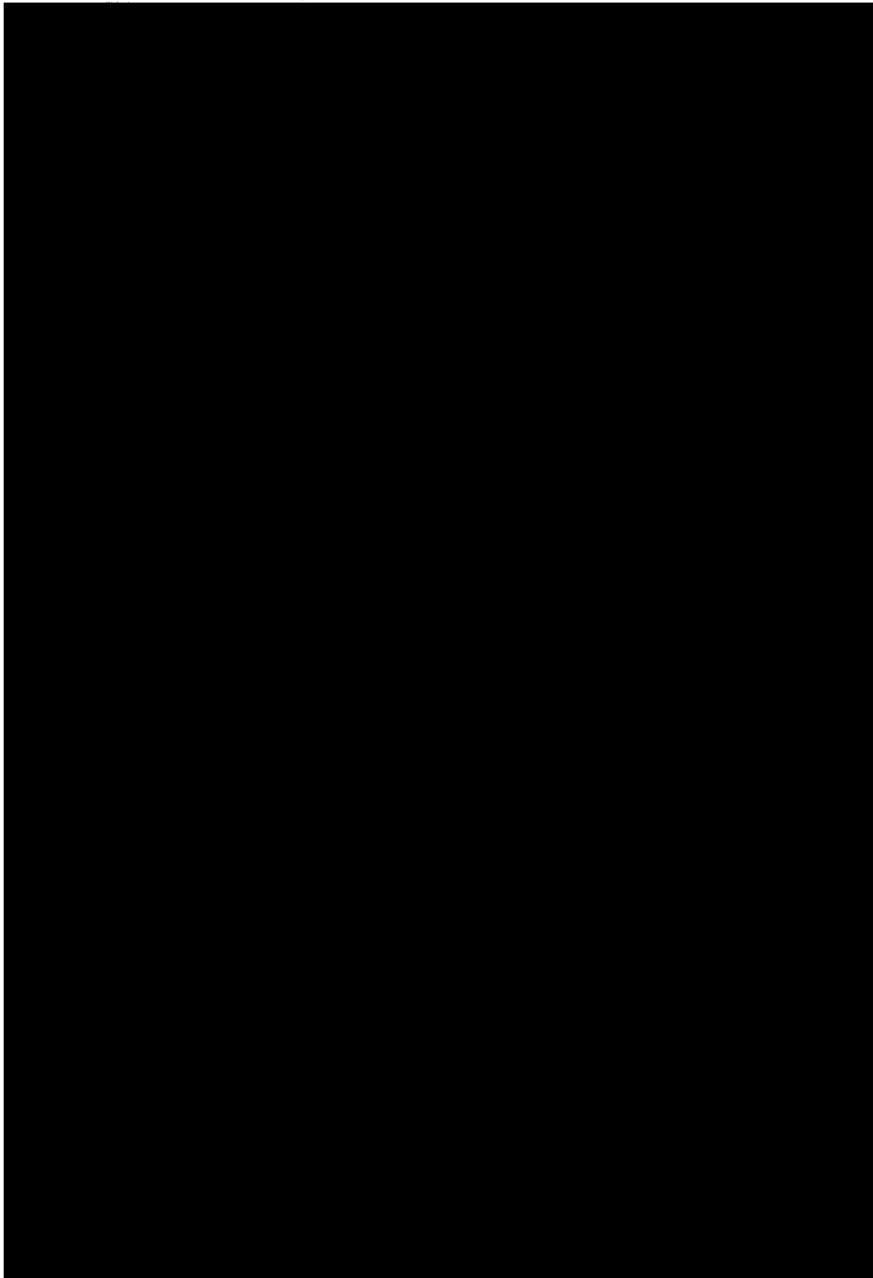


EXHIBIT K



DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, October 28, 2009.

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. 1243

Report of the Committee on Finance in favor of approving Section 577 of the Private Housing Finance Law 1 co-op building with 15 units. Middle income housing, 228 West 17th Street Manhattan, Community District No. 4, Council District No. 3

The Committee on Finance, to which the annexed Land Use resolution was referred on October 14, 2009 (Minutes, page 5354), respectfully

REPORTS:

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

October 28, 2009

TO: Hon. David Weprin
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of October 28, 2009-Resolution approving a full tax exemption for one preconsidered Land Use Item (Council District 3).

HPD has submitted a request to the Council to approve a property tax exemption for 228 West 17th Street, Manhattan in Speaker Quinn's District.

228 West 17th Street consist of a multiple dwelling that will provide 15 units of low income co-op housing. The sponsor, 228 West 17 Street Housing Development Fund Corporation will purchase and rehabilitate the building under the Tenant Interim Lease Program, which assists organized tenant associations in City-owned buildings to develop economically self-sufficient low-income cooperatives where tenants purchase their apartments for \$250. 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 at \$166,821 in the first year of the exemption and \$12.5 million over the 40-year length of the exemption.

This item has the approval of Speaker Quinn.

Accordingly, Your Committee recommends its adoption.

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

Res. No. 2241

Resolution approving a full exemption from real property taxes for property located at 228 West 17th Street (Block 766, Lot 60) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 1243).

By Council Member Weprin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 8, 2009

that the Council take the following action regarding a housing project located at 228 West 17th Street (Block 766, Lot 60) Borough of Manhattan ("Exemption Area"):

Approve a full exemption of the Project from real property taxes pursuant to Section 577 of the 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 October 28, 2009

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 Disposition Area to Sponsor, and (ii) the date that HPD and Sponsor, in their respective sole discretion, enter into the Regulatory Agreement.
 - b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - c) "Disposition Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 766, Lot 60 on the Tax Map of the City of New York.
 - d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company of an entity wholly controlled by a housing development fund company.
 - e) "Sponsor" shall mean 228 West 17 Street Housing Development Fund Corporation.
 - f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - g) "Owner" shall mean Sponsor or any future owner of the Disposition Area.
 - h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Disposition Area during the term of the Exemption.
2. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Disposition 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 (iii) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

4. In consideration of the Exemption, the Sponsor, 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.
5. The Exemption shall not apply to any building constructed on the Disposition Area which did not have a permanent certificate of occupancy on the Effective Date.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL DEBLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ERIC N. GIOIA, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT VANN, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, October 28, 2009.

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. 874-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to methane and radon gas vent piping, the approval of mechanical joint piping systems and the approval of non-code prescribed drainage vent systems.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on November 19, 2008 (Minutes, page 6987), respectfully

REPORTS:

On October 28, 2009, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 874-A, A Local Law to amend the Administrative Code of the City of New York, in relation to methane and radon gas vent piping, the approval of mechanical joint piping systems and the approval of non-code prescribed drainage vent systems. The Council is concerned about the release of methane and radon from underground areas into the atmosphere. The Committee first heard testimony on Proposed Int. No. 874-A on October 15, 2009 from representatives of the Department of Buildings, labor representatives and other persons interested in this legislation.

Proposed Int. No. 874-A

Bill section one amends the definition of "VENT PIPE" in section 202 of the Plumbing Code of the City of New York (PC or Code) by including a reference to "Vent System (Methane and Radon)" to the definition and in bill section two defines "Vent System (Methane and Radon)" as a pipe which allows methane or radon gas to pass from an underground area into the atmosphere in a safe way that does not allow the gases to harmfully affect the population nearby or to provide for recovery of the gases for commercial purposes.

Bill section three amends section 605.12.2 of the PC to only allow the use of mechanical joints when such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner of Buildings (the Commissioner).

Bill section four amends section 605.14.2 of the PC to allow the use of mechanical joints in copper pipes only where such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section five amends section 605.15.3 of the PC to allow the use of mechanical joints in the joints between copper or copper-alloy tubing or fittings where such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section six amends section 605.22.1 of the PC to allow for the use of mechanical joints between stainless steel pipe and fittings only in cases where such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section seven amends section 605.23 of the PC, to allow for the joints between different piping materials to be made with a mechanical joint of the compression or mechanical-sealing type where such joint is installed in accordance

with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section eight amends section 705.2.1 of the PC to allow for the mechanical joints on drainage pipes to be installed only in underground systems in accordance with the manufacturer's instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section nine amends section 705.4.2 of the PC to allow for the use of mechanical joints between the brass pipes or fittings on sanitary drainage piping only where such joints are installed in accordance with the manufacturer's instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section ten amends section 705.9.2 of the PC to allow for the use of mechanical joints between copper or copper-alloy pipe or fittings on sanitary drainage piping only where such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section eleven amends section 705.10.2 of the PC to allow for the use of mechanical joints between copper or copper-alloy tubing or fittings on sanitary drainage piping only where such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section twelve amends section 705.12.2 of the PC to allow for the use of mechanical joints on galvanized steel pipe or fittings on sanitary drainage piping only where such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section thirteen amends section 705.14.1 of the PC to allow for the use of mechanical joints between PVC plastic pipe or fittings on sanitary drainage piping only where such joints are installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the Commissioner.

Bill section fourteen amends section 901.1 of the PC by adding a provision exempting vent systems for radon and methane gases from the general scope of Chapter 9 of the Plumbing Code. A new section 901.1.1 is also added, which requires the design and materials used in the installation of the methane and radon vent systems to be approved by the Commissioner of Buildings and must comply with all applicable rules of the Fire Department.

Bill section fifteen amends section 919.1 of the PC to require that a computer designed vent system be approved by the Commissioner to insure compliance with the minimum standards of the Plumbing Code.

Bill section sixteen provides that this law would become effective one hundred eighty days after enactment.

Amendments to Proposed Int. No. 874-A

- Technical changes were made through out the bill to correct inaccurate cross references to the Plumbing Code.
- Bill sections three through thirteen were amended to require the Department of Buildings to establish acceptance criteria for the installation of mechanical joints and recognizes that such joints must also be installed in accordance with the manufacturers' instructions. These amendments are intended to clarify that the Department will not have to inspect every installation of such joints or approve manufacturers' instructions related to such use but in addition to such manufacturers' instructions DOB must identify appropriate uses of mechanical joints by establishing acceptance criteria.
- Former bill section fifteen, which amended section 918.1 of the Plumbing Code requiring computer-designed engineered vent systems to comply with the Administrative Code and to be approved by the Commissioner was removed as such process is already required under the Plumbing Code.
- Finally, the enactment clause was amended to provide that this local law would become effective one hundred eighty days after enactment rather than ninety days as previously provided.

Update

On Wednesday, October 28, 2009 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

(The following is from the text of the Fiscal Impact Statement for Int. No. 874-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS To COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Ralph P. Hernandez, Legislative Financial Analyst
Jonathan Rosenberg, Deputy Director
New York City Council Finance Division

DATE SUBMITTED TO COUNCIL: Introduced by Council and referred to Housing and Buildings Committee as Int. 874 on November 19, 2008. Hearing held by Committee, amendment proposed, and laid over by Committee as Int. 874-A on October 15, 2009. To be considered by Committee as Int. 874-A on October 28, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 874-A:)

Int. No. 874-A

By Council Members Dickens, Comrie, Eugene, Gerson, Gonzalez, Liu, Arroyo, Gioia, Katz, Mark-Viverito, Baez, de Blasio, Recchia, Gentile, Lappin, Mitchell, Sears, Reyna, Crowley, Sanders., Vallone Jr., Ferreras, Jackson, Dilan, Fidler, Vacca, Oddo, Ulrich, White Jr., Brewer, Gennaro and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to methane and radon gas vent piping, the approval of mechanical joint piping systems and the approval of non-code prescribed drainage vent systems.

Be it enacted by the Council as follows:

Section 1. Section 202 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended by amending the definition of "Vent Pipe" to read as follows:

VENT PIPE. See "Vent system" and "Vent System (Methane and Radon)."

§2. Section 202 of the New York plumbing code, as added by local law number 99 for the year 2005, is amended by adding a definition of "Vent System (Methane and Radon)" to follow the definition of "Vent System" to read as follows:

VENT SYSTEM (Methane and Radon). A pipe or pipes installed to provide for the passage of methane or radon gas from underground areas into the general atmosphere in an effort to avoid the hazardous effects of the gases on human beings or to provide the recovery of these gases for commercial purposes.

§3. Section 605.12.2 of section 605 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

605.12.2 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§4. Section 605.14.2 of section 605 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

605.14.2 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§5. Section 605.15.3 of section 605 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

605.15.3 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§6. Section 605.22.1 of section 605 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

605.22.1 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§7. Section 605.23 of section 605 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

605.23 Joints between different materials. Joints between different piping materials shall be made with a mechanical joint of the compression or mechanical-sealing type, or as permitted in sections 605.23.1 and 605.23.3. Connectors or adaptors shall have an elastomeric seal conforming to ASTM D 1869 or ASTM F 477. Joints shall be installed in accordance with the manufacturer's instructions and in conformance with acceptance criteria established by the commissioner.

§8. Section 705.2.1 of section 705 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

705.2.1 Mechanical joints. Mechanical joints on drainage pipes shall be made with an elastomeric seal conforming to ASTM C 1173, ASTM D 3212 or CAN/CSA B602. Mechanical joints shall be installed only in underground systems unless otherwise approved. Joints shall be installed accordance with the manufacturer's instructions and in conformance with acceptance criteria established by the commissioner.

§9. Section 705.4.2 of section 705 of the New York city, as added by local law number 99 for the year 2005, is amended to read as follows:

705.4.2 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§10. Section 705.9.2 of section 705 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

705.9.2 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§11. Section 705.10.2 of section 705 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

705.10.2 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§12. Section 705.12.2 of section 705 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

705.12.2 Mechanical joints. Joints shall be made with an approved elastomeric seal. Mechanical joints shall be installed in accordance with the manufacturers' instructions and in conformance with acceptance criteria established by the commissioner.

§13. Section 705.14.1 of section 705 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

705.14.1 Mechanical joints. Mechanical joints on drainage pipes shall be made with an elastomeric seal conforming to ASTM C 1173, ASTM D 3212 or CAN/CSA B602. Mechanical joints shall not be installed in above-ground systems unless otherwise approved. Joints shall be installed accordance with the manufacturer's instructions and in conformance with acceptance criteria established by the commissioner.

§14. Section 901.1 of section 901 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended and a new section 901.1.1 is added to read as follows:

901.1 Scope. The provisions of this chapter shall govern the material, design, construction and installation of vent systems except for vent systems for methane and radon which shall be governed by this section.

901.1.1 Methane and radon venting. The design and materials used in the installation of the methane and radon vent systems shall be approved by the commissioner and shall comply with all applicable rules of the fire department.

§15. Section 919.1 of section 919 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

919.1 Design of vent system. The sizing, design and layout of the vent system shall be permitted to be determined by [approved] computer program design methods which shall be approved by the commissioner to insure compliance with the minimum standards of this code.

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

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, TONY AVELLA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ROSIE MENDEZ, JAMES VACCA, ELIZABETH CROWLEY, JAMES S. ODDO, Committee on Housing and Buildings, October 28, 2009.

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

Reports of the Committee on Land Use

Report for L.U. No. 1225

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 090447 HAK, an Urban Development Action Area Designation and Project, located at 228 Riverdale Avenue, and the disposition of such property, Borough of Brooklyn, Council District no. 42. 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 September 30, 2009 (Minutes, page 5248), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

C 090447 HAK

City Planning Commission decision approving an application submitted by the New York City 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 228 Riverdale Avenue (Block 3603, Lot 25) as an Urban Development Action Area; and

b) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

INTENT

To facilitate development of a seven-story building, tentatively known as Riverway Apartments, with approximately 115 residential units, commercial and community facility space.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 27, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2242

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 090447 HAK, approving the designation of property located at 228 Riverdale Avenue (Block 3603, Lot 25), 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. 1225; C 090447 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on September 15, 2009 its decision dated September 9, 2009 (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 228 Riverdale Avenue (Block 3603, Lot 25), as an Urban Development Action Area (the "Area");

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

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a seven-story building, tentatively known as Riverway Apartments, with approximately 115 residential units, commercial and community facility space, to be developed under the Department of Housing Preservation and Development Supportive Housing Program (the "Disposition"), Community District 16, Borough of Brooklyn (ULURP No. C 090447 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, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on September 2, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on October 27, 2009;

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 review (CEQR No. 09HPD031K) and the Negative Declaration which was issued on June 9, 2009;

RESOLVED:

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090447 HAK).

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1226

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 090374 HAM, an Urban Development Action Area Designation and Project, located at 138-150 West 128th Street, and the disposition of such property, Borough of Manhattan, Council District no. 9. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 30, 2009 (Minutes, page 5248), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10 **C 090374 HAM**

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:

a.) the designation of property located at 138-150 West 128th Street (Block 1912, p/o Lot 12), as an Urban Development Action Area; and

b.) an Urban Development Action Area Project for property; 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 six-story building, tentatively known as The Dempsey, with approximately 80 dwelling units.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 27, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2243

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090374 HAM, approving the designation of property located at 138-150 West 128th Street (Block 1912, p/o Lot 12), Borough of Manhattan, 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 Department of Housing Preservation and Development (L.U. No. 1226; C 090374 HAM).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on September 25, 2009 its decision dated September 23, 2009 (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 138-150 West 128th Street (Block 1912, p/o Lot 12), 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 Department of Housing Preservation and Development to facilitate the development of a six-story building, tentatively known as The Dempsey, with approximately 80 dwelling units (the "Disposition"), Community District 10, Borough of Manhattan (ULURP No. C 090374 HAM) (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, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on September 14, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on October 27, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on March 9, 2009 (CEQR No. 09HPD025M);

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

RESOLVED:

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090374 HAM).

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1231

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 090467 HAK, an Urban Development Action Area Designation and Project, located at 660 Jerome Avenue and 741 Barbey Street, and the disposition of such property, Borough Brooklyn, Council District no. 42. 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 September 30, 2009 (Minutes, page 5250), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 5

C 090467 HAK

City Planning Commission decision approving an application submitted by the New York City 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 660 Jerome Street and 741 Barbey Street (Block 4309, Lots 1 and 46) as an Urban Development Action Area; and

b.) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD.

INTENT

To facilitate a four-story, 51-unit development, tentatively known as Coretta Scott King Apartments for the elderly.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 27, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2244

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090467 HAK, approving the designation of property located at 660 Jerome Street and 741 Barbey Street (Block 4309, Lots 1 and 46), 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 Department of Housing Preservation and Development (L.U. No. 1231; C 090467 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the City Planning Commission filed with the Council on September 25, 2009 its decision dated September 23, 2009 (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 660 Jerome Street and 741 Barbey Street (Block 4309, Lots 1 and 46), 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 Department of Housing Preservation and Development to facilitate a four-story, 51-unit development, tentatively known as Coretta Scott King Apartments, to be developed under the

U.S. Department of Housing and Urban Development's Section 202 Supportive Housing Program for the Elderly (the "Disposition"), Community District 5, Borough of Brooklyn (ULURP No. C 090467 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, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on September 21, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on October 27, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 15, 2009 (CEQR No. 09HPD007K);

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

RESOLVED:

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

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 090467 HAK).

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

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1232

Report of the Committee on Land Use in favor of approving Application no. 20095520 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Taboon Restaurant Corp., to continue to, maintain and operate an unenclosed sidewalk café located at 773 Tenth Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 30, 2009 (Minutes, page 5251), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4 **20095520 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Taboon Restaurant Corp., d/b/a Taboon, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café at 773 Tenth Avenue.

INTENT

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

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 26, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2245

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 773 Tenth Avenue, Borough of Manhattan (20095520 TCM; L.U. No. 1232).

By Council Members Katz and Avella.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 15, 2009 its approval dated September 15, 2009 of the petition of Taboon Restaurant Corp., d/b/a Taboon, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 773 Tenth Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 26, 2009; and

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

RESOLVED:

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1236

Report of the Committee on Land Use in favor of approving Application no. C 060419 ZMQ, submitted by Parkway Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the

Zoning Map of the City of New York, Section No 19b, by establishing within an existing R3-1 District a C1-3 District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 30, 2009 (Minutes, page 5252), respectfully

REPORTS:

SUBJECT

QUEENS CB - 13 **C 060419 ZMQ**

City Planning Commission decision approving an application submitted by Parkway Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C1-3 District bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue distant 75 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

INTENT

A rezoning to develop a one-story, 7,800 square foot commercial building for Use Group 6 retail uses.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 26, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2246

Resolution approving the decision of the City Planning Commission on ULURP No. C 060419 ZMQ, a Zoning Map amendment (L.U. No. 1236).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on September 15, 2009 its decision dated September 9, 2009 (the "Decision"), on an application submitted by Parkway Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map, to establish a C1-3 district within an existing R3- 1 district facilitate development of a one-story commercial structure (ULURP No. C 060419 ZMQ) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 6, 2009;

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 Conditional Negative Declaration which was issued on August 3, 2009 (CEQR No. 07DCP006Q);

RESOLVED:

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

That the applicant enter into a restrictive declaration to ensure that the appropriate hazardous materials sampling protocols, including health and safety

plans, will occur prior to construction on the applicant's premises (Block 13513, Lot 58), and would ensure that appropriate mediation measures for on-site hazardous materials, if necessary, would occur.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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. 19b, by establishing within an existing R3-1 District a C1-3 District bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue distant 75 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, as shown on a diagram (for illustrative purposes only) dated April 20, 2009, Community District 13, Borough of Queens.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1241

Report of the Committee on Land Use in favor of approving Application no. 20105079 HAK, an Urban Development Action Area Project known as ACA Site 3, located in Community Boards 4, 5 and 16, Council District no. 37 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 30, 2009 (Minutes, page 5254), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
177 Hull Street Control	1534/55	20105079 HAK	1241	Asset
1185 Jefferson Avenue Area	3382/59			
190 Cornelia Street	3383/13			
126 Ridgewood Avenue	3927/27			
2485 Pitkin Avenue	4005/38			
282 Eldert Lane Brooklyn	4152/51			
279 Clifton Place	1788/72	20105080 HAK	1242	Asset Control
412 Gates Avenue	1813/17			Area
469 Monroe Street Brooklyn	1634/78			
551 Bay Street	491/11	20105185 HAR	1249	Amendment
571 Bay Street (Private Lot) Staten Island		491/1		

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for L.U. Nos. 1241 and 1242.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 27, 2009

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

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2247

Resolution approving an Urban Development Action Area Project located at 177 Hull Street (Block 1534/Lot 55), 1185 Jefferson Avenue (Block 3382/Lot 59), 190 Cornelia Street (Block 3383/Lot 13), 126 Ridgewood Avenue (Block 3927/Lot 27), 2485 Pitkin Avenue (Block 4005/Lot 38), and 282 Eldert Lane (Block 4152, Lot 51), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 1241; 20105079 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 22, 2009 its request dated September 8, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 177 Hull Street (Block 1534/Lot 55), 1185 Jefferson Avenue (Block 3382/Lot 59), 190 Cornelia Street (Block 3383/Lot 13), 126 Ridgewood Avenue (Block 3927/Lot 27), 2485 Pitkin Avenue (Block 4005/Lot 38), and 282 Eldert Lane (Block 4152, Lot 51), Community Districts 4, 5, and 16, Borough of Brooklyn (the "Disposition Area"):

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

5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 26, 2009;

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

RESOLVED:

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

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

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

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

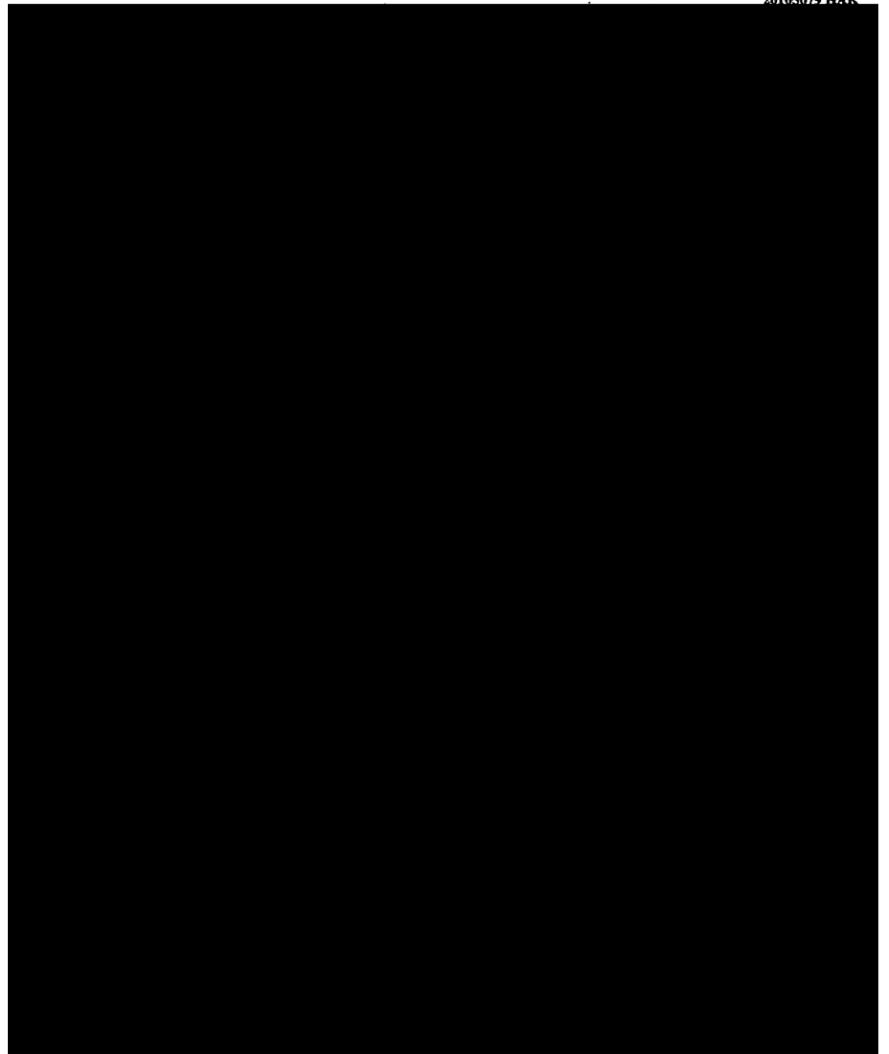
The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

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

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years, during the last five years of which such exemption shall decrease in equal annual decrements, commencing on the January 1st or July 1st (whichever shall first occur) following certification by HPD or its designee that (i) rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building has been issued by the Department of Buildings or is not required, and (ii) the cost of such rehabilitation is at least equal to the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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

ATTACHMENT:



MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1242

Report of the Committee on Land Use in favor of approving Application no. 20105080 HAK, an Urban Development Action Area Project known as ACA Site 2, located in Community Board 3, Council District no. 36 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 30, 2009 (Minutes, page 5254), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 1241 printed in these Minutes)

Accordingly, Your Committee recommends its adoption.

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2248

Resolution approving an Urban Development Action Area Project located at 279 Clifton Place (Block 1788/Lot 72), 412 Gates Avenue (Block 1813/Lot 17), and 469 Monroe Street (Block 1634/Lot 78), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 1242; 20105080 HAK).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 22, 2009 its request dated September 8, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 279 Clifton Place (Block 1788/Lot 72), 412 Gates Avenue (Block 1813/Lot 17), and 469 Monroe Street (block 1634/Lot 78), Community District 3, Borough of Brooklyn (the "Disposition Area"):

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 26, 2009;

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

RESOLVED:

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

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

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

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

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

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

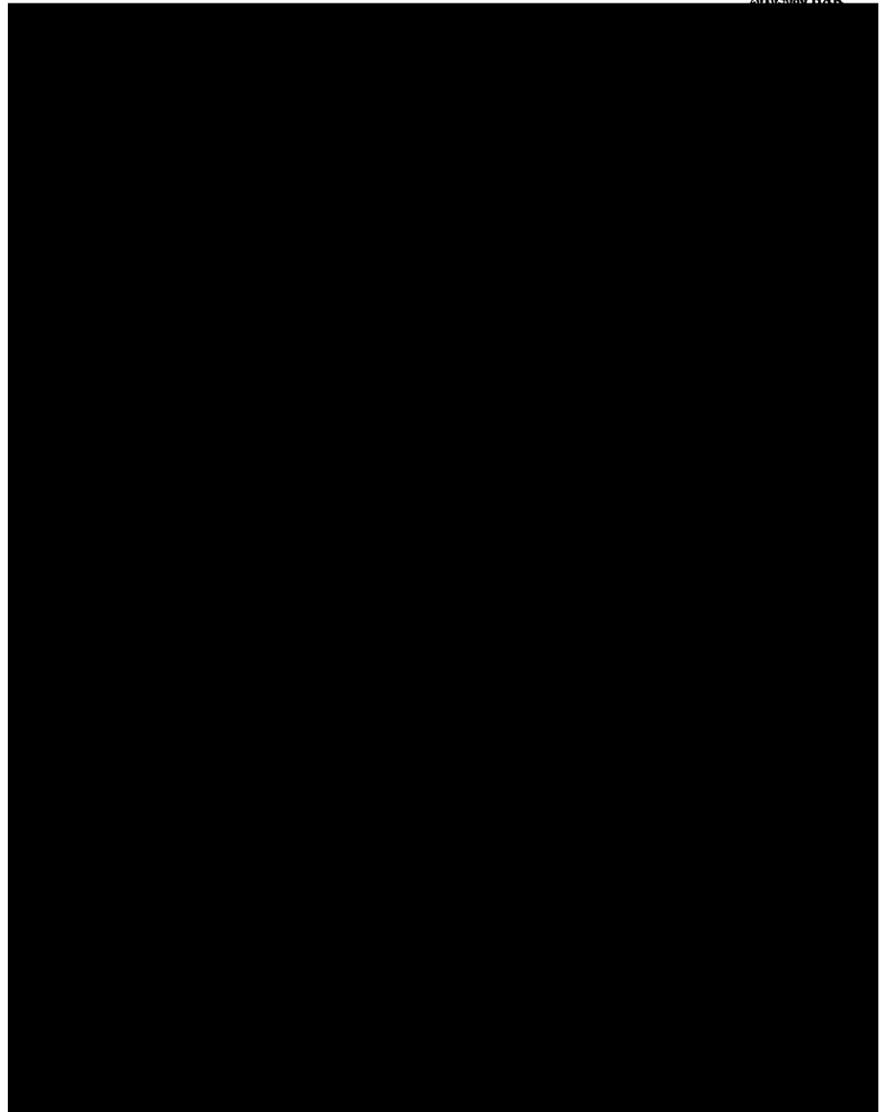
- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of

ten years, during the last five years of which such exemption shall decrease in equal annual decrements, commencing on the January 1st or July 1st (whichever shall first occur) as certified by HPD, following certification by HPD or its designee that (i) rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building has been issued by the Department of Buildings or is not required, and (ii) the cost of such rehabilitation is at least equal to the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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

ATTACHMENT:

20105080 HAK



MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1245

Report of the Committee on Land Use in favor of approving Application no. C 090462 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 16a and 16c.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 14, 2009 (Minutes, page 5354), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6

C 090462 ZMK

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16a & 16c.

INTENT

To rezone the Carroll Gardens neighborhood in Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 26, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2249

Resolution approving the decision of the City Planning Commission on ULURP No. C 090462 ZMK, a Zoning Map amendment (L.U. No. 1245).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on September 25, 2009 its decision dated September 23, 2009 (the "Decision"), on an 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 to the Zoning Map to rezone all or portions of 89 blocks in an area generally bounded by Degraw Street, Warren Street, Douglass Street, Hoyt Street, Bond Street, Smith Street, 3rd Street, 5th Street, Centre Street, Columbia Street, and Hamilton Avenue from R6 to R6B, R6A, and R7A (ULURP No. C 090462 ZMK) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 26, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 1, 2009 (CEQR No. 09DCP083K);

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, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 16a and 16c:

1. eliminating from within an existing R6 District a C 1-3 District bounded by:
 - f. Kane Street, a line 100 feet southeasterly of Columbia Street, Degraw Street, a line 150 feet southeasterly of Columbia Street, a line midway between Sackett Street and Union Street, Hick Street (westerly portion), a line midway between Union Street and President Street, a line 150 feet southeasterly of Columbia Street, Carroll Street, and Columbia Street;
 - g. Sackett Street, a line 150 feet southeasterly of Henry Street, a line midway between Union Street and President Street, Hicks Street (easterly portion), Union Street, and a line 150 feet northwesterly of Henry Street;
 - h. Degraw Street, Court Street, Warren Street, a line 150 feet southeasterly of Court Street, President Street, Court Street, 1st Place, a line 150 feet southeasterly of Court Street, Luquer Street, Court Street, 4th Place, and a line 150 feet northwesterly of Court Street;
 - i. Warren Street, a line 150 feet southeasterly of Smith Street, Butler Street, and a line 150 feet northwesterly of Smith Street, and
 - j. Warren Street, Hoyt Street, Douglass Street, and a line 150 feet northwesterly of Hoyt Street;
2. eliminating from within an existing R6 District a C2-3 District bounded by:
 - g. Sackett Street, Columbia Street, Carroll Street, a line 150 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Summit Street, a line 100 feet northwesterly of Columbia Street, Union Street, a line 150* feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of Columbia Street;
 - h. Butler Street, a line 150 feet southeasterly of Smith Street, President Street, and a line 150 feet northwesterly of Smith Street;
 - i. a line 100 feet southwesterly of 3rd Street, a line 100 feet southeasterly of Smith Street, a line midway between 4th Street and 5th Street, and Smith Street;
 - j. 4th Place, Court Street, Nelson Street, a line 150 feet southeasterly of Court Street, Huntington Street, Court Street, a line 110 feet northeasterly of West 9th Street, a line 65 feet southeasterly of Court Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), Court Street, Garnet Street, Hamilton Avenue (northeast portion), a line 100 feet northeasterly of Garnet Street, a line 100 feet northwesterly of Court Street, Huntington Street, and a line 150 feet northwesterly of Court Street;
 - k. Huntington Street, a line perpendicular to the southwesterly street line of Huntington Street distant 115 feet southeasterly (as

measured along the street line) from the point of intersection of the southwesterly street line of Huntington Street and the northeasterly street line of Hamilton Avenue (northeast portion), a line midway between Huntington Street and West 9th Street, a line perpendicular to the northeasterly street line of West 9th Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of West 9th Street and the northeasterly street line of Hamilton Avenue (northeast portion), and Hamilton Avenue (northeast portion); and

1 a line 105 feet northeasterly of West 9th Street, Smith Street, Garnet Street, and a line 80 feet northwesterly of Smith Street;

3. changing from an R6 District to an R6A District property bounded by:

a. Kane Street, Tiffany Place, Degraw Street, a line 100 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Union Street, a line 150 feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of Columbia Street, Sackett Street, and Columbia Street

b. Degraw Street, a line 100 feet southeasterly of Henry Street, Union Street, Henry Street, President Street, a line 100 feet southeasterly of Henry Street, Carroll Street, Henry Street, a line 75 feet northeasterly of Carroll Street, a line 100 feet northwesterly of Henry Street, President Street, Brooklyn-Queens Connecting Highway, Union Street, a line 100 feet northwesterly of Henry Street, a line midway between Degraw Street and Sackett Street, and Henry Street; and

c. Warren Street, a line 100 feet southeasterly of Court Street, Butler Street, a line 80 feet southeasterly of Court Street, President Street, Court Street, Carroll Street, a line 50 feet southeasterly of Court Street, 1st Place, a line 100 feet southeasterly of Court Street, a line 100 feet northeasterly of 2nd Place, a line 50 feet southeasterly of Court Street, 3rd Place, a line 80 feet southeasterly of Court Street, 4th Place, a line 100 feet southeasterly of Court Street, Nelson Street, a line 80 feet southeasterly of Court Street, Huntington Street, Smith Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), a line 80 feet northwesterly of Court Street, West 9th Street, a line 125 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 80 feet northwesterly of Court Street, Luquer Street, a line 50 feet northwesterly of Court Street, 4th Place, a line 80 feet northwesterly of Court Street, a line midway between 3rd Place and 4th Place, Court Street, 3rd Place, a line 50 feet northwesterly of Court Street, a line midway between 1st Place and 2nd Place, Clinton Street, 1st Place, a line 80 feet northwesterly of Clinton Street, a line 50 feet southwesterly of Degraw Street, Clinton Street, Degraw Street, a line 100 feet southeasterly of Clinton Street, Sackett Street, a line 190 feet southeasterly of Clinton Street, Union Street, a line 100 feet southeasterly of Clinton Street, President Street, a line 265 feet southeasterly of Clinton Street, a line midway between President Street and Carroll Street, a line 100 feet southeasterly of Clinton Street, a line midway between Carroll Street and 1st Place, a line 50 feet northwesterly of Court Street, Carroll Street, a line 100 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 50 feet northwesterly of Court Street, President Street, a line 100 feet northwesterly of Court Street, Degraw Street, and Court Street;

4. changing from an R6 District to an R6B District property bounded by:

c. Warren Street, a line 150 feet southeasterly of Columbia Street, Baltic Street, Hicks Street (easterly portion), Kane Street, and Columbia Street;

d. Union Street, Columbia Street, Summit Street, a line 100 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 200 feet northwesterly of Columbia Street, Summit Street, a line 350 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 260 feet northwesterly of Columbia Street, Carroll Street, a line 240 feet northwesterly of Columbia Street,

a line midway between President Street and Carroll Street, a line 367 feet northwesterly of Columbia Street, President Street, a line 350 feet northwesterly of Columbia Street, a line midway between Union Street and President Street, a line 120 feet northwesterly of Columbia Street, a line 130 feet north-easterly of President Street, and a line 100 feet northwesterly of Columbia Street,

c. Degraw Street, Henry Street, a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of Henry Street, Union Street, Brooklyn-Queens Connecting Highway, President Street, a line 100 feet northwesterly of Henry Street, a line 75 feet northeasterly of Carroll Street, Henry Street, Carroll Street, a line 100 feet southeasterly of Henry Street, President Street, Henry Street, Union Street, a line 100 feet southeasterly of Henry Street, Degraw Street, Clinton Street, a line 50 feet southwesterly of Degraw Street, a line 80 feet northwesterly of Clinton Street, 1st Place, Clinton Street, a line midway between 1st Place and 2nd Place, a line 50 feet northwesterly of Court Street, 3rd Place, Court Street, a line midway between 3rd Place and 4th Place, a line 80 feet northwesterly of Court Street, 4th Place, a line 50 feet northwesterly of Court Street, Luquer Street, a line 80 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 125 feet northwesterly of Court Street, West 9th Street, a line 80 feet northwesterly of Court Street, Hamilton Avenue (northeast portion), Clinton Street, Hamilton Avenue (northeast portion), Henry Street, Coles Street, Hamilton Avenue (northeast portion), Hicks Street (westerly portion), Woodhull Street, and a line 100 feet southeasterly of Columbia Street;

d. Degraw Street, a line 100 feet northwesterly of Court Street, President Street, a line 50 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 100 feet northwesterly of Court Street, Carroll Street, a line 50 feet northwesterly of Court Street, a line midway between Carroll Street and 1st Place, a line 100 feet southeasterly of Clinton Street, a line midway between President Street and Carroll Street, a line 265 feet southeasterly of Clinton Street, President Street, a line 100 feet southeasterly of Clinton Street, Union Street, a line 190 feet southeasterly of Clinton Street, Sackett Street, and a line 100 feet southeasterly of Clinton Street;

e. Warren Street, Hoyt Street, Douglass Street, Bond Street, 3rd Street, Hoyt Street, a line midway between 3rd Street and 4th Street, a line perpendicular to the northeasterly street line of 4th Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the northwesterly street line of Hoyt Street, 4th Street, a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, a line midway between 4th Street and 5th Street, Smith Street, Huntington Street, a line 80 feet southeasterly of Court Street, Nelson Street, a line 100 feet southeasterly of Court Street, 4th Place, a line 80 feet southeasterly of Court Street, 3rd Place, a line 50 feet southeasterly of Court Street, a line 100 feet northeasterly of 2nd Place, a line 100 feet southeasterly of Court Street, 1st Place, a line 50 feet southeasterly of Court Street, Carroll Street, Court Street, President Street, a line 80 feet southeasterly of Court Street, Butler Street, and a line 100 feet southeasterly of Court Street; and

f. West 9th Street, Smith Street, Garnet Street, a line 100 feet northwesterly of Smith Street, a line midway between Garnet Street and Centre Street, and a line 100 feet southeasterly of Court Street;

5. changing from an R6 District to an R7A District property bounded by Kane Street, Hicks Street (easterly portion), Degraw Street, and Tiffany Place;

6. establishing within a proposed R6A District a C2-4 District bounded by:

f. Kane Street, a line 100 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Union Street, a line 150 feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of Columbia Street, Sackett Street, and Columbia Street;

- g. a line midway between Degraw Street and Sackett Street, Henry Street, Sackett Street, a line 100 feet southeasterly of Henry Street, Union Street, Henry Street, a line 100 feet southwesterly of Union Street, and a line 100 feet northwesterly of Henry Street;
 - h. Union Street, a line 120 feet southeasterly of Hicks Street, President Street, and Hicks Street (easterly portion);
 - i. Warren Street, a line 100 feet southeasterly of Court Street, Butler Street, a line 80 feet southeasterly of Court Street, President Street, Court Street, Carroll Street, a line 50 feet southeasterly of Court Street, 1st Place, a line 100 feet southeasterly of Court Street, a line 100 feet northeasterly of 2nd Place, a line 50 feet southeasterly of Court Street, 3rd Place, a line 80 feet southeasterly of Court Street, 4th Place, a line 100 feet southeasterly of Court Street, Luquer Street, Court Street, Nelson Street, a line 80 feet southeasterly of Court Street, Huntington Street, Court Street, a line 110 feet northeasterly of West 9th Street, a line 65 feet southeasterly of Court Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), Court Street, Garnet Street, a line 80 feet northwesterly of Court Street, West 9th Street, a line 125 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 80 feet northwesterly of Court Street, Luquer Street, a line 50 feet northwesterly of Court Street, 4th Place, a line 80 feet northwesterly of Court Street, a line midway between 3rd Place and 4th Place, Court Street, 3rd Place, a line 50 feet northwesterly of Court Street, Carroll Street, a line 100 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 50 feet northwesterly of Court Street, President Street, a line 100 feet northwesterly of Court Street, Degraw Street, and Court Street; and
 - j. a line 105 feet northeasterly of West 9th Street, Smith Street, West 9th Street, and a line 80 feet northwesterly of Smith Street;
7. establishing within a proposed R6B District a C2-4 District bounded by:
- l. Union Street, Columbia Street, Summit Street, and a line 100 feet northwesterly of Columbia Street;
 - m. a line midway between Sackett Street and Union Street, Hicks Street (westerly portion), a line midway between Union Street and President Street, and a line 100 feet southeasterly of Columbia Street;
 - n. Degraw Street, Henry Street, a line midway between Degraw Street and Sackett Street, and a line 100 feet northwesterly of Henry Street;
 - o. Union Street, a line 100 feet southeasterly of Henry Street, a line 100 feet southwesterly of Union Street, and Henry Street;
 - p. Carroll Street, a line 100 feet southeasterly of Henry Street, a line midway between Carroll Street and 1st Place, and Henry Street;
 - q. Summit Street, a line 100 feet southeasterly of Hicks Street (easterly portion), Woodhull Street, and Hicks Street (easterly portion);
 - r. Huntington Street, a line perpendicular to the southwesterly street line of Huntington Street distant 115 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huntington Street and the northeasterly street line of Hamilton Avenue (northeast portion), a line midway between Huntington Street and West 9th Street, a line perpendicular to the northeasterly street line of West 9th Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of West 9th Street and the northeasterly street line of Hamilton Avenue (northeast portion), and Hamilton Avenue (northeast portion);
 - s. a line 100 feet northeasterly of Garnet Street and its northwesterly prolongation, a line 80 feet northwesterly of Court Street, Garnet Street, and Hamilton Avenue (northeast portion);

- t. West 9th Street, Smith Street, Garnet Street, and a line 80 feet northwesterly of Smith Street;
- u. Warren Street, a line 100 feet southeasterly of Smith Street, Baltic Street, a line 80 feet southeasterly of Smith Street, 2nd Street, a line 50 feet southeasterly of Smith Street, 3rd Street, a line perpendicular to the southwesterly street line of 3rd Street distant 50 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of 3rd Street and the southeasterly street line of Smith Street, a line 80 feet southwesterly of 3rd Street, a line perpendicular to the northeasterly street line of 4th Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the southeasterly street line of Smith Street, 4th Street, a line 100 feet southeasterly of Smith Street, a line midway between 4th Street and 5th Street, Smith Street, 2nd Place, a line 100 feet northwesterly of Smith Street, a line midway between 1st Place and 2nd Place, Smith Street, President Street, a line 100 feet northwesterly of Smith Street, a line midway between Union Street and President Street, a line 50 feet northwesterly of Smith Street, Union Street, a line 80 feet northwesterly of Smith Street, Sackett Street, a line 50 feet northwesterly of Smith Street, Butler Street, and a line 100 feet northwesterly of Smith Street; and
- v. Warren Street, Hoyt Street, Douglass Street, a line 80 feet northwesterly of Hoyt Street, Butler Street, and a line 50 feet northwesterly of Hoyt Street;

as shown on a diagram (for illustrative purposes only) dated June 1, 2009, Community District 6, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1246

Report of the Committee on Land Use in favor of approving Application no. C 090308 ZMK submitted by the Eldert Lane Residential Development, Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 18a to rezone two city blocks from R5 to R6A.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 14, 2009 (Minutes, page 5354), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 5

C 090308 ZMK

City Planning Commission decision approving an application submitted by Eldert Lane Residential Development, Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1 8a changing from an R5 District to an R6A District property bounded Belmont Avenue, South Conduit Avenue, Eldert Lane, Sutter Avenue, and Sheridan Avenue, as shown on a diagram (for illustrative purposes only) dated June 15, 2009.

INTENT

To facilitate the development of a six-story 130 unit residential building located in the East New York section of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 26, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2250

Resolution approving the decision of the City Planning Commission on ULURP No. C 090307 MMK, an amendment to the City Map (L.U. No. 1246).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on September 25, 2009 its decision dated September 23, 2009 (the "Decision"), on the application submitted by Eldert Lane Development Ltd. and the New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment and realignment of Eldert Lane between Conduit Boulevard and Sutter Avenue;
- the elimination of a portion of Robert Venable Park;
- the extinguishment of a permanent access easement;
- the adjustment of grades necessitated thereby,

and any acquisition or disposition of real property related thereto all within an area generally bounded by Belmont Avenue, Conduit Boulevard, Forbell Street, Sutter Avenue and Sheridan Avenue, in accordance with Map No. X-2714, dated June 5, 2009, and signed by the Borough President, ULURP No. C 090307 MMK, Community District 5, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090308 ZMK (L.U. No. 1247), an amendment of the Zoning Map to change a portion of an existing R5 District to an R6A District;

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 October 26, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 15, 2009 (CEQR No. 09DCP027K);

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

RESOLVED:

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

Pursuant to Sections 197-d and 199 of the New York City Charter, the Council approves the Decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1247

Report of the Committee on Land Use in favor of approving Application no. C 090307 MMK submitted by the Eldert Lane Residential Development, Ltd and the Department of Parks and Recreation pursuant to §197-c and 199 of the New York City Charter and Section 5-430 of the Administrative Code an amendment of the City Map, Community Board 5, Borough of Brooklyn

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 14, 2009 (Minutes, page 5355), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 5

C 090307 MMK

City Planning Commission decision approving an application submitted by Eldert Lane Development Ltd. and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment and realignment of Eldert Lane between Conduit Boulevard and Sutter Avenue;
- the elimination of a portion of Robert Venable Park;
- the extinguishment of a permanent access easement;
- the adjustment of grades necessitated thereby,

and any acquisition or disposition of real property related thereto all within an area generally bounded by Belmont Avenue, Conduit Boulevard, Forbell Street, Sutter Avenue and Sheridan Avenue, in accordance with Map No. X-2714, dated June 5, 2009, and signed by the Borough President.

INTENT

To facilitate the development of a six-story 130 unit residential building located in the East New York section of Brooklyn.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 26, 2009

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

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2251

Resolution approving the decision of the City Planning Commission on ULURP No. C 090308 ZMK, a Zoning Map amendment (L.U. No. 1247).

By Council Members Katz and Avella.

WHEREAS, the City Planning Commission filed with the Council on September 25, 2009 its decision dated September 23, 2009 (the "Decision"), on an application submitted by Eldert Lane Residential Development, Ltd. and the New York City Department of Parks and Recreation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map for a rezoning from an R5 District to an R6A district to facilitate the development of a six-story 130- unit residential building located along Eldert Lane, South Conduit Avenue and Belmont Avenue in the East New York Section of Brooklyn in Community District 5 (ULURP No. C 090308 ZMK) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090307 MMK (L.U. No. 1246), a change to the City Map for the establishment and realignment of Eldert Lane between South Conduit Avenue and Sutter Avenue, elimination of parts of Robert Venable Park, the extinguishment of a permanent access easement, and the adjustment of grades;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 26, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 15, 2009 (CEQR No. 09DCP027K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, 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. 18a, changing from an R5 District to an R6A District property bounded Belmont Avenue, South Conduit Avenue, Eldert Lane, Sutter Avenue, and Sheridan Avenue, as shown on a diagram (for illustrative purposes only) dated June 15, 2009, Community District 5, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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. 1248

Report of the Committee on Land Use in favor of approving Application no. 20095703 SCX, a proposed site for a new approximately 380 seat Primary School Facility, to be located at 2126 Barnes Avenue (Block 4293, Lot 31), Council District No. 13, Borough of The Bronx. 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 October 14, 2009 (Minutes, page 5355), respectfully

REPORTS:

SUBJECT

BRONX CB - 11

20095703 SCX

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 380-Seat Primary School Facility, to be located on the block generally bounded by Barnes Avenue, Lydig Avenue, Brady and Matthews Avenue in the Morris Park section of the Bronx (Block 4293, Lot 31), Borough of the Bronx, Community School District No. 11.

INTENT

To construct a new 380-seat primary school on an approximate 15,000 sq. ft. lot area to serve students in Community School District 11.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 27, 2009

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

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2252

Resolution approving the site plan for a new, approximately 380-Seat Primary School Facility (P.S. 292-Bronx) to be located at 2126 Barnes Avenue at the southwest corner of Barnes and Lydig Avenues (Tax Block 4293, Tax Lot 31), Borough of the Bronx (Non-ULURP No. 20095703 SCX; L.U. No. 1248).

Council Members Katz and Lappin.

WHEREAS, the New York City School Construction Authority submitted to the Council on October 21, 2009, a site plan dated October 19, 2009 pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 380-Seat Primary School Facility, known as P.S. 292-Bronx, to be located at 2126 Barnes Avenue at the southeast corner of Barnes and Lydig Avenues (Tax Block 4293, Tax Lot 31), Community Board No. 11, Borough of the Bronx, Community School District No. 11 (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 October 26, 2009;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on October 19, 2009 (SEQR Project Number 10-002); 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 effect on the environment.

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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 have been **preconsidered** by the Committee on Land Use and have been favorably reported for adoption.

Report for L.U. No. 1249

Report of the Committee on Land Use in favor of approving Application no. 20105185 HAR, an amendment to an Urban Development Action Area Project located at 551 and 571 Bay Street, Council District no. 49 Borough of Staten Island. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 28, 2009, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 1241 printed in these Minutes)

Accordingly, Your Committee recommends its adoption.

In connection herewith, Council Members Katz and Garodnick offered the following resolution:

Res. No. 2253

Resolution approving an Amended Urban Development Action Area Project located at 551 Bay Street (Block 491, Lot 11) and 571 Bay Street (Block 491, Lot 1), Borough of Staten Island, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 1249; 20105185 HAR).

By Council Members Katz and Garodnick.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 8, 2009 its request dated September 21, 2009 that the Council take the following actions regarding an Amended Urban Development Action Area Project (the "Project") located at 551 Bay Street (Block 491, Lot 11) and 571 Bay Street (Block 491, Lot 1), Community District 1, Borough of Staten Island (the "Project Area"):

1. Find that the present status of the Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Approve the designation of the Project Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

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

WHEREAS, the Project is related to ULURP Application No. C 080091 HAR, Resolution No. 1332 of 2008; L.U. No. 666;

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 26, 2009;

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

RESOLVED:

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

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

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

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ERIC N. GIOIA, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, October 27 2009.

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 Transportation

Report for Int. No. 947-A

Report of the Committee on Transportation 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 unattended vehicles.

The Committee on Transportation, to which the annexed amended proposed local law was referred on March 24, 2009 (Minutes, page 917), respectfully

REPORTS:

INTRODUCTION

On Thursday, October 27, 2009, the Committee on Transportation, chaired by Council Member John Liu, will hold a hearing to consider Proposed Int. No. 947-A, a local law to amend the Administrative Code of the City of New York, in relation to unattended vehicles. A copy of the introduction is attached.

BACKGROUND

There are numerous safety concerns when a vehicle is left idling and unattended, without an occupant to operate and control the vehicle. Notably, two recent and unfortunate incidents occurred where a vehicle was left unattended with the engine running. In Chinatown, an unattended idling van rolled backwards, and struck and killed two children in January of 2009.¹ In Queens, an intoxicated person stole an idling unattended car, and subsequently struck and killed two pedestrians in February of 2009.² Currently, the fine for leaving an idling vehicle unattended is five dollars. Proposed Int. No. 947-A would increase the fine to 250 dollars.

ANALYSIS

Section one of Proposed Int. No. 947 would amend section 10-111 by changing the title to "Unattended vehicles," and would amend subdivision (a) of that section to make it unlawful for any person driving or in charge of a motor vehicle to permit the vehicle to stand unattended on the streets or thoroughfares of the City (currently, subdivision applies to vehicles idling for more than three minutes), without first stopping the engine, locking the ignition and removing the key or device required to lock the engine.

Section one of Proposed Int. No. 947-A would also amend subdivision (b) of section 10-111 by stating that any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of two hundred fifty dollars or imprisonment not to exceed two days, or both. New subdivision (b) would additionally provide that whenever a police officer shall find a motor vehicle standing in violation of this provision, the officer may stop the engine and/or remove the ignition key or device therefrom and, in the event that the owner or operator

thereof is not present, the officer shall deliver the ignition key or device to the nearest patrol precinct station house within one hour after removing such key or device to be held for and returned to such owner or operator. Further, new subdivision (b) would require that in the event the key or device is so delivered to the station house, the officer shall attach to the vehicle a tag stating where the ignition key or device may be reclaimed.

Additionally, section one would amend subdivision (c) of section 10-111 to provide an exception for any person driving or in charge of a utility vehicle regulated by the New York State Public Service Commission when the engine is used to operate a processing device and the wheels on the vehicle are chocked and an emergency brake is applied to secure the vehicle in place. This exception intends to exempt any utility vehicle owned, leased or maintained by an entity regulated by the New York State Public Service Commission or an affiliate or subsidiary of such entity, as long as the utility vehicle's wheels have been chocked and its emergency brake is applied. Further, section one of Proposed Int. No 947-A would amend new subdivision (c) of section 10-111, to eliminate the exception for any person driving or in charge of an omnibus operated under a franchise of the City of New York, which has clearly marked on its exterior the name of its owner.

Finally, section two of Proposed Int. No 947-A would provide that this local law would take effect immediately after it is enacted into law.

¹ Christine Hauser, "2 Children Killed by Van in Chinatown," *The New York Times*, January 22, 2009.

² Barry Paddock, "Drunken Joy Ride in Queens in Stolen Car Ends with One Teen Dead, Another Critically Injured," *The Daily News*, February 1, 2009.

(The following is from the text of the Fiscal Impact Statement for Int. No. 947-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Due to the possible risk of imprisonment for the violation of this law, increased compliance is expected making the impact on revenues resulting from the enactment of this legislation negligible.

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

SOURCE OF FUNDS To COVER ESTIMATED COSTS: General fund

SOURCE OF INFORMATION: City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Int. 947 was introduced by the Council and referred to the Committee on Transportation on March 24, 2009. Hearing held and laid over by the Committee on October 8, 2009. An amended version (Proposed Intro. 947-A) is to be considered by the Committee on October 27, 2009.

DATE SUBMITTED TO COUNCIL: March 24, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 947-A:)

Int. No. 947-A

By Council Members Crowley, Brewer, Comrie, Gennaro, Gonzalez, Koppell, Liu, Nelson, Stewart, Vann, Weprin, Gerson. Jackson, White, Eugene and Recchia.

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

Be it enacted by the Council as follows:

Section 1. Section 10-111 of the administrative code of the city of New York is amended to read as follows:

§ 10-111 [Locks on motor vehicles] *Unattended vehicles.* a. It shall be unlawful for any person driving or in charge of a motor vehicle to permit it to stand unattended [for more than three minutes] on the streets or thoroughfares of the city, without first stopping the engine, locking the ignition and, *where the ignition is locked or unlocked by a key or other device*, removing [the] *such key or other device*.

b. Violations. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of [not more than five] *two hundred fifty dollars* or imprisonment not to exceed two days, or both. Whenever a police officer shall find a motor vehicle standing in violation of this provision, the officer may *stop the engine and/or* remove the ignition key *or device* therefrom and, in the event that the owner or operator thereof is not present, shall deliver [it] *the ignition key or device* to the nearest patrol precinct station house within one hour after removing same to be held for and returned to such owner or operator. In the event the key *or device* is so delivered to a station house, the officer shall attach to the vehicle a tag stating where the *ignition key or device* may be reclaimed.

c. The provisions of this section shall not apply to any person driving or in charge of *a utility vehicle regulated by the New York state public service commission when the engine is used to operate a processing device and the wheels on the vehicle are chocked and an emergency brake is applied to secure the vehicle in place* [an omnibus operated under a franchise of the city of New York, which has clearly marked on its exterior the name of its owner].

§ 2. This local law shall take effect immediately after it is enacted into law.

JOHN C. LIU, Chairperson; DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, LARRY B. SEABROOK, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, VINCENT M. IGNIZIO, Committee on Transportation, October 27, 2009.

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. 1023-A

Report of the Committee on Transportation 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 displaying a passengers' bill of rights in commuter vans.

The Committee on Transportation, to which the annexed amended proposed local law was referred on June 10, 2009 (Minutes, page 2341), respectfully

REPORTS:

INTRODUCTION

On October 27, 2009, the Committee on Transportation, chaired by Council Member John Liu, will hold a hearing on Prop Int. No. 1023-A. This legislation would amend the Administrative Code of the City of New York to require the display of a passengers' bill of rights in commuter vans. The Committee held its first hearing on this bill on October 8, 2009.

BACKGROUND

Local Law 12 for the Year 2009 mandated that all taxicab and livery owners post a passengers' bill of rights in at least one conspicuous location in the rear passenger compartment of such taxicab or livery in a form and location to be prescribed by rule. The law also required that all passengers' bill of rights include a statement of passengers' rights regarding fares and payment and regarding the lodging of passenger complaints and compliments. This law, however, did not include similar requirements for commuter vans.

Various communities have expressed discontent that commuter vans are still operating without regulations comparable to those now enforced among taxicab and livery owners.¹ These concerns are noteworthy, as commuter vans play a vital role in areas of the City that are currently underserved by train or bus lines.²

¹ Goldman, Sam. "TLC Announces New Livery Car Rules—Similar Laws for Commuter Vans are Sought", http://www.timesnewsweekly.com/news/2009-08-13/Local_News/TLC_Announces_New_Livery_Car_Rules.html. August 13, 2009 (accessed on September 29, 2009).

² Press release from Mayor Michael Bloomberg, http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2007b%2Fpr360-07.html&cc=unused1978&rc=1194&ndi=1, October 9, 2007 (accessed on September 29, 2009).

Prop. Int. No. 1023-A would incorporate commuter vans into the posting requirements of subdivision (b) of section 19-537 of the Administrative Code, which

currently applies only to taxicabs and livery owners. Prop. Int. No. 1023-A would also incorporate into section 19-537 a passengers' bill of rights for commuter van riders.

ANALYSIS

Section one of Prop. Int. No. 1023-A would amend subdivision (b) of section 19-537 of the Administrative Code to include commuter vans with taxicabs and livery services as vehicles required to display a passengers' bill of rights to riders. Section two of the legislation would specify what those rights are, and incorporate them in a new subdivision (e) of section 19-537 of the Code. The only change between this amended version of bill and the original bill heard on October 8, 2009 is that paragraph 4 of subdivision e was amended to reflect the fact that commuter vans are only authorized to operate between certain areas and therefore their drivers should be responsible for being familiar with such areas.

This new subdivision (e) would provide that the commuter van passengers' bill of rights shall state passengers' rights to: (1) a vehicle that is in good condition and has passed all required inspections; (2) a properly licensed driver in good standing, with the commission-issued driver's license information on display; (3) a safe and courteous driver who obeys all traffic laws; (4) a knowledgeable driver who is familiar with the areas where the van is authorized to provide service; (5) air conditioning or heat on request; (6) a quiet trip free of horn honking or radio or other music playing; (7) clean air, which is smoke and scent free; (8) working seatbelts; (9) a clean vehicle, both inside and outside; (10) be accompanied by a service animal; (11) a driver who does not use a cell phone (hand-held or hands free) while driving; and (12) decline to tip for poor service.

The legislation would also provide that the current subdivisions (e) and (f) of section 19-537 would be re-lettered as (f) and (g) respectively.

Bill section three of Prop. Int. No. 1023-A would provide that this local law take effect ninety days after it is enacted into law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 1023-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
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 minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS To COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Int. 1023 by Council and referred to the Committee on Transportation on June 10, 2009. Hearing held and laid over by the Committee on October 8, 2009. An amended version (Proposed Intro. 1023-A) is to be considered by the Committee on October 27, 2009.

DATE SUBMITTED TO COUNCIL: June 10, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1023-A:)

Int. No. 1023-A

By Council Members Stewart, James, Gerson, Seabrook, Mealy, Nelson, Palma, Sanders, Reyna, Lappin, Jackson, White, Gennaro, Mitchell, Recchia and Weprin.

A Local Law to amend the administrative code of the city of New York, in relation to displaying a passengers' bill of rights in commuter vans.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-537 of title 19 of the administrative code of the city of New York is amended to read as follows:

b. Every owner of a taxicab [or], livery *or commuter van* shall post passengers' bill of rights in at least one conspicuous location in the rear passenger compartment of such taxicab [or], livery *or commuter van* in a form and location to be prescribed by commission rule.

§ 2. Subdivisions e and f of section 19-537 of title 19 of the administrative code of the city of New York are relettered as subdivisions f and g, respectively, and a new subdivision e is added to read as follows:

- e. *The commuter van passengers' bill of rights shall state passengers' rights to:*
- (1) *a vehicle that is in good condition and has passed all required inspections;*
 - (2) *a properly licensed driver in good standing, with the commission-issued driver's license information on display;*
 - (3) *a safe and courteous driver who obeys all traffic laws;*
 - (4) *a knowledgeable driver who is familiar with the areas where the van is authorized to provide service;*
 - (5) *air conditioning or heat on request;*
 - (6) *a quiet trip free of horn honking or radio or other music playing;*
 - (7) *clean air, which is smoke and scent free;*
 - (8) *working seatbelts;*
 - (9) *a clean vehicle, both inside and outside;*
 - (10) *be accompanied by a service animal;*
 - (11) *a driver who does not use a cell phone (hand-held or hands free) while driving; and*
 - (12) *decline to tip for poor service.*

§3. This local law shall take effect ninety days after it is enacted into law.

JOHN C. LIU, Chairperson; DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, LARRY B. SEABROOK, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, VINCENT M. IGNIZIO, Committee on Transportation, October 27, 2009.

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 LU No. 1219 & Res. No. 2254

Report of the Committee on Land Use approving Application no. C 090431 ZSM, submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area to facilitate the development of an 85-story mixed use building in Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 17, 2009 (Minutes, page 4878) and which was originally before the Council on October 14, 2009 (Minutes, page 5308) respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

C 090431 ZSM

City Planning Commission decision approving an application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area from property located at 1 West 54th Street (Block 1270, Lot 34) that is occupied by a landmark building (University Club) to property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165) to facilitate the development of a mixed use building, in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts).

INTENT

To facilitate the construction of an 85-story mixed-use building with residential, hotel and museum uses.

Report Summary:**COMMITTEE RECOMMENDATION AND ACTION**

DATE: October 8, 2009

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

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

Res. No. 2254

Resolution approving the decision of the City Planning Commission on ULURP No. C 090431 ZSM (L.U. No. 1219), for the grant of a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area from property located at 1 West 54th Street (Block 1270, Lot 34) that is occupied by a landmark building (University Club) to property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165) to facilitate the development of an 85-story mixed use building, in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts), Borough of Manhattan.

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on September 15, 2009 its decision dated September 9, 2009 (the "Decision"), on the application submitted by W2005/Hines West Fifty-Third Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area from property located at 1 West 54th Street (Block 1270, Lot 34) that is occupied by a landmark building (University Club) to property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165) to facilitate the development of a mixed use building, in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts), (ULURP No. C 090431 ZSM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090432 ZSM (L.U. No. 1220), a special permit pursuant to Section 81-277 and Section 74-711 of the Zoning Resolution to modify bulk requirements;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-792 (e) (Conditions and Limitations) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 6, 2009;

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

A Technical Memorandum was issued on September 4th, 2009 which describes and analyzes the modifications to the Proposed Actions, adopted herein. The Technical Memorandum concludes that the modifications would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 09DCP004M) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 28, 2009. In the Technical Memorandum, dated September 4, 2009, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met.

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The FEIS considered possible mitigation measures but determined that none of these measures were practical or feasible. A Technical Memorandum was issued on September 4th, 2009 which describes and analyzes the modifications to the Proposed Actions, adopted herein. The Technical Memorandum concludes that the modifications would not result in any new or different significant adverse environmental impacts not already identified in the FEIS. Due consideration has been given to the avoidance or minimization to the maximum extent practicable of adverse environmental impacts, but that no practicable measures were identified for mitigation of the shadow impact with respect to Fifth Avenue Presbyterian Church.
- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090431 ZSM, incorporated by reference herein, the Council approves the Decision.

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 LU No. 1220 & Res No. 2255

Report of the Committee on Land Use approving Application no. C 090432 ZSM, submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 74-711 and 81-277 of the Zoning Resolution to facilitate the development of an 85-story mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5,6,7,8,9,11,12, 13,14, 20, 30, 58,66, 69 and 165). This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 17, 2009 (Minutes, page 4878) and which was originally before the Council on October 14, 2009 (Minutes, page 5310) respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 5

C 090432 ZSM

City Planning Commission decision approving an application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 74-711 - to allow the distribution of the total allowable floor area without regard to zoning district boundaries, to modify the height and setback regulations of Sections 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) and 33-432 (In other Commercial Districts), to modify the requirements of Sections 81-45 (Pedestrian Circulation Spaces) and 37-50 (Requirements for Pedestrian Circulation Space), and rear yard regulations of Section 23-532 (Required Rear Yard Equivalent); and
2. Section 8 1-277 - to modify the height and setback requirements of Section 8 1-27 (Alternative Height and Setback Regulations – Daylight

Evaluation);

to facilitate the development of a mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165), in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts).

INTENT

To facilitate the construction of an 85-story mixed-use building with residential, hotel and museum uses.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: October 8, 2009

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

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

Res. No. 2255

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 090432 ZSM (L.U. No. 1220), for the grant of a special permit pursuant to Section 74-711 and Section 8 1-277 of the Zoning Resolution of the City of New York to facilitate the development of an 85-story mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165), in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts), Borough of Manhattan.

By Council Member Katz.

WHEREAS, the City Planning Commission filed with the Council on September 15, 2009 its decision dated September 9, 2009 (the "Decision"), on the application submitted by W2005/Hines West Fifty-Third Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following sections of the Zoning Resolution of the City of New York:

3. Section 74-711 - to allow the distribution of the total allowable floor area without regard to zoning district boundaries, to modify the height and setback regulations of Sections 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) and 33-432 (In other Commercial Districts), to modify the requirements of Sections 81-45 (Pedestrian Circulation Spaces) and 37-50 (Requirements for Pedestrian Circulation Space), and rear yard regulations of Section 23-532 (Required Rear Yard Equivalent); and
4. Section 8 1-277 - to modify the height and setback requirements of Section 8 1-27 (Alternative Height and Setback Regulations – Daylight Evaluation);

to facilitate the development of a mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165), in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts), (ULURP No. C 090432 ZSM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090431 ZSM (L.U. No. 1219), a special permit pursuant to Sections 81-212 and 74-79 (Transfer of Development Rights from Landmark Sites) to facilitate the transfer of approximately 136,000 square feet of unused development rights from the landmarked University Club to the project site;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 6, 2009;

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

A Technical Memorandum was issued on September 4th, 2009 which describes and analyzes the modifications to the Proposed Actions, adopted herein. The Technical Memorandum concludes that the modifications would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 09DCP004M) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 28, 2009. In the Technical Memorandum, dated September 4, 2009, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met.

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The FEIS considered possible mitigation measures but determined that none of these measures were practical or feasible. A Technical Memorandum was issued on September 4th, 2009 which describes and analyzes the modifications to the Proposed Actions, adopted herein. The Technical Memorandum concludes that the modifications would not result in any new or different significant adverse environmental impacts not already identified in the FEIS. Due consideration has been given to the avoidance or minimization to the maximum extent practicable of adverse environmental impacts, but that no practicable measures were identified for mitigation of the shadow impact with respect to Fifth Avenue Presbyterian Church.
- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090432 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter **underline and bold** is new to be added by the City Council.

Paragraph (1)(d) of the restrictive declaration attached as Exhibit C to the City Planning Commission's resolution and incorporated as a condition therein is modified as follows:

- (d) There shall be no more than 167 hotel units and no more than 300 residential units located in any building on the Development Site. No office use shall be permitted. **Any building on the Development Site shall contain less than 100,000 square feet of transient hotel (Use Group 5) floor area, and shall not contain a curb cut or loading berth.**

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

<u>Name</u>	<u>Address</u>	<u>District #</u>
Tara Braccia	171A Devon Lapp Staten Island, NY 10314	51
Melanie J. Gallego	39 Lorraine Avenue Staten Island, NY 10312	51
Jessica Diaz	1030 Nelson Avenue #3B Bronx, NY 10452	17
Philippa C. Falotico	226 Avenue Z Brooklyn, NY 11214	47
Nida Ikram	5119 9th Avenue #3F Brooklyn, NY 11220	39
Renata Owens	2802 Philip Avenue Bronx, NY 10465	13

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Joann Atkinson	1160 Ocean Avenue #3D Brooklyn, NY 11230	45
Jacob Barnaman	620 East 40th Street Brooklyn, NY 11203	45
Alice L. Cox	1355 East 40th Street Brooklyn, NY 11234	45
Peter Balaban	14 East 28th Street #822 New York, NY 10016	3
Lizette Barcene	2225 Lacombe Avenue #10C Bronx, NY 10473	18
Nicole Manchand	1910 Benedict Avenue Bronx, NY 10462	18
Carol M. Bell	135 Halsey Street Brooklyn, NY 11216	36
Allison K. Blueford	294 Gates Avenue Brooklyn, NY 11216	36
Dennise A. McClashie-Ramsey	456 Dekalb Avenue #3H Brooklyn, NY 11205	36
Mary Virginia Ward	959 Park Place #SB Brooklyn, NY 11213	36
Sharron Blake	344 East 28 Street New York, NY 10016	2
Ellen T. Pine	245 East 25th Street #7L New York, NY 10010	2
Patricia Butler	103 Beach 215th Street Rockaway Point, NY 11697	32
Ada Rodriguez	135-31 114th Street South Ozone Park, NY 11420	32
Elina Calcante	62 Elwood Avenue Staten Island, NY 10314	51
Latisha V. Catoe	206 Market Street Staten Island, NY 10310	49
Perry Lindsay	236 Hamilton Avenue Staten Island, NY 10301	49
Alfredo Colon	289 South 1st Street #4I3 Brooklyn, NY 11211	34
Alicia Cruz	330 Bushwick Avenue #7H Brooklyn, NY 11206	34
Nicholas F. Cutrone	113 Ainslie Street	34

Elizabeth Falabella	Brooklyn, NY 11211 337 Leonard Street	34
Nechel Lewis-Beadle	Brooklyn, NY 11211 740 Driggs Avenue	34
Julio C. Sambula	Brooklyn, NY 11211 30 Montrose Avenue #10S	34
Martha Desaussure	Brooklyn, NY 11206 950 Rutland Road #50	41
Oladipo Fayemi	Brooklyn, NY 11212 1035 Clarkson Avenue #2B	41
Gloria T. Johnson	Brooklyn, NY 11233 1426 St. Marks Avenue	41
Remona Dickenson	New York, NY 10029 2215 First Avenue #6A	8
Alice Marquez	New York, NY 10025 239 West 103rd Street	8
Nellie Rivera	New York, NY 10029 310 East 115th Street #7C	8
Rebecca Glynn	Far Rockaway, NY 11691 1250 Redfern Avenue	31
Vera Grubb	Brooklyn, NY 11239 1445 Geneva Loop #6C	42
Carol K. Jacobs	Brooklyn, NY 11208 959 Hegeman Avenue .	27
Irene B. Guild	Jamaica, NY 11433 111-16173rd Street	50
Brenda A. Hamilton	Staten Island, NY 10314 372 Westwood Avenue	23
Betty Hammond	Queens, NY 11428 91-11 215th Place	23
Jerrold M. Rosenstein	Queens, NY 11427 87-56 Francis Lewis Blvd #A76	23
Sharlisa Walker	Queens, NY 11428 90-12 Hollis Court Blvd	11
Saudah Hundley	Bronx, NY 10467 665 Arnow Avenue #7	9
Rowan P. Kirchheimer	New York, NY 10025 600 West 111 Street #10C	9
Margaret Siu Chong	New York, NY 10026 314 West 112th Street	35
Charlene S. Lamar	Brooklyn, NY 11205 55 North Elliot Place	35
Marilyn McCoy	Jamaica, NY 11434 134-47 166th Place	28
Crystal A. Nixon	Jamaica, NY 11420 130-16 Foch Blvd .	28
Mary E. Pinckney	Queens, NY 11420 114-54 131 Street	28
Angela Mercado	Bronx, NY 10454 207 Alexander Avenue #1 IF	17
Mary Pellegrino	Bronx, NY 10467 789 Waring Avenue #4	13
Trisha Powell	New York, NY 10034 4865 Broadway #3Y	7
Curtis Tibbs	New York, NY 10032 157 10 Riverside Drive West #3T	7
Tonya Reese	Brooklyn, NY 11207 2164 Pitkin Avenue	37
Patricia Riordan	Brooklyn, NY 11222 741 Manhattan Avenue	33
Ella M. Rochester -	Bronx, NY 10468 2 Fordham Hill Oval #7E	14
Mary Sarro	Jackson Heights, NY 11372 34-21 73rd Street	25
Karen E. Williams	Queens, NY 11368 98-40 57th Avenue #10N	25
Mark Shasho	Brooklyn, NY 11229 2041 East 13th Street	48
Charles L. Spivey Jr.	Brooklyn, NY 11224 2833 West 32nd Street	47

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) **Int 874-A --** Methane and radon gas vent piping, the approval of mechanical joint piping systems and the approval of non-code prescribed drainage vent systems.
- (2) **Int 947-A --** Unattended vehicles.
- (3) **Int 1023-A --** Displaying a passenger's bill of rights in commuter vans.
- (4) **Int 1070-A --** Distressed property consultants.
- (5) **Res 2240 --** Approving The New Designation And Changes In The Designation Of Certain Organizations To Receive Funding In The Fiscal 2010 Expense Budget. **(Transparency Resolution, October 28, 2009).**
- (6) **L.U. 1219 & Res 2254 --** ULURP Application no. **C 090431 ZSM**, with modifications, a special permit, Community Board 5, Manhattan
- (7) **L.U. 1220 & Res 2255 --** ULURP Application no. **C 090432 ZSM** with modifications, a special permit, Community Board 5, Manhattan
- (8) **L.U. 1225 & Res 2242 --** ULURP, app. **C 090447 HAK**, UDAADP, 228 Riverdale Avenue, and the disposition of such property, Brooklyn, CD 42.
- (9) **L.U. 1226 & Res 2243 --** ULURP, app. **C 090374 HAM**, UDAADP, 138-150 West 128th Street, Borough of Manhattan, Council District no. 9.
- (10) **L.U. 1231 & Res 2244 --** ULURP, app. **C 090467 HAK**, UDAADP, 660 Jerome Avenue and 741 Barbey Street, Borough Brooklyn, CD 42.
- (11) **L.U. 1232 & Res 2245 --** App. **20095520 TCM**, Taboon Restaurant Corp., unenclosed sidewalk café, 773 Tenth Avenue, Manhattan, CD 3.
- (12) **L.U. 1236 & Res 2246 --** App. **C 060419 ZMQ**, establishing within an existing R3-1 District a C1-3 District.
- (13) **L.U. 1241 & Res 2247 --** App. **20105079 HAK**, UDAAP, ACA Site 3, located in Community Boards 4, 5 and 16, Council District no. 37 Brooklyn.
- (14) **L.U. 1242 & Res 2248 --** App. **20105080 HAK**, UDAAP, ACA Site 2, located in Community Board 3, Council District no. 36 Borough of Brooklyn.
- (15) **L.U. 1243 & Res 2241 --** 228 West 17th Street Manhattan, Community District No. 4, Council District No. 3
- (16) **L.U. 1245 & Res 2249 --** App. **C 090462 ZMK** amendment of the Zoning Map, Section Nos. 16a and 16c.
- (17) **L.U. 1246 & Res 2250 --** App. **C 090308 ZMK** Eldert Lane Residential Development, Ltd. rezone two city blocks from R5 to R6A.
- (18) **L.U. 1247 & Res 2251 --** App. **C 090307 MMK** Eldert Lane Residential Development, amendment of the City Map, Community Board 5, Brooklyn.
- (19) **L.U. 1248 & Res 2252 --** App. **20095703 SCX**, 380 seat Primary School Facility, 2126 Barnes Avenue, Council District No. 13, The Bronx.
- (20) **L.U. 1249 & Res 2253 --** App. **20105185 HAR**, 551 and 571 Bay Street, Council District no. 49 Borough of Staten Island.
- (21) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative –Arroyo, Avella, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

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

The following was the vote recorded for **Int No. 947-A**:

Affirmative – Arroyo, Avella, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

Negative – Dilan – **1**.

The following was the vote recorded for **LU No. 1219 & Res No. 2254** and **LU No. 1220 & Res No. 2255**:

Affirmative – Arroyo, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

Negative – Avella, Barron, and Garodnick – **3**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 874-A, 947-A, 1023-A, and 1070-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. 2166-A

Report of the Committee on Governmental Operations in favor of approving, as amended, a Resolution calling upon the federal government to enact both H.R. 22, the United States Postal Service Financial Relief Act, and H.R. 658, the Access to Postal Services Act, which would, respectively, help to stop the unnecessary closure of neighborhood post offices and would help to increase community input as the Post Office reorganizes branches throughout the city of New York.

The Committee on Governmental Operations, to which the annexed amended resolution was referred on September 17, 2009 (Minutes, page 4837), respectfully

REPORTS:

I. Introduction

The Committee on Governmental Operations will meet on October 27, 2009 to vote on Res. 2166-A (“the Resolution”), a resolution calling upon the federal government to pass H.R. 658, which would help to increase community input as the United States Postal Service reorganizes branches throughout the city of New York and the country. Res. 2166-A also calls upon the Postal Service to use a significant portion of the \$3.5 billion increase in its operating budget, received when President Obama signed into law Public Law 111-68, to save as many postal locations as

possible throughout the City and the nation. The Committee previously heard testimony on the merits of the Resolution on October 20, 2009.

Local postal branches play an integral role in the daily lives of members of the City's diverse communities and post office closings have the potential to disrupt both residents' ability to communicate with friends and family and the ability of neighborhood businesses to weather the current economic slowdown. The United States Postal Service ("USPS"), however, faces a multibillion-dollar loss for the 2009 fiscal year and certain service cutbacks may be difficult to avoid given the current economic climate. The resolution being considered today addresses these issues.

II. Background

Benjamin Franklin established the USPS in Philadelphia in 1775 following a decree by the Second Continental Congress.¹ Since then, the USPS has grown to be the second largest employer in the United States, employing over 650,000 workers in approximately 32,741 post offices and support facilities across the country. There are roughly 250 post offices throughout the City.² Although the USPS has historically been largely financially self-sufficient, the recent rise in digital forms of communication led to a sharp decrease in the amount of mail processed by the USPS and created a fiscal crisis for the organization. In 2008, mail volume fell by 9.5 billion pieces, lowering the total mail sent last year to 203 billion pieces.³ The USPS spent \$77.738 billion in operating costs while only recouping \$74.932 billion in revenue during the 2008 fiscal year, ending the year with a net loss of \$2.8 billion.⁴ The USPS is likely to experience an even greater decline in pieces of mail sent in the 2009 fiscal year. The total number of pieces of mail sent is expected to drop by a further 28 billion pieces in 2009, lowering the total number of pieces of mail sent to 175 billion overall. According to the *New York Times*, the USPS faces a \$7 billion budget deficit for the 2009 fiscal year.⁵ In an effort to close this record multi-billion dollar deficit, the USPS created the Station and Branch Optimization and Consolidation Initiative⁶ – a cost-cutting plan to assess the viability and practicality of closing certain postal branches around the nation.

III. The Station and Branch Optimization and Consolidation Initiative

The USPS established the cost-cutting Station and Branch Optimization and Consolidation Initiative in the summer of 2009. The initiative, according to the USPS, "examined approximately 3,600 stations and branches in urban and suburban areas across the country, focusing on facilities in relatively close proximity to one another, to determine where consolidations might be feasible, while maintaining customer access to postal services."⁷ On October 9, 2009, the USPS announced that, of the 3,600 branches under assessment, 371 locations remain under consideration for closure, including 14 locations throughout New York City.⁸ The USPS is considering closing seven locations in the Bronx, five locations in Manhattan, as well as two locations in Queens:

Manhattan

- College, 217 West 140 Street, 10030
- Pitt, 185 Clinton Street, 10002
- Cherokee, 1483 York Avenue, 10021
- Port Authority, 41st Street & 8th Avenue, 10129
- West Village, 527 Hudson Street, 10014

Bronx

- Botanical, 2936 Webster Avenue, 10458
- Clason Point, 829 Soundview, 10473
- Crotona Park, 1682 Boston Road, 10460
- Melcourt, 754 Melrose Avenue, 10451
- Oak Point, 839 East 149th Street, 10455
- Van Nest, 715 Morris Park Avenue, 10462
- Hillside, 3482 Boston Road, 10469

Queens

- La Guardia, 1 Main Terminal, 11371
- Parcel Post Annex, 43-10 10th Street, 11101

The USPS believes that consolidating service throughout the country will help off-set the organization's growing budget deficit and contends that consolidation might provide "additional efficiency" through the postal system.⁹ According to a recent press release issued by the USPS, "Reducing over-capacity in retail and delivery operations is a good business move. Every effort will be made to maintain and improve customer access to postal services."¹⁰

It is important to note that the published list of potential branch consolidations is not the final list of postal closings and that no final decisions on closures or consolidations have been made. Before any decision may be finalized, the Postal Regulatory Commission ("PRC") – an independent regulatory agency created by the Postal Reorganization Act of 1970 – must review the process that the Postal Service has used to make such decisions.¹¹ According to the PRC's website, the agency is currently advising the USPS on whether the consolidation plan is well designed and is consistent with national postal policy. Furthermore, the PRC maintains that it is working to ensure that the quality of USPS service does not suffer because of the consolidations. Although it is the USPS that ultimately makes the final decisions regarding postal closings, the public may appeal such decisions to the PRC. On appeal, the PRC can overturn a decision to close a certain branch if such decision was either (i) "unsupported by substantial evidence on the record;" or (ii)

"not made in accordance with established procedures;" or (iii) "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law."

IV. The Resolution

Resolution 2166-A calls upon the federal government to pass H.R. 658, which would help to increase community input as the United States Postal Service reorganizes branches throughout the city of New York and the country. Res. 2166-A also calls upon the Postal Service to use a significant portion of the \$3.5 billion increase in its operating budget, received when President Obama signed into law Public Law 111-68, to save as many postal locations as possible throughout the City and the nation.

The Resolution argues that the USPS performs an invaluable service in every community throughout the nation by enabling the dissemination of information and helping to make the movement of goods possible. Moreover, a well functioning Postal Service is critical to the nation's overall economic recovery, as it not only helps to increase economic activity in the short term, but also ensures that the nation has a strong foundation for sustained growth and prosperity. Postal closings are likely to have a negative impact on all affected communities, but may pose the greatest harm to the most economically vulnerable New Yorkers, including many seniors and low-income families. For instance, what used to be a simple trip to the local post office for a senior citizen or a working parent could potentially necessitate the use of public transportation, thus making such a visit more costly and time consuming.

H.R. 22, the United States Postal Service Financial Relief Act, would save the USPS approximately \$3.5 billion per year in operating expenses – money which could be used to preserve postal service throughout the country – by allowing it to access the Postal Service Retiree Health Benefits Fund to pay health insurance for postal retirees. The legislation allows the USPS to simultaneously draw current retiree payments from the presently established fund instead of having to wait until 2016 as it continues to fund health care for future retirees. According to the Congressional Budget Office, the use of such funds from the Postal Service Retiree Health Benefits Fund would not jeopardize the USPS's ability to provide proper healthcare to its employees in the future. On September 15, 2009, the House of Representatives passed H.R. 22 with 388 votes in the affirmative and 32 votes in the negative, and, on September 16, the legislation was sent to the United States Senate where the measure was absorbed into a Continuing Resolution which the Senate passed on September 30. On October 1, President Obama signed into law Public Law 111-68, which included the cost-saving provision from H.R. 22. The Council urges the USPS to use these new operating funds to prevent postal closings throughout the City and the nation.

H.R. 658, the Access to Postal Services Act, would modify the procedures the USPS must follow in connection with the closing or consolidation of any postal facility. The legislation, according to an official congressional summary, would "require an assessment of the need for the closure or consolidation; eliminate a requirement to consider the resulting Postal Service economic savings; require a posting in each affected postal facility at least 90 days before the final decision is made; and require (under current law, allowing) suspension of the determination pending an appeal to the Postal Regulatory Commission."¹² H.R. 658 remains under consideration in the House Subcommittee on Federal Workforce, Post Office, and the District of Columbia.

V. Today's Vote

Today, the Committee will vote on the proposed resolution. The Committee has previously heard testimony on the Resolution, including how the federal government can implement cost-saving initiatives to preserve postal service throughout the City and the country and of the importance that local postal offices have for each neighborhood.

¹ United States Postal Service, *Significant Dates*, http://www.usps.com/postalhistory/significantdates.htm?from=PostalHistory&page=Center_SignificantDates, (last visited October 14, 2009).

² Andrew Weh, *Council May Urge Congress to Save Post Offices*, THE NEW YORK TIMES, October 20, 2009, available at <http://cityroom.blogs.nytimes.com/2009/10/20/council-may-urge-congress-to-save-post-offices/>.

³ Randolph E. Schmid, *Postal Officials Consider Closings, Consolidation*, NEWSDAY, August 3, 2009, available at <http://www.newsday.com/postal-officials-consider-closings-consolidation-1.1345750>.

⁴ United States Postal Service, *2008 Annual Report*, http://www.usps.com/financials/_pdf/annual_report-2008.pdf (last visited October 14, 2009).

⁵ A. G. Sulzberger, *14 Post Offices (Not 53) May Be Shuttered in City*, THE NEW YORK TIMES, August 4, 2009, available at <http://www.nytimes.com/2009/08/05/nyregion/05postal.html>.

⁶ Press Release, United States Postal Service U.S. Postal Service Continues Review of Stations and Branches (October 9, 2009), available at http://www.usps.com/communications/newsroom/2009/pr09_086.htm.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ The Postal Regulatory Commission, *Closing Postal Service Retail Facilities Fact Sheet* [http://www.prc.gov/prc-docs/home/whatsnew/Closing%20Postal%20Service%20Retail%20Facilities%20fact%20sheet%20\(FINAL2\)_129.pdf](http://www.prc.gov/prc-docs/home/whatsnew/Closing%20Postal%20Service%20Retail%20Facilities%20fact%20sheet%20(FINAL2)_129.pdf), (last visited October 14, 2009).

¹² The Library of Congress, *H.R. 658*, <http://thomas.loc.gov/cgi-bin/bdquery/D?d111:1:./temp/~bdfOHB:@@D&summ2=m&/bss/d111query.html> (last visited October 14, 2009).

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Res. No. 2166-A:)

Res. No. 2166-A

Resolution calling upon the federal government to pass H.R. 658, which would help to increase community input as the United States Postal Service reorganizes branches throughout the city of New York and the country, and also calling upon the Postal Service to use a significant portion of the \$3.5 billion increase in its operating budget, received when President Obama signed into law Public Law 111-68, to prevent the closing of as many postal locations as possible throughout the City and the nation.

By The Speaker (Council Member Quinn), and Council Members Sears, Lappin, Barron, Brewer, Comrie, Dickens, Ferreras, Fidler, Foster, Gentile, James, Nelson, Sanders, Seabrook, Stewart, Weprin, Gerson, Mendez, White, Felder, Koppell, Arroyo, Mark-Viverito, Jackson, Gennaro, Liu, Mitchell and Reyna.

Whereas, On August 20, 2009, elected officials from all levels of government in the City of New York gathered to officially call on the United States Postal Service (“USPS”) to halt unnecessary closures of neighborhood post offices and to call for greater community involvement in the USPS’s procedures for closing or consolidating post offices throughout the city; and

Whereas, Because of the recent economic downturn and the increasing popularity of digital forms of communication, the USPS is facing a potential loss of \$7 billion for the 2009 fiscal year; and

Whereas, The USPS established the cost-cutting Station and Branch Optimization and Consolidation Initiative in the summer of 2009, which, according to the USPS, “examined approximately 3,600 stations and branches in urban and suburban areas across the country, focusing on facilities in relatively close proximity to one another, to determine where consolidations might be feasible, while maintaining customer access to postal services;” and

Whereas, If the USPS’s fiscal crisis is not resolved soon, the USPS announced on October 8, 2009 that it will likely be forced to close 371 locations throughout the nation, including as many as 14 locations in New York City; and

Whereas, The two boroughs that would be most adversely affected are Manhattan and the Bronx with a potential for 5 and 7 closings, respectively; and

Whereas, The post office is an important but often overlooked component of the nation’s and city’s infrastructure that is critical to the success of the economy; and

Whereas, Since the USPS announced its consolidation plan in the summer of 2009, New York City elected officials have called upon the federal government to enact two bills - one of which contains provisions that have already been signed into law - that could potentially alleviate the fiscal crisis facing the USPS and ultimately ensure that the level of postal service remains unchanged throughout the City: H.R. 22, the United States Postal Service Financial Relief Act, and H.R. 658, the Access to Postal Services Act; and

Whereas, H.R. 22, the United States Postal Service Financial Relief Act, would save the USPS approximately \$3.5 billion per year in operating expenses - money which could be used to preserve postal service throughout the country - by allowing it to access the Postal Service Retiree Health Benefits Fund to pay health insurance for postal retirees; and

Whereas, According to the Congressional Budget Office, the use of such funds from the Postal Service Retiree Health Benefits Fund would not jeopardize the USPS’s ability to provide proper healthcare to its employees in the future; and

Whereas, On September 15, 2009, the House of Representatives passed H.R. 22 with 388 votes in the affirmative and 32 votes in the negative, and, on September 16, the legislation was sent to the United States Senate where the measure was substantially absorbed into a Continuing Resolution which the Senate passed on September 30; and

Whereas, On October 1, 2009, President Obama signed into law Public Law 111-68, which included the cost-saving provision from H.R. 22; and

Whereas, The Council urges the USPS to use these new operating funds to prevent postal closings throughout the City and the nation; and

Whereas, H.R. 658, the Access to Postal Services Act, would improve the USPS’s procedures for closings or consolidating services by ensuring that communities that now are only notified of potential changes through mailings and newspaper notices, would, in the future, also have the ability to participate in such decisions at public hearings; and

Whereas, Congressman Jerry Nadler, a co-sponsor of both bills, said in support of the legislation at a press conference on August 20, 2009: “There is no excuse for the Postal Service to give short shrift to customers and cut services that every person and business depends on; I am calling on the USPS to work harder to make sure that needs of community members and businesses are met;” and

Whereas, The USPS performs an invaluable service in every community throughout the nation by enabling the dissemination of information and helping to make the movement of goods possible; and

Whereas, A well functioning Postal Service is critical to the nation’s overall economic recovery, as it not only helps to increase economic activity in the short term, but also ensures that the nation has a strong foundation that makes sustained growth and prosperity possible throughout the 21st century; and

Whereas, Postal closings will have a negative impact on all affected communities, but pose the greatest harm to the most economically vulnerable New Yorkers, including many seniors and low-income families; and

Whereas, What used to be a simple trip to the local post office for a senior citizen or a working parent, for example, if these closings occur, could potentially necessitate the use of public transportation to get to the closest post office, making such a visit more costly and time consuming; and

Whereas, The preservation of post offices will help ease the financial burden on not only New Yorkers but all Americans; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the federal government to pass H.R. 658, which would help to increase community input as the United States Postal Service reorganizes branches throughout the city of New York and the country, and also calling upon the Postal Service to use a significant portion of the \$3.5 billion increase in its operating budget, received when President Obama signed into law Public Law 111-68, to prevent the closing of as many postal locations as possible throughout the City and the nation.

HELEN SEARS, Chairperson; ERIK MARTIN DILAN, SIMCHA FELDER, LARRY B. SEABROOK, PETER F. VALLONE JR., INEZ E. DICKENS, Committee on Governmental Operations, October 27, 2009.

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. 2166-A** to be adopted.

Adopted unanimously by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 2235

Resolution calling upon President Obama and the 111th Congress to use federal stimulus funds from the American Recovery and Reinvestment Act to prevent the closure of United States Postal Service facilities throughout the City of New York.

By Council Members Avella, Barron, Brewer, James, Palma and Vacca.

Whereas, On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act to help the nation recover from its worst financial crisis since the Great Depression; and

Whereas, As part of the Act, the federal government pledged to invest \$150 billion in the nation’s infrastructure, specifically the nation’s roads, bridges, and mass transit systems; and

Whereas, Such an investment in infrastructure is critical to the nation’s overall economic recovery, as it not only promotes job growth and increased economic activity in the short term, but also ensures that the nation has a strong foundation for sustained growth and prosperity possible throughout the 21st century; and

Whereas, The federal government should invest a portion of these funds in the United States Postal Service (“USPS”) - an important but often overlooked component of the nation’s infrastructure that is critical to the national economy; and

Whereas, Because of the recent economic downturn and the increasing popularity of digital forms of communication, the USPS is facing a potential loss of \$7 billion for the 2009 fiscal year; and

Whereas, If the USPS does not receive financial assistance from the federal government, the USPS will likely be forced to close 700 locations throughout the nation, including 53 locations in New York City; and

Whereas, The two boroughs that would be most adversely affected are Manhattan and Queens with a potential of 25 and 11 closings, respectively; and

Whereas, Although such closings will have a negative impact on every community, they pose the greatest harm to the most economically vulnerable New Yorkers, including many seniors and low-income families; and

Whereas, What used to be a simple trip to the local post office for a senior citizen or a working parent, for example, could potentially necessitate the use of public transportation to get to the closest post office, making such a visit more costly and time consuming; and

Whereas, Since the USPS invaluablely serves every community throughout the nation by making the movement of goods and information possible, and thus enables the American economy to function; now, therefore, be it

Resolved, That the Council of the City of New York calls upon President Obama and the 111th Congress to use federal stimulus funds from the American Recovery and Reinvestment Act to prevent the closure of United States Postal Service facilities throughout the City of New York.

Referred to the Committee on Governmental Operations.

Int. No. 1093

By Council Members Comrie, Barron, Fidler, Foster, Jackson, James, Seabrook, Stewart, White, Weprin, Dilan, Mendez, Mealy, Mark-Viverito and Vann.

A Local Law to amend the administrative code of the city of New York, in relation to firefighter applicants who have completed high school in the city.

Be it enacted by the Council as follows:

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-111.2 to read as follows:

§15-111.2 *Firefighter, high school credit. In addition to any other relevant employment qualifications established pursuant to any law, rule, or regulation, any candidate for firefighter who possesses a high school diploma or its educational equivalent from a school located within the city of New York, whether such school is public or private, shall be eligible for an additional five credits in ranking, following the successful completion of the open competitive firefighter exam. Such credit shall be in addition to any other credit or preference already provided as of the effective date of this section.*

§2. If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 2236

Resolution calling upon the New York State Legislature, the New York Board of Elections, the New York United States Senators, the New York Congressional delegation, and the New York Governor, to take all appropriate actions that may be necessary to enable New York counties to continue using lever voting machines supplemented by accessible voting technology for people with disabilities.

By Council Members Foster, Mendez, Avella, Dilan, Felder, Gerson, Gonzalez, Jackson, James, Mark-Viverito, Palma, Recchia, Stewart, Weprin and White.

Whereas, New York City has successfully used its highly accurate lever voting machines for many decades with very few problems and wants to continue using them; and

Whereas, The New York City Council believes that continued use of lever voting machines is in the best interest of the public because they are secure, inexpensive to use, and built to last indefinitely with low-cost routine maintenance and replacement of worn parts with new parts that are readily available; and

Whereas, The federal Help America Vote Act (“HAVA”) requires every poll site to offer accessible equipment for voters with disabilities, and all counties in New York State have acquired and deployed accessible Ballot Marking Devices in order to comply with that mandate; and

Whereas, HAVA does not ban non-computerized voting technologies, such as systems that use hand-counted paper ballots or mechanical lever voting machines; and

Whereas, Under HAVA, lever voting machines may be used together with accessible Ballot Marking Devices; and

Whereas, The New York State Board of Elections agreed in federal court to replace lever voting machines in compliance with the New York State Election Reform and Modernization Act of 2005 (ERMA), but such agreement was not required in order to comply with HAVA; and

Whereas, Most parts needed to maintain lever voting machines are standard items that can be purchased in hardware stores, and the rest have always been made in machine shops and can continue to be so made; and

Whereas, Changes have occurred in recent years in the public’s understanding of Direct Recording Electronic voting machines (“DREs”), also known as “touch screens” and DREs, with or without a paper trail, are now known to be insecure,

failure-prone, difficult to use by voters, poll workers, and election administrators, as well as more expensive to use than non-computerized voting technologies; and

Whereas, In recent years, voting systems consisting of voter-marked paper ballots and optical scanners have also caused numerous problems and high costs in other jurisdictions; and

Whereas, No jurisdiction, including New York State, has rules requiring voted ballots to be in full public view from the close of polls until the certification of winners, which would prevent tampering, suspicion and unanswerable questions; nor has New York State established a legal requirement to perform audits that would provide confidence that the DREs are working accurately; nor do New York’s counties have the money to pay the escalating costs of elections with paper ballots and optical scanners; and

Whereas, ERMA’s requirement that counties replace their mechanical lever voting machines with either DREs or precinct-based optical scanners (supplemented by accessible voting technology for voters with disabilities) should be eliminated to reflect current knowledge and economic constraints, and counties should be allowed to keep their mechanical lever voting machines supplemented by accessible voting technology; and

Whereas, The cost of the acquisition of, transition to and use of optical scanners in New York, including the cost of post-election audits, has not yet been studied or estimated by any governmental agency, but studies by citizens and information from other jurisdictions show that computerization of voting technology dramatically raises the cost of holding elections; and

Whereas, The current economic crisis in our nation, state, and city is pitting community against community in competition for scarce financial resources, and is causing the actual or scheduled cutback of essential services; and

Whereas, In the current economic crisis it would be unwise to initiate a change of voting technology that would increase the cost of running elections, especially given that New York City already owns its mechanical lever voting machines as well as its accessible Ballot Marking Devices and New Yorkers are able to vote in a manner that is compliant with all federal requirements; and

Whereas, Available funds could then be spent to provide training for poll workers so they could better assist voters who wish to use the accessible voting equipment that New York now offers, as well as to develop voter communication materials in all accessible formats and to disseminate such materials multiple times prior to elections through a wide variety of outlets; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature, the New York Board of Elections, the New York United States Senators, the New York Congressional delegation, and the New York Governor, to take all appropriate actions that may be necessary to enable New York counties to continue using lever voting machines supplemented by accessible voting technology for people with disabilities.

Referred to the Committee on Governmental Operations.

Int. No. 1094

By Council Members Lappin, Barron, Brewer, Felder, Fidler, Gentile, Gonzalez, James, Liu, Mark-Viverito, Palma, Seabrook and Stewart.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to make certain traffic-related statistics available through its website.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-152, to read as follows:

§14-152. *Traffic related data to be placed on the world wide web. (a) The department shall make available to the public, through its website, the following traffic-related data: (1) the number of moving violation summonses issued, disaggregated by type of summons; (2) the number of traffic accidents, disaggregated by the type of vehicle or vehicles involved; (3) the number of traffic fatalities disaggregated by the number of motorists, passengers, bicyclists, and pedestrians involved; and (4) the number of traffic fatalities involving a driver driving while intoxicated as defined in article 31 of the vehicle and traffic law.*

(b) The data, as defined in subdivision a, above, shall be displayed on the department’s webpage, and disaggregated by precinct in the same manner, and updated as frequently, as the department’s publicly available crime statistics for the seven major felonies.

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Public Safety.

Res. No. 2237

Resolution urging the U.S. State Department to reverse its decision to no longer require foreign governments to pay property taxes on non-exempt diplomatic residences.

By Council Members Nelson, Felder, Fidler, Gerson, Liu, Vacca, Weprin and Oddo.

Whereas, New York City is home to the United Nations, consisting of 192 permanent missions and 110 consulates; and

Whereas, For many years, the U.S. State Department followed a policy that the United Nations missions must pay appropriate local taxes on property used for nonexempt purposes; and

Whereas, In accordance with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, property held in the name of a foreign government for use as its chancery, chancery annexes, consulates, or as the residence of the chief of mission or the career head of a consular post is exempt from all national, regional, and municipal dues and taxes; and

Whereas, Under the New York State tax law, real property owned by a foreign government that is a member of the United Nations or any world-wide international organization is exempt from paying property tax if such property is used exclusively for diplomatic offices or as housing for an ambassador or foreign minister; and

Whereas, If only a portion of the property is used for such exempt purposes, only that portion will be exempt from property taxes; and

Whereas, For years, the City has levied property taxes against foreign governments for that portion of their diplomatic office buildings used to house lower level employees and their families; and

Whereas, New York City has experienced difficulty in getting countries to pay taxes for housing their U.N. mission and consulate employees in the same buildings where they operate diplomatic offices; and

Whereas, In recent years, the City filed lawsuits against Turkey, India, Mongolia and the Philippines seeking reimbursement of the outstanding taxes, and has actively sought back payments from other nations; and

Whereas, In 2008, a federal court ruling ordered India, Mongolia and the Philippines to pay New York City more than \$57.6 million in back property taxes and interest for using their consulates and missions for non-diplomatic purposes; and

Whereas, India was ordered to pay \$42.4 million, Mongolia to pay \$4.3 million, and the Philippines to pay \$10.9 million; and

Whereas, Turkey settled the litigation earlier for \$5.1 million; and

Whereas, On June 23, 2009, the U.S. Department of State reversed the longstanding policy requiring foreign governments to pay property taxes on diplomatic residences; and

Whereas, As a result of this ruling, the City is expected to lose approximately \$260 million in back taxes and about \$7 million a year in current tax revenues; and

Whereas, The State Department's decision to reverse its policy on foreign governments paying property taxes for the use of property for non-diplomatic purposes is especially detrimental to New York City during these harsh economic times; now, therefore, be it

Resolved, That the Council of the City of New York urges the U.S. State Department to reverse its decision to no longer require foreign governments to pay property taxes on non-exempt diplomatic residences.

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

Res. No. 2238

Resolution urging the United States Congress to pass the Caregiver Assistance and Resource Enhancement Act, to provide certain caregivers of veterans with training, support, and medical services.

By Council Members Nelson, Barron, Brewer, Fidler, Foster, Gentile, Gerson, Gonzalez, James, Koppell, Mark-Viverito, Seabrook, Vacca and Weprin.

Whereas, According to Iraq and Afghanistan Veterans of America (IAVA), it is estimated that approximately 1.4 million American troops have served in Iraq or Afghanistan at one time or another; and

Whereas, According to the Department of Defense (DoD), as of October 1, 2009, there have been almost 34,000 troops physically wounded in action in Iraq and Afghanistan; and

Whereas, In addition, the RAND corporation has estimated that as of last year, nearly 20% of returning veterans of Iraq and Afghanistan (about 300,000 total) reported mental symptoms of Post Traumatic Stress Disorder; and

Whereas, The American Association for Geriatric Psychiatry (AAGP) predicts that there will be 1.2 million veterans over 85 years old by 2010, and that there is a great danger that the coming swell in the number of elderly veterans will overwhelm existing services; and

Whereas, The United States Department of Veterans Affairs (VA), the federal agency charged with overseeing services for veterans, and the Disabled American Veterans (DAVA), an agency offering special services for those veterans who have handicaps or disabilities, will both likely experience a greater straining of resources for inpatient care as the current operations in Iraq and Afghanistan proceed; and

Whereas, The President's Commission on Care for America's Returning Wounded Warriors found that 21 percent of active duty servicemembers, 15 percent of the reserve, and 24 percent of retired or separated servicemembers had friends or family who gave up a job to be a caregiver; and

Whereas, H.R. 3155, the "Caregiver Assistance and Resource Enhancement Act", was introduced in the United States Congress by Representative Michael Michaud in July 2009, to give support to those providing non-institutionalized extended care to disabled veterans, both family and non-family; and

Whereas, H.R. 3155 would provide caregivers with educational sessions teaching caring techniques and skills, and offer them respite care, nursing care, counseling and mental health services, medical care, lodging and subsistence; and

Whereas, Caregivers' needs would be addressed in H.R. 3155 by expanding eligibility for the Civilian Health and Medical Program of the VA (CHAMPVA) to primary family caregivers of eligible veterans who are without health insurance and not eligible for any other public health insurance; and

Whereas, To facilitate this, H.R. 3155 would provide a monthly stipend to primary family caregivers of eligible veterans; and

Whereas, H.R. 3155 would also require that the Secretary of Veterans Affairs to survey and report to specified congressional committees on issues relating to such caregivers; and

Whereas, By focusing on the needs of caregivers, such legislation would help ensure essential and valuable support for our nation's veterans; and

Whereas, According to the VA, there are approximately 270,000 military veterans of all ages residing in New York City; and

Whereas, H.R. 3155 would not affect the budgets of state, local, or tribal governments; and

Whereas, It is our obligation to ensure the best possible care for the brave men and women who sacrifice so greatly on behalf of our country; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to pass the Caregiver Assistance and Resource Enhancement Act, to provide certain caregivers of veterans with training, support, and medical services.

Referred to the Committee on Veterans.

Res. No. 2239

Resolution calling on the Department of Homeless Services to locate transitional housing of the same approximate capacity in succession by borough.

By Council Members Vann, Koppell, Arroyo, Dilan, Foster, Gonzalez, James, Seabrook and Vacca.

Whereas, Section 203 of the New York City Charter requires that the City Planning Commission establish criteria for the location of any new city facilities; and

Whereas, These rules were adopted and apply to the siting of new city facilities and the significant expansion, closing, or reduction in size or capacity for service delivery of existing facilities; and

Whereas, The purpose of such rules is to further the fair distribution among communities of the burdens and benefits associated with city facilities; and

Whereas, These "fair share" criteria are supposed to protect communities from being overburdened with service facilities; and

Whereas, The "fair share" criteria do not apply to all facilities that serve the homeless; and

Whereas, Various communities throughout Brooklyn and the Bronx have voiced concerns over the high number of facilities for the homeless in their neighborhoods; and

Whereas, While DHS is constrained by the legal requirement to house homeless individuals and families, it should consider the current concentration of social services in a community prior to opening a new facility or expanding existing facilities; and

Whereas, According to DHS data dated July 1, 2009, regarding the number of shelters in the City, approximately 38% of DHS family and single adult shelters were located in Brooklyn and 28% were located in the Bronx and Manhattan each; and

Whereas, According to DHS data regarding the capacity of adult shelters in the City, approximately 49% of people in the adult shelter system were located in Manhattan shelters and approximately 41% were located in Brooklyn as of June 10, 2009; and

Whereas, According to DHS data regarding the capacity of family shelters in the City, approximately 38% of the people in the family shelter system were located in the Bronx and approximately 29% were located in Brooklyn as of September 30, 2009; and

Whereas, The above numbers suggest that transitional housing for the homeless is disproportionately concentrated in certain boroughs; and

Whereas, In order to evenly disperse transitional housing for the homeless, DHS should locate transitional housing of the same approximate capacity in succession by borough, meaning that, for example, if DHS identifies transitional housing with capacity for 10-20 adults in Brooklyn, the subsequent location of DHS transitional housing of the same capacity would be located in a borough other than Brooklyn, until all of the other boroughs have received transitional housing of the same capacity; and

Whereas, Requiring that newly created or expanded DHS transitional housing of the same approximate capacity be located in succession by borough would prevent burdens from continuously being placed on the same boroughs, and would facilitate an even distribution of services among all five boroughs; and

Whereas, Given the far reaching implications of opening up new facilities or modifying current transitional housing in residential communities, it is imperative that a new set of rules for creating equal distribution among the boroughs be devised; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Homeless Services to locate transitional housing of the same approximate capacity in succession by borough.

Referred to the Committee on General Welfare.

Res. No. 2240

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

By Council Member Weprin.

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the program areas selected to be funded by the Department of Juvenile Justice; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the EBTs at Food Markets/Council on the Environment Program within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the MWBE Leadership Association Initiative within the budget of the Department of Small Business Services; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the Small Business and Job Development/Financial Literacy Initiative within the budget of the Department of Small Business Services; and

Whereas, The City Council amends the report of expense budget modification (MN-1), adopted on September 30, 2009, by clarifying that the American Cancer Society, rather than the American Red Cross, is the proper organization to be funded in the amount of \$600,000 under the City Council Cancer Initiative; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 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; now, therefore, be it

Resolved, That the City Council approves Coalition for Hispanic Family Services to be funded in the amount of \$412,000, and the Research and Evaluation Center of John Jay College, City University of New York will retain the balance of \$228,000 to oversee, manage and administer the research/evaluation and program services portion of the contract; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the EBTs at Food Markets/Council on the Environment Program within the budget of the Department of Youth and Community Development to read: "This allocation represents funding to expand access to Electronic Benefits Transfer (EBT) at farmers' markets throughout the City in the amount of \$195,000. This funding also supports the Youth Market-Urban Farm stands in the amount of \$25,000, New Farmer Development Project in the amount of \$35,000, and Learn It Grow It Eat It in the amount of \$15,000."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the MWBE Leadership Association Initiative to read: "This funding will

provide for a range of services including guidance on government contracting for potential or City-certified MWBEs; assistance in connecting MWBEs to potential customers; aid in the development of bids and proposals; assistance in securing project financing and bonding; and the promotion and marketing of the City's MWBE program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Small Business and Job Development/Financial Literacy Initiative to read: "This initiative will provide technical and financial assistance, business counseling and financial literacy education to entrepreneurs and small businesses."; and be it further

Resolved, That the City Council amends the report of expense budget modification (MN-1), adopted on September 30, 2009, by clarifying that the American Cancer Society, rather than the American Red Cross, is the proper organization to be funded in the amount of \$600,000 under the City Council Cancer Initiative; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding are reflected in Chart 1, attached hereto as Exhibit A; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding are reflected in Chart 2, attached hereto as Exhibit B; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding are reflected in Chart 3, attached hereto as Exhibit C; and be it further

Resolved, That the City Council approves the new designation and changes in certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative as set forth in Chart 4, attached hereto as Exhibit D; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative as set forth in Chart 5, attached hereto as Exhibit E; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Dropout Prevention Initiative as set forth in Chart 6, attached hereto as Exhibit F; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative as set forth in Chart 7, attached hereto as Exhibit G; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative as set forth in Chart 8, attached hereto as Exhibit H; and be it further

Resolved, That the City Council approves the new designation of the Food Bank for New York City and the New York City Coalition Against Hunger to receive funding pursuant to the Food Pantries- HRA Initiative as set forth in Chart 9, attached hereto as Exhibit I; and be it further

Resolved, That the City Council approves the new designation of the Coalition for the Homeless to receive funding pursuant to the Food Pantries Initiative as set forth in Chart 10, attached hereto as Exhibit J; 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 National Foundation for Teaching Entrepreneurship Initiative as set forth in Chart 11, attached hereto as Exhibit K.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of attachment to Res No. 2240, please see the Report of the Committee on Finance for Res No. 2240).

L.U. No. 1249

By Council Member Katz:

Application no. 20105185 HAR, an amendment to an Urban Development Action Area Project located at 551 and 571 Bay Street, Council District no. 49 Borough of Staten Island. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 1250

By Council Member Katz:

Application no. 20105186 HAK, an Urban Development Action Area Project located at 64 Harman Street, 1231 Putnam Avenue and 69 Cornelia Street, Council District no. 34 Borough of Brooklyn.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 1251

By Council Member Katz:

Application no. 20095546 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates LLC, d/b/a Café Street, to establish maintain and operate an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District no. 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1252

By Council Member Katz:

Application no. 20105053 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 98 Kenmare Restaurant Group LLC, d/b/a Civetta, to establish maintain and operate an unenclosed sidewalk café located at 98 Kenmare Street, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1253

By Council Member Katz:

Application no. M 770073(A) ZMX submitted by FGP West Street LLC for a modification to Restrictive Declaration D-28 (C 770073 ZMX) involving: property located at 1800 Williamsbridge Road (Block 4200, Lots 35 & 46), in an R4/C1-2 District.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1254

By Council Member Katz:

Application no. C 090096 ZMK submitted by Tibetan LLC 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.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1255

By Council Member Katz:

Application no. C 080039 ZMM submitted by West 129th Street Realty I LLC and West 129th Street Realty II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6a, changing from an R7-2 District to an R7A District and changing from an M1-1 District to an R7A

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1256

By Council Member Katz:

Application no. C 090236 MMX submitted by the Economic Development Corporation and Related Retail Armory, LLC pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1257

By Council Member Katz:

Application no. C 090237 MMX submitted by the Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1258

By Council Member Katz:

Application no. C 090437 ZMX submitted by Related Retail Armory, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 District to a C4-4 District property bounded by West 195th Street*, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1259

By Council Member Katz:

Application no. C 090438 PPX submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o 2), pursuant to zoning. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1260

By Council Member Katz:

Application no C 090408 MMM. submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving a change in grade on West 33rd Street, between Eleventh and Twelfth Avenues. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1261

By Council Member Katz:

Application no. C 090422 HAM submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for: the designation of property located at West 48th and West 49th streets, west of 10th Avenue (Block 1077, part of Lot 29), as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the development of a mixed-use building, tentatively known as The Westside Rail Yards/DEP Site, with residential and retail space.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1262

By Council Member Katz:

Application no. C 090423 HAM 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 806 Ninth Avenue (Block 1044, p/o Lot 3); as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the development of a mixed-use building, tentatively known as the Westside Rail Yard/MTA Site, with residential and commercial space.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1263

By Council Member Katz:

Application no. N 090429 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1264

By Council Member Katz:

Application no. C 090430 ZMM submitted by 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, Section No. 8c: establishing within an existing R8 District a C1-5 District.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1265

By Council Member Katz:

Application no. C 090433 ZMM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b changing from an M2-3 District to a C6-4 District.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1266

By Council Member Katz:

Application no. N 090434 ZRM submitted by RG WRY LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) relating to the addition of Western Rail Yard Subdistrict F and the expansion of the Special Hudson Yards District, Community District 4, Borough of Manhattan.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1267

By Council Member Katz:

Application no. C 090435 ZSM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93-052* and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (North Parking Garage) with a maximum capacity of 1100 spaces on portions of the ground floor and plaza level of a proposed mixed-use development (Block 676, Lot 3), in a C6-4 District, within the Special Hudson Yards District. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1268

By Council Member Katz:

Application no. C 090436 ZSM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93-052* and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (South Parking Garage) with a maximum capacity of 800 (Block 676, Lot 3), in a C6-4 District within the Special Hudson Yards District. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1269

By Council Member Katz:

Uniform land use review procedure application no. C 100014 HAK an Urban Development Action Area Designation and Project and the disposition of such property, located at 371 Van Sicken Avenue, 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.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 1270

By Council Member Katz:

Application no. 20105191 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Caswell/Pearson Enterprises, Ltd., to continue to maintain and operate an unenclosed sidewalk café located at 202 West 14th Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, October 29, 2009

★ Addition

Committee on **ECONOMIC DEVELOPMENT****10:00 A.M.**
 Proposed Int. No. 1014-A - By Council Member White, Jr. - A Local Law to amend the administrative code of the city of New York, in relation to regionally significant projects and empire zones.
 Hearing Room – 250 Broadway 16th FloorThomas White, Chairperson

★ Note Topic Addition

Committee on **PUBLIC SAFETY****10:00 A.M.**
 Oversight - Efforts to combat the “stop snitching” message
 ★ Int. No. 183 - By Council Members Vallone Jr., Fidler, Gennaro, Gentile, Nelson, Recchia Jr., Vacca, Weprin, Felder and Oddo - A Local Law to amend the administrative code of the city of New York, in relation to creating the crime of gang recruitment.
 Int 941 - By Council Members Arroyo, Vallone, Jr., Recchia Jr., Avella, Baez, Comrie, Dickens, Gentile, James, Koppell, Liu, Mealy, Nelson, Palma and Sears - A Local Law to amend the administrative code of the city of New York, in relation to unlawful initiation activity.
 Int 945 - By Council Members Recchia, Vallone, Jr., Arroyo, Baez, Brewer, Comrie, Fidler, Gennaro, Gentile, Gonzalez, Liu, Nelson, Stewart, Vann, Avella, Mark-Viverito, Lappin, Koppell, Vacca, Crowley, Gerson, Ignizio and Oddo - A Local Law to amend the administrative code of the city of New York, in relation to unlawful solicitation.
 Council Chambers – City Hall Peter Vallone, Chairperson

★ Deferred

Committee on **HOUSING AND BUILDINGS****10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th FloorErik Martin Dilan, Chairperson

Committee on **YOUTH SERVICES**..... **10:00 A.M.**
 Oversight - DYCD’s Summer Youth Employment Program
 Committee Room – City Hall..... Lewis A. Fidler, Chairperson

Committee on **GENERAL WELFARE** jointly with the
 Committee on **AGING**.....**1:00 P.M.**
 Oversight - Examining Available Resources for Kinship Caregivers in New York City
 Hearing Room – 250 Broadway, 14th Floor Bill de Blasio, Chairperson
 Maria del Carmen Arroyo, Chairperson

★ Deferred

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**.....**1:00 P.M.**
 Oversight—Examining the FDNY’s 2009-2010 Strategic Plan
 ★ Committee Room – City Hall.....James Vacca, Chairperson

Committee on **WOMEN’S ISSUES** **1:00 P.M.**
 Tour: Nontraditional Employment for Women (NEW) headquarters
 Location: 243 West 20th Street
 New York, New YorkDarlene Mealy, Chairperson

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES****1:00 P.M.**
 Oversight – The Quality of Housing and Support in Adult Homes and the Implications of the Disability Advocates, Inc. v. Paterson decision
 Council Chambers – City Hall G. Oliver Koppell, Chairperson

Friday, October 30, 2009

★ Addition

Committee on **EDUCATION**.....**10:00 A.M.**
 Oversight - Department of Education’s Progress Reports
 Council Chambers – City Hall Robert Jackson, Chairperson

★ Note Time Change

Committee on **PARKS AND RECREATION** **★ 12:00 P.M.**
 Proposed Int. No. 1083-A - By Council Member Mark-Viverito, Avella, Jackson, Barron, Brewer, Dickens, James, Koppell, Lappin, Palma, Sanders Jr., Seabrook, Nelson, Foster, Ferreras, Vann and Mendez - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to requiring local representation on park conservancies.
 Committee Room – City HallHelen Foster, Chairperson

Tuesday, November 3, 2009

ELECTION DAY

Tuesday, November 10, 2009

Committee on **GENERAL WELFARE****10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th Floor Bill de Blasio, Chairperson

Committee on **EDUCATION** jointly with the
 Committee on **PUBLIC SAFETY** and
 Committee on **JUVENILE JUSTICE** **1:00 P.M.**
 Proposed Int 816-A - By Council Member Jackson, Mark-Viverito, Avella, Barron, Dickens, Eugene, Felder, Fidler, Foster, Garodnick, Gerson, Gonzalez, James, Koppell, Liu, Mendez, Sanders Jr., Vann, White Jr., Yassky, Mealy, Recchia Jr., Stewart, Dilan, Arroyo, Gennaro, Gioia, Ferreras, Lappin, Brewer, Gentile, and Palma - A LOCAL LAW - To amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council.
 Council Chambers – City Hall Robert Jackson, Chairperson
 Peter Vallone, Chairperson
Sara M. Gonzalez, Chairperson

Wednesday, November 11, 2009

VETERANS’ DAY OBSERVED

Thursday, November 12, 2009

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
 See Land Use Calendar Available, Monday, November 9, 2009 in Room 5 City Hall
 Committee Room – City Hall..... Tony Avella, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
 See Land Use Calendar Available, Monday, November 9, 2009 in Room 5 City Hall
 Committee Room – City Hall..... Jessica Lappin, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
 See Land Use Calendar Available, Monday, November 9, 2009 in Room 5 City Hall
 Committee Room – City Hall..... Daniel Garodnick, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** **2:00 P.M.**

Agenda to be announced
Hearing Room – 250 Broadway, 14th FloorJames F. Gennaro, Chairperson

Friday, November 13, 2009

Committee on **CONSUMER AFFAIRS**.....**10:00 A.M.**
Int. No. 1037 - By Council Member Garodnick, Lappin, Brewer, James, Liu, Gerson and Nelson - A Local Law to amend the administrative code of the city of New York, in relation to process servers.
Committee Room – City Hall..... Leroy Comrie, Chairperson

Monday, November 16, 2009

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 – City Hall..... Melinda R. Katz, Chairperson

Committee on **FINANCE**.....**11:00 A.M.**
Int. No. 1057 - By Council Members Weprin and Comrie (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to the extension of the Times Square business improvement district
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – City Hall.....David Weprin, Chairperson

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*

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 Monday, November 16, 2009.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: *Int Nos. 396-A, 433-A, and 1015-A (all adopted by the Council at the October 14, 2009 Stated Council Meeting) were signed by the Mayor into law on October 28, 2009 as, respectively, Local Law Nos. 68, 69, and 70 of 2009.*

